

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

**List of concerns  
(as at 14 September 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	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	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	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>Fees and charges</u></p>			
<p>2.1 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>25.5.1999</p>	<p>CB(2)2204/98-99(01)</p>	
<p>2.2 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>25.5.1999</p>	<p>CB(2)2204/98-99(01)</p>	
<p>2.3 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>11.6.1999</p>	<p>CB(2)2374/98-99(01)</p>	
<p>2.4 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>25.6.1999</p>		<p>To discuss at future meetings.</p>
<p>2.5 The Administration to consider a "CPI-x" model for the determination of subsidy level.</p>	<p>25.6.1999</p>	<p>CB(2)2522/98-99(02)</p>	
<p>2.6 The Administration to provide information on the frequency of the fee revisions approved by the municipal councils.</p>	<p>25.6.1999</p>	<p>CB(2)2522/98-99(02)</p>	
<p>2.7 The Administration to clarify whether the District Councils will have a role in approving fees and charges.</p>	<p>25.6.1999</p>	<p>CB(2)2522/98-99(02)</p>	

<p>2.8 The Administration to provide a paper on the existing and proposed mechanism to determine the market stall rentals and the appeal systems.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(05)</p>	
<p>3. <u>Total savings to be achieved by the reorganization</u></p> <p>3.1 The Administration to provide information on the total savings to be achieved by the reorganization upon passage of the Bill.</p>	<p>25.5.1999</p>	<p>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>4. <u>Transfer of property, rights and liabilities</u></p> <p>4.1 The Administration to examine the legal effect of <b>clauses 4, 5 and 6</b> 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>4.2 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>CB(2)2374/98-99(02)</p> <p>Appendices I and II to Paper No. CB(2)2387/98-99(01) and CB(2) 2522/98-99(03)</p>	

<p>4.3 The Administration to respond whether the Government can be sued by PMCs under <b>clause 5(3) and (4)</b>, and whether the Government is currently exempted from certain obligations and liabilities under existing legislation.</p>	<p>4.6.1999</p>	<p>CB(2)2374/98-99(02)</p>	
<p>4.4 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>CB(2)2374/98-99(02)</p>	
<p>4.5 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>CB(2)2522/98-99(02)</p>	
<p>4.6 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>CB(2)2522/98-99(02)</p>	
<p>4.7 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>CB(2)2522/98-99(02)</p>	
<p>4.8 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>CB(2)2522/98-99(02)</p>	

<p>4.9 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>4.10 The Administration to provide details of a court case relating to recovery of rental arrears after transfer of ownership.</p> <p>4.11 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>CB(2)2522/98-99(02)</p> <p>CB(2)2510/98-99</p> <p>CB(2)2598/98-99(02)</p>	
<p>5. <u>Consequential, transitional and savings provisions (clauses 10 &amp; 11)</u></p> <p>5.1 The Administration to explain the purpose of <b>clause 10</b> in respect of offences and to improve clarity of the drafting.</p> <p>5.2 The Administration to provide a copy of the relevant sections in other legislation which contain similar provisions as <b>clause 11</b>.</p> <p>5.3 The Administration to provide a paper on the purpose and legal effects of <b>clause 11</b>.</p> <p>5.4 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>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>CB(2)2630/98-99(02)</p>	<p>To further discuss together with 5.4, 5.5, &amp; 5.6.</p>

<p>5.5 The Administration to limit the scope of <b>clause 11</b> to consequential, savings and transitional provisions only.</p> <p>5.6 The Administration to explain why <b>clause 11</b> is necessary and who can seek a judicial review if the provisions made exceeds the enabling powers.</p>	<p>20.7.1999</p> <p>20.7.1999</p>	<p>CB(2)2630/98-99(02)</p> <p>CB(2)2630/98-99(02)</p>	
<p>6. <u>Reconciliation of differences between subsidiary legislation (Schedules 1 and 2)</u></p> <p>6.1 The Administration to provide a comparison table on the provisions of the subsidiary legislation as listed in <b>Schedules 1 and 2.</b></p>	<p>6.7.1999</p>	<p>Annex B to Paper No. CB(2)2598/98-99(02)</p>	
<p>7. <u>Division of responsibilities among government departments and organizations (Schedule 3)</u></p> <p>7.1 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>7.2 The Administration to elaborate division of responsibilities in respect of food and drug hygiene under Cap. 132.</p> <p>7.3 The Administration to elaborate in detail the procedures and authorities under the proposed organizational structure in dealing with outbreak of foodborne diseases.</p>	<p>20.7.1999</p> <p>23.7.1999</p> <p>27.7.1999</p>	<p>CB(2)2630/98-99(02)</p> <p>CB(2)2747/98-99(03)</p> <p>CB(2)2747/98-99(04)</p>	

<p>7.4 The Administration to provide a comparison of the existing and proposed procedures in dealing with food and environmental hygiene matters.</p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.5 The Administration to explain the existing and proposed arrangements for secondment of health officers from the Department of Health.</p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.6 The Administration to explain the authorities for identification and control of communicable diseases, including those involving bathing beaches, livestock and seafood.</p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.7 The Administration to consider transferring the control and management of public cemeteries under <b>paragraph 56</b> to another department.</p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.8 The Administration to consider transferring the responsibilities for exhumations under <b>paragraph 58</b> to another department.</p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.9 The Administration to provide a paper on the role of the proposed Advisory Council on Food and Environmental Hygiene.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>7.10 The Administration to provide supplementary information to elaborate the proposed division of responsibilities for food and environmental hygiene matters.</p>	<p>10.9.1999</p>		<p>Response awaited.</p>

<p><b>8. <u>Repeal of subsidiary legislation</u></b></p> <p>8.1 The Administration to explain why it proposes to repeal <b>sections 40 and 40A</b> in the Public Health &amp; Municipal Services Ordinance (Cap. 132) relating to labourers' lines, since labourers' lines still exist in some remote areas.</p> <p>8.2 The Administration to provide supplementary information on whether existing legislation can adequate cover those by-laws to be repealed in <b>Schedule 2</b>.</p> <p>8.3 The Administration to advise whether there are other by-laws under Cap. 132 which have been repealed.</p>	<p>13.5.1999</p> <p>20.7.1999</p> <p>23.7.1999</p>	<p>CB(2)2088/98-99(01)</p> <p>Annex A to Paper No. CB(2)2646/98-99(02)</p> <p>CB(2)2646/98-99(02)</p>	
<p><b>9. <u>Tenements, Hotels and Boarding Houses (Schedule 3)</u></b></p> <p>9.1 The Administration to explain whether <b>section 87</b> need to be retained.</p>	<p>23.7.1999</p>	<p>CB(2)2646/98-99(02)</p>	
<p><b>10. <u>Other provisions in Schedule 3</u></b></p> <p>10.1 The Administration to clarify the various authorities for granting permission to post bills, posters and billboards under <b>paragraph 42</b>.</p> <p>10.2 The Administration to clarify the policy and arrangements for the display of art collections in places other than the museums under <b>paragraph 45</b>.</p>	<p>27.7.1999</p> <p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p>	



<p>10.3 The Administration to clarify the need to retain the word “organized” in reference to games and sports under <b>paragraph 50.</b></p>	<p>27.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	
<p>10.4 The Administration to explain its initial views on the Consultant Report on streamlining food business licensing.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(02) and (06)</p>	
<p>10.5 The Administration to provide a paper on the existing regulatory systems and the feasibility of providing uniform standards for public and private swimming pools.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(07)</p>	
<p>10.6 The Administration to provide a paper on the rationale for applying different regulatory requirements to public markets in Government and Housing Authority premises and markets in private premises.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(05)</p>	
<p>10.7 The Administration to provide more details on the future arrangement/policy considerations for fixing the public market rental in urban areas and in the New Territories.</p>	<p>10.9.1999</p>		<p>Response awaited.</p>
<p><b>11. Proposed appeal mechanism</b></p>			
<p><b>(Schedules 3 and 4)</b></p>			
<p>11.1 The Administration to provide a paper on the rationale of the existing and proposed appeal mechanisms and the proposed membership.</p>	<p>30.7.1999</p>	<p>CB(2)2747/98-99(02)</p>	

**提供市政服務（重組）條例草案**  
**Provision of Municipal Services (Reorganization) Bill**

**Amendments to subsidiary legislation under Cap. 132**  
**in Schedule 3 of the Bill**

附屬法例 Subsidiary legislation	條次 Clause number	頁數 Page number	備注 Remark
1. 屠場規例 Abattoirs Regulation	95 - 144	C1762 - C1773	
2. 宣傳品規例 Advertisements Regulation	145 - 152	C1774 - C1775	
3. 泳灘規例 Bathing Beaches Regulation	153 - 168	C1774 - C1779	
4. 文娛中心規例 Civic Centres Regulation	169 - 178	C1778 - C1783	
5. 食物內染色料規例 Colouring Matter in Food Regulations	179	C1782 - C1783	
6. 商營浴室規例 Commercial Bathhouses Regulation	180 - 194	C1782 - C1787	
7. 火葬及紀念花園規例 Cremation and Gardens of Remembrance Regulation	195 - 222	C1786 - C1797	
8. 圖書館指定令 Designation of Libraries Order	223 - 224	C1796 - C1801	
9. 奶粉規例 Dried Milk Regulations	225	C1800 - C1801	
10. 食物攙雜（人造糖）規例 Food Adulteration (Artificial Sweeteners) Regulations	226	C1802 - C1803	
11. 食物攙雜（金屬雜質含量）規 例 Food Adulteration (Metallic Contamination) Regulations	227 - 228	C1802 - C1803	

12. 食物及藥物（成分組合及標籤）規例 Food and Drugs (Composition and Labelling) Regulations	229 - 230	C1802 - C1803	
13. 食物業規例 Food Business Regulation	231 - 266	C1802 - 1819	
14. 食物業規例（豁免第 31(1)條規定）公告 Food Business Regulation (Exemption from Section 31(1)) Notice	267 - 268	C1818 - C1819	
15. 冰凍甜點規例 Frozen Confections Regulation	269 - 299	C1818 - C1827	
16. 殯儀館規例 Funeral Parlours Regulation	300 - 311	C1826 - C1831	
17. 食物內有害物質規例 Harmful Substances in Food Regulations	312 - 313	C1830 - C1831	
18. 小販（認可區）宣布 Hawker (Permitted Places) Declaration	314	C1830 - C1831	
19. 小販規例 Hawker Regulation	315 - 368	C1830 - C1851	
20. 跑馬地香港墳場規則 Hong Kong Cemetery, Happy Valley, Rules	369	C1850 - C1851	
21. 進口野味、肉類及家禽規例 Imported Game, Meat and Poultry Regulations	370 - 371	C1850 - C1853	
22. 圖書館規例 Libraries Regulation	372 - 404	C1852 - C1863	
23. 街市宣布公告 Declaration of Markets Notice	405	C1862 - C1865	
24. 奶業規例 Milk Regulation	406 - 440	C1864 - C1875	

25. 食物內礦物油規例 Mineral Oil in Food Regulations	441	C1874 - C1875	
26. 博物館規例 Museums Regulation	442 - 454	C1874 - C1879	
27. 厭惡性行業宣布公告 Declaration of Offensive Trades Notice	455	C1878 - C1879	
28. 厭惡性行業規例 Offensive Trades Regulation	456 - 468	C1878 - C1883	
29. 遊樂場所規例 Places of Amusement Regulation	469 - 490	C1882 - C1889	
30. 遊樂場地規例 Pleasure Grounds Regulation	491 - 514	C1888 - C1895	
31. 食物內防腐劑規例 Preservatives in Food Regulations	515 - 516	C1894 - C1897	
32. 私營墳場規例 Private Cemeteries Regulation	517 - 530	C1896 - C1899	
33. 私營街市規例 Private Markets Regulation	531 - 549	C1898 - C1905	
34. 公眾墳場規例 Public Cemeteries Regulation	550 - 564	C1904 - 1911	
35. 公眾潔淨及防止妨擾規例 Public Cleansing and Prevention of Nuisances Regulation	565 - 586	C1910 - C1917	
36. 公廁（行爲及舉止）規例 Public Conveniences (Conduct and Behaviour) Regulation	587 - 597	C1916 - C1921	
37. 公眾殯儀廳規例 Public Funeral Halls Regulation	598 - 609	C1920 - C1923	
38. 公眾街市規例 Public Markets Regulation	610 - 622	C1922 - C1927	

39. 公眾泳池規例 Public Swimming Pools Regulation	623 - 635	C1926 - C1929	
40. 限制在特別範圍販賣公告 Restriction of Hawking in Special Areas Notification	636 - 638	C1928 - C1931	
41. 衛生及清糞規例 Sanitation and Conservancy Regulation	639 - 647	C1930 - C1933	
42. 屠房規例 Slaughterhouses Regulation	648 - 685	C1932 - C1943	
43. 體育場規例 Stadia Regulation	686 - 699	C1942 - C1947	
44. 泳池規例 Swimming Pools Regulation	700 - 714	C1946 - C1951	
45. 殮葬商規例 Undertakers of Burials Regulation	715 - 726	C1950 - C1953	
46. 附表所列處所通風設施規例 Ventilation of Scheduled Premises Regulation	727 - 738	C1952 - C1957	
47. 和合石、沙嶺及沙嶺（金塔） 墳場內私人地段規則 Wo Hop Shek, Sandy Ridge and Sandy Ridge (Urn) Cemeteries, Private Lots, Rules	739 - 743	C1956 - C1957	

立法會秘書處

Legislative Council Secretariat

一九九九年九月十四日

14 September 1999