

政制事務局政府總部的信頭
Letterhead of CONSTITUTIONAL AFFAIRS BUREAU GOVERNMENT
SECRETARIAT

CAB C 4/17/7

1 November 1999

本署檔號 OUR REF.:

來函檔號 YOUR REF.:

Mrs Constance LI
Clerk to Bills Committee
Legislative Council
8 Jackson Road
Central
Hong Kong
(Fax: 2509 9055)

Dear Mrs LI,

Bills Committee on
Provision of Municipal Services (Reorganization) Bill
Follow-up to meetings on 22 and 23 October 1999

Thank you for your letter of 25 October 1999, conveying the Bills Committee's concerns raised at the above meetings. Our response to these concerns, following your same order, is set out below:

Concerns raised on 22.10.99

Hawker Regulation

- Section 52 - To advise whether there is any definition or health standard in legislation for the drinking water provided by hawkers/cooked food stalls/food business premises to customers*
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Under the existing legislation, there is no definition or health standard laid down for the drinking water provided by hawkers/cooked food stalls/food business premises to customers. However, under the Food Business Regulation, the conditions for the issue of a food licence include public mains water being provided. If public mains water is not available (for example in some areas of the New Territory), the use of other source of water would need to be approved by the licensing authority and if the quality of water is not up to the standard required, the application for a food business licence will be refused.

To ensure that the quality of water is in compliance with the standard recommended by the World Health Organization, the Water Supplies Department is continuously monitoring water samples taken at intakes, storage reservoirs, treatment works, service reservoirs, trunk mains and consumer taps. For licensed food business premises without mains supply, there is regular test of water sample by the authority to ensure that only wholesome water is used at licensed premises.

2. *Section 56 - To check whether the existing UC and RC By-laws impose the same level of penalties for offences under this Regulation*

Of the two by-laws, we have proposed adoption of the UC Bylaws in the Bill because it is more up-to-date and comprehensive. The maximum level of penalties for most of the offences by licensed hawkers under the existing UC and RC Hawker Bylaws are set at level 2 (\$5,000). There is only one offence in relation to surrender of licence where the fine is level 1 (\$2,000) in the UC Bylaws and level 2 in the RC Bylaws. To resolve this difference, we have proposed to adopt level 1 in the Hawker Regulations. The UC Bylaws also imposes a daily fine of \$100 for continuing offence. Experience, however, shows that it is difficult to impose daily fine in practical situation and its value is more on providing a deterrent effect. As a whole, we are satisfied that the proposed penalties in the Hawker Regulation would not create undue hardship or injustice to licensed hawkers currently trading in the ProRC area.

Concerns raised on 23 October 1999

1. *Land (Miscellaneous Provisions) Ordinance (Cap. 28) : To advise why “Regional Council” was not included in the Schedule to Cap. 28*

Urban Council was added to the Schedule in 1981 due to the operational need arising from the resiting of fixed pitch hawkers. When the Regional Council was established in 1986, there was no request for the extension of such a designated authority to the Regional Council and thus the Regional Council has not been

included in the Schedule. Section 6 of the Land (Miscellaneous Provisions) Ordinance provides the power for the designated authority to remove structure on unleased land which covers government land for various purposes such as streets and public places. We will put up a CSA to Section 6 of Schedule 7 to include the future Director of Food and Environmental Hygiene as a designated authority for both the Urban and New Territories areas.

2. *New Territories Ordinance (Cap. 97) : To provide the list of permits or licences for which fees will be charged for the duplicates under the new subsection 4(2)*

Permits and licences for which fees will be charged for duplicate copies under the Duplicate Permit and Licence New Territories Rules of the New Territories Ordinance (Cap. 97) are those issued under Schedule 2 the Land (Miscellaneous Provisions) Ordinance (Cap. 28). For reference, an extract of Schedule 2 is attached at **Annex A**.

3. *Hong Kong Arts Centre Ordinance (Cap. 304) : To consider the two seats to be vacated by the UC and RC members should be filled by representatives from the appropriate monitoring bodies instead of adding 2 seats to the list of appointments by CE*

We do not consider that it is necessary to specify organizations or public officers to take over the two seats vacated by the UC and RC members. Nevertheless, Members' concerns are noted and would be taken into consideration when appointments are made by the Chief Executive.

4. *Protection of Investors Ordinance (Cap. 335) : To provide information why "District Boards" was included in Part IV A of the Schedule to Cap. 335*

We are consulting the relevant Bureau and will revert to Members as soon as the answer is available.

5. *Waste Disposal Ordinance (Cap. 354) New section 41 : To consider improving the Chinese translation of “draft plan” (草案) to avoid confusion with “a bill”*

New section 41 to be added to the Waste Disposal Ordinance is a saving provision to ensure that the validity of draft disposal plan and regulations will remain in force. As such, the terms in either English and Chinese must be in accordance with what is provided in the relevant section (i.e. section 3) of the Ordinance. As draft waste disposal plan is translated as “廢物處置計劃草案”，we have to use this Chinese term in drafting section 41 for the avoidance of doubt.

6. *Waste Disposal Ordinance (Cap. 354), First Schedule Livestock Waste Prohibition Areas: To consider whether the proposed long definition to replace “Urban Council area” can be simplified*

There is no other short term which has the equivalent meaning of the Urban Council area. In order to define the area covered this term without ambiguity, the only alternative is to set out the Districts in Schedule 1 to the District Councils Ordinance which in their entirety bear the same geographic boundaries of the Urban Council area.

7. *Hong Kong Sports Development Boards Ordinance (Cap. 1149) : To delete “Amateur” from the name of Sports Federation & Olympic Committee of Hong Kong (港協)*

The change of the name of the “Amateur Sports Federation and Olympic Committee of Hong Kong” to the “Sports Federation & Olympic Committee of Hong Kong, China” is already contained in the Hong Kong Sports Development Board (Amendment) Bill 1999 gazetted on 25 June 1999. The bill is now under examination by the relevant Bills Committee.

Yours sincerely,

(John C. Y. Leung)

for Secretary for Constitutional Affairs

Encl.