

**Bills Committee on
Provision of Municipal Services (Reorganization) Bill**

**List of concerns
(as at 21 July 1999)**

Subject	Date of meeting	Administration's response	Remarks
1. <u>Transfer of powers and delegation of authority</u>			
1.1 The Administration to explain the legislative or administrative arrangements in relation to the transfer of powers from the former authority to the new authority when the Ordinance comes into operation (e.g. whether gazette notice of new delegations is required).	13.5.1999	Paper No. CB(2)2088/98-99(01)	
1.2 The Administration to provide a list of legislative or administrative means to implement the main recommendations of the Consultancy Report.	13.5.1999	Paper No. CB(2)2088/98-99(01)	
1.3 The Administration to elaborate on the procedures for delegation of statutory powers to new categories of public officers after the transfer of authority.	25.5.1999	Paper No. CB(2)2204/98-99(01)	
1.4 The Administration to provide a comparison table showing the delegation and authorization arrangements for the statutory powers and the categories of authorized officers under different sections of the Public Health and Municipal Services Ordinance (Cap. 132).	4.6.1999	Appendix III to Paper No. CB(2)2387/98-99(01)	

<p>2. <u>Repeal of provisions</u></p> <p>2.1 The Administration to explain why it proposes to repeal regulations in the Public Health & Municipal Services Ordinance (Cap. 132) relating to labourers' lines, since labourers' lines still exist in some remote areas.</p>	<p>13.5.1999</p>	<p>Paper No. CB(2)2088/98-99(01)</p>	
<p>3. <u>Fees and charges</u></p> <p>3.1 The Administration to provide a list of existing fees and charges, categorized by their subsidy levels (including those on full cost-recovery), together with the rationale on the subsidy levels or charging principles.</p> <p>3.2 The Administration to respond to some members' suggestion of a two-tier fee-setting mechanism (requiring LegCo approval of the subsidy range) for cultural and recreational services.</p> <p>3.3 The Administration to provide a paper on the proposed mechanism to facilitate LegCo's monitoring over setting the fees for cultural and recreational services.</p> <p>3.4 The Administration to propose a mechanism, for example, by way of subsidiary legislation, to enable the LegCo to vet and approve certain fees and charges for "basic" services.</p> <p>3.5 The Administration to consider a "CPI-x" model for the determination of subsidy level.</p>	<p>25.5.1999</p> <p>25.5.1999</p> <p>11.6.1999</p> <p>25.6.1999</p> <p>25.6.1999</p>	<p>Paper No. CB(2)2204/98-99(01)</p> <p>Paper No. CB(2)2204/98-99(01)</p> <p>Paper No. CB(2)2374/98-99(01)</p> <p>Paper No. CB(2)2522/98-99(02)</p>	<p>To discuss at future meetings.</p>

<p>3.6 The Administration to provide information on the frequency of the fee revisions approved by the municipal councils.</p> <p>3.7 The Administration to clarify whether the District Councils will have a role in approving fees and charges.</p>	<p>25.6.1999</p> <p>25.6.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p> <p>Paper No. CB(2)2522/98-99(02)</p>	
<p>4. <u>Total savings to be achieved by the re-organization</u></p> <p>4.1 The Administration to provide information on the total savings to be achieved by the re-organization upon passage of the Bill.</p>	<p>25.5.1999</p>	<p>Paper No. CB(2)2204/98-99(01)</p> <p>The Administration is studying the staffing establishments of the new structure and will inform Members when details are available.</p>	<p>To discuss at future meetings.</p>
<p>5. <u>Transfer of property, rights and liabilities</u></p> <p>5.1 The Administration to examine the legal effect of clauses 4, 5 and 6 concerning the transfer of property, rights and liabilities of the PMCs to the Government as to whether it can adequately deal with requests for re-negotiation of contracts or claims for compensation by parties to the contracts or by the third party affected by the transfer.</p> <p>5.2 The Administration to provide a list of contracts which were now under negotiation by PMCs or their executive departments and which will likely take effect or continue to be in force after 31 December 1999.</p>	<p>4.6.1999</p> <p>4.6.1999</p>	<p>Paper No. CB(2)2374/98-99(02)</p> <p>Appendix I and II to Paper No. CB(2)2387/98-99(01) and CB(2)2522/98-99(03)</p>	

<p>5.3 The Administration to respond whether the Government can be sued by PMCs under clause 5(3) and (4), and whether the Government is currently exempted from certain obligations and liabilities under existing legislation.</p>	<p>4.6.1999</p>	<p>Paper No. CB(2)2374/98-99(02)</p>	
<p>5.4 The Administration to clarify the arrangements for the use of “UC” and “RC” in car numbers after 31 December 1999, and the transfer of intellectual property including the armorial bearings of PMCs and the artistic work of artists having contracts with PMCs.</p>	<p>4.6.1999</p>	<p>Paper No. CB(2)2374/98-99(02)</p>	
<p>5.5 The Administration to explain whether the employees of the municipal councils will continue to enjoy the protection of the Employment Ordinance (Cap. 57) after the transfer.</p>	<p>4.6.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p>	
<p>5.6 The Administration to explain the possibility for a party to rescind contract upon the transfer of the contractual rights and liabilities to the Government.</p>	<p>25.6.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p>	
<p>5.7 The Administration to clarify whether contracts or agreements signed by committees of the municipal councils will have the same status as contracts signed by the councils.</p>	<p>25.6.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p>	
<p>5.8 The Administration to ascertain whether any of the existing contracts signed by the municipal councils contain provisions against transfer of rights and liabilities.</p>	<p>25.6.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p>	

<p>5.9 The Administration to clarify whether the Bill can adequately deal with contractual relationship between the councils and other territories or governments after the transfer.</p> <p>5.10 The Administration to provide details of a court case relating to recovery of rental arrears after transfer of ownership.</p> <p>5.11 The Administration to confirm whether the court judgement on the above case has any impact on the Bill.</p>	<p>25.6.1999</p> <p>25.6.1999</p> <p>6.7.1999</p>	<p>Paper No. CB(2)2522/98-99(02)</p> <p>LC Paper No. CB(2)2510/98-99</p> <p>Paper No. CB(2)2598/98-99(02)</p>	
<p>6. <u>Consequential, transitional and savings provisions (clauses 10 & 11)</u></p> <p>6.1 The Administration to explain the purpose of clause 10 in respect of offences and to improve clarity of the drafting.</p> <p>6.2 The Administration to provide a copy of the relevant sections in other legislation which contain similar provisions as clause 11.</p> <p>6.3 The Administration to provide a paper on the purpose and legal effects of clause 11.</p> <p>6.4 The Administration to provide examples on how continuing offences were dealt with after the enactment of the Hong Kong Reunification Ordinance.</p>	<p>6.7.1999</p> <p>6.7.1999</p> <p>6.7.1999</p> <p>20.7.1999</p>	<p>Paper No. CB(2)2598/98-99(02)</p> <p>Enclosures I to IV to Annex A to Paper No. CB(2)2598/98-99(02)</p> <p>Annex A to Paper No. CB(2)2598/98-99(02)</p>	<p>To further discuss together with 6.4, 6.5, & 6.6.</p> <p>Response awaited.</p>

<p>6.5 The Administration to limit the scope of clause 11 to consequential, savings and transitional provisions only.</p>	<p>20.7.1999</p>		<p>Response awaited.</p>
<p>6.6 The Administration to explain why clause 11 is necessary and who can seek a judicial review if the provisions made exceeds the enabling powers.</p>	<p>20.7.1999</p>		<p>Response awaited.</p>
<p>7. <u>Reconciliation of differences between subsidiary legislation (Schedules 1 and 2)</u></p> <p>7.1 The Administration to provide a comparison table on the provisions of the subsidiary legislation as listed in Schedules 1 and 2.</p> <p>7.2 The Administration to provide supplementary information on whether existing legislation can adequate cover those by-laws to be repealed in Schedule 2.</p>	<p>6.7.1999</p> <p>20.7.1999</p>	<p>Annex B to Paper No. CB(2)2598/98-99(02)</p>	<p>Response awaited.</p>
<p>8.0 <u>Division of responsibility among government departments (Schedule 3)</u></p> <p>8.1 The Administration to explain the division of responsibilities among the Department of Health, the Agriculture and Fisheries Department and the proposed Food and Environmental Hygiene Department.</p>	<p>20.7.1999</p>		<p>Response awaited.</p>

Legislative Council Secretariat

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