

**The Administration's Response to  
Proposed Amendments to Subsidiary Legislation of Cap.132  
raised by Members of Bills Committee**

<b>Regulation</b>	<b>Adopted version</b>	<b>Section</b>	<b>Proposed Amendments</b>	<b>Meeting concerned</b>	<b>Remarks</b>
Advertisement Regulation	N.A.	11	To consider whether part of the section (which prohibits the erection of signs obstructing means of escape or interfering with road traffic) will be retained	15.9.99	Part of the section in respect of the power to remove signs causing obstruction to road traffic would be retained. Repeal of the remaining part is agreed as adequate power has been provided under the Fire Services Ordinance (Cap.95) to deal with obstructions to means of escape.  Administration will introduce a CSA.
		5(2), 13	To review whether the definitions of "occluding sign" & "neon sign" adequately cover new substances now used for advertisements	15.9.99	Consultation with other departments underway.
Bathing Beaches Regulation	UC	13	To delete the section which prohibits public meetings and assemblies in any bathing beach except with the permission of the Director	15.9.99	Agreed. Administration will introduce a CSA.

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Civic Centres Regulation	RC	11(b)	To delete the provision which empowers the manager to refuse entry of persons who is indecently or insufficiently dressed	17.9.99	Agreed. Administration will introduce a CSA.
Cremation and Gardens of Remembrance Regulation	UC	15(c) and (h)	To delete the provisions governing public meetings and clothings in Government crematorium	17.9.99	Agreed. Administration will introduce a CSA.
		22(c) and (h)	To delete the provisions governing public meetings and clothings in garden of remembrance	17.9.99	- ditto -
Food Business Regulation	RC	28	To provide further information on the purpose of the proposed amendment and the legal effects concerning the area of water where collection of shell fish is prohibited	17.9.99	Bylaw 29 of the Food Business (UC) Bylaws has already become obsolete after series of reclamation in the Kwai Chung area. We will introduce a CSA to amend “Harbour” to read as “harbour” which is defined in Cap. 1. By combining the descriptions of waters under s.28(a) and (b), the area stipulated in UC Bylaws would be covered.
		31	To consider re-inserting “accidentally defaced” in relation to the issue of duplicate licence	17.9.99	Agreed. A CSA will be introduced to put back the phrase.

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		34(a)	To explain why more stringent licensing conditions are adopted, e.g. "deviation" instead of "material deviation" from plans is adopted in section 34.	17.9.99	S.34D describes precisely the scope of deviation. As such, the qualifying word “material” is considered unnecessary.
Frozen Confections Regulation	UC	16	To consider whether hawkers of frozen confections are required to wear uniforms and display numbers	17.9.99	This requirement is obsolete. Administration will introduce a CSA to delete the section.
		19	To consider re-inserting such provision as s.18(1)(i) of the RC Bylaws as one of the licensing requirements. This provision prohibits the manufacture and storage of frozen confections near soil fitments or latrine fitments	17.9.99	Agreed. A CSA will be put up to this effect.
Funeral Parlours Regulation	RC	5	To consider deleting “under the age of 21 years” as a condition for refusal and revocation of licence	17.9.99	We consider that a minimum age should be stipulated, and this should be lowered to 18. The same will apply to s.7 of the Places of Amusement Regulation and the Undertakers of Burials Regulation. CSAs will be put up to amend the age limit in these Regulations.

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Libraries Regulation	RC	N.A.	To rename the Regulation as " <b>Public</b> Libraries Regulation"	22.9.99	Libraries governed by the Regulation are clearly defined. There is no practical need to introduce the proposed amendment.
		33(4)	To review the necessity to include provision regarding absolute exclusion of liabilities for loss or damage of articles deposited in cloakroom		We have no objection to remove the provision and will put up a CSA for Members' consideration.
		34A	To repeal the restriction on taking of writing implements into any library	22.9.99	Agreed. Administration will introduce a CSA.
Declaration of Markets Notice	RC	N.A.	To set out the complete list of markets in both Chinese and English	22.9.99	The Declaration of Markets Notice will be updated to include three new markets and to delete one market no longer in use.

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Milk Regulation	UC	16(1)	To re-insert the provision prohibiting the processing, reconstituting or storage of any milk or milk beverage in any part of the premises containing any soil fitment or latrine fitment as one of the licensing requirements	22.9.99	Agreed. We will put up a CSA for Members' consideration.
		19(1)	To add the phrase "the temperature to which the milk or the milk beverage is subsequently cooled"	22.9.99	Agreed. Administration will introduce a CSA.
Museums Regulation	RC	5	To require museums to open on Sunday and public holidays in the legislation	22.9.99	Members' concerns are noted but there is no need to have this written into the law as s. 5(1) allows the Director to make such arrangements.
		8(6)	To review the necessity to include the provision regarding absolute exclusion of liabilities for loss or damage of articles deposited in cloakroom	22.9.99	We have no objection to remove the provision and will put up a CSA for Members' consideration.

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		11	To explain the rationale of the 20% surcharge under section 11	22.9.99	The 20% surcharge is to cover administrative cost involved in the replacement of the item. It is consistent with the Government Store and Procurement Regulations and Financial and Accounting Regulations which stipulate an additional charge of 20% for overheads.
Offensive Trades Regulation	RC	10(1)	To consider whether a grace period should be allowed for introducing additional requirements under section 10(1) in the existing jurisdiction of Provisional Urban Council	22.9.99	The conditions as laid down in section 10(1) of the Offensive Trades Regulation are already provided in By-law 7 of the Offensive Trades (UC) By-laws except section 10(1)(m) which requires "any heating equipment provided is properly installed and, having regard to the nature of the premises, is not likely to be dangerous". We do not envisage the existing licence-holders in the urban area would encounter any difficulty to comply with this requirement. Therefore a grace period for implementation is not necessary.
		19	To delete the word "absolute" before "discretion"	22.9.99	Agreed. We will put up a CSA for Members' consideration.

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		21	To explain the rationale for setting the age limit at 14	22.9.99	The Employment of Children Regulations, Cap. 57 specifies that children under the age of 15 shall not be employed in the industrial undertaking which includes offensive trade premises. The Administration will introduce a CSA to raise the age limit to 15.
Pleasure Grounds Regulation	UC	14(1)	To consider whether it is necessary to add "hand cart"	22.9.99	On reflection, it is not necessary to add "hand cart". A CSA will be put up to delete the purposed addition.
		20	To delete the addition of "statue or other sculpture" as proposed in section 505 of schedule 3 of the Bill	24.9.99	Agreed. Administration will introduce a CSA.
		28	To delete the section which prohibits public meeting, public discussion, procession, etc.	24.9.99	Agreed. Administration will introduce a CSA.
Private Cemeteries Regulation	UC	9(2)	To consider whether it is necessary to retain the provision in respect of prohibition to leave any coffin or urn deposited on surface of the ground.	24.9.99	Leaving any coffin or urn deposited on the surface of the ground is unsightly and unhygienic, save in so far as may be necessary in the course of disposing of any human remains. Retention of section 9(2) is therefore necessary.

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Public Cemeteries Regulation	UC	7A(2A)	To review the drafting of the Chinese version of the provision to provide greater clarity	24.9.99	The Chinese version accurately reflects our drafting intention and corresponds with the meaning of English text. No amendment is considered necessary.
		9	To review the need to retain the section on the exclusion of liabilities for loss or damage to articles	24.9.99	Retention is necessary because in the event of natural disasters such as landslips, whilst the Department would fulfill its management duties by reinstating or relocating damaged graves, it is important that the Government's liability for losses and damages to articles inside or in the vicinity of any grave be excluded from civil action.
Public Cleansing and Prevention of Nuisances Regulation	UC	15	To consider whether a uniform age, say, 14 or 16 should be adopted for section 15 and in other Regulations	24.9.99	Maintaining the age restriction at 16 as set out in the regulation is necessary because the Women and Young Persons (Industry) Regulations, Cap 57, prohibits employment of persons under 16 in dangerous trade or carrying any load exceeding 18 kg.
Public Conveniences (Conduct and Behaviour) Regulation	UC	4	To consider whether the charging provision for use of public latrines is necessary	24.9.99	We have no objection to delete this section. Administration will introduce a CSA.

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		5(d)	To consider whether the provision on prohibition on loitering in public conveniences is necessary	24.9.99	In order to have better control over the proper use of public toilets, their management and cleansing, this section should be maintained.
		8	To consider whether the section on prohibition of entry of persons knowingly suffering from communicable diseases is necessary	24.9.99	We have no objection to delete this section. Administration will introduce a CSA.
		12	To consider whether granting exemption to attendants who are carrying out his duties in public conveniences from being subject to the control of the Regulation is necessary	28.9.99	To provide for better management of public toilets and to enable the toilet attendants or assistants to execute their duties effectively, this section should be maintained.
Public Markets Regulation	RC	6	To consider whether "any one person" is appropriate and adequate for the purpose of section	24.9.99	'Any one person' is appropriate because under existing practice in the ProRC and PUC areas, a market stall is let to one person only.
Public Swimming Pools Regulation	UC	4(k)	To consider deleting "or so sparsely clad" as being an offence	24.9.99	There has recently been an incident where the pool staff had to remove, under this section, a swimmer who went swimming clad only in underwear and caused considerable embarrassment to other swimmers. We therefore suggest to retain the wording to

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					prevent the recurrence of similar situation.
		7	To review the age and height limits for persons being prohibited from entering into dressing rooms of the opposite sexes	24.9.99	Retention of this section is recommended as it prevents children under the age of 8 who may accidentally wander into the deep pool after leaving the changing room, unsupervised by the career. The solution to this problem is to provide family changing rooms in public swimming pools.
Swimming Pools Regulation	UC	6(1)(h)	To consider adding the provision of equivalent latrine accommodation mentioned under s.6(1)(h) of the RC Bylaws, such as “aquaprivies” and “chemical closets”	24.9.99	Agreed. A CSA will be put up to add this phrase to section 6(1)(h).
		N.A.	To consider adopting more stringent licensing requirements contained in the RC Bylaws and to provide a grace period for implementation	24.9.99	We agree to adopt the provisions governing the quality of water in Bylaw 11 of the RC Bylaws. A CSA will be put up for Members' consideration. We do not envisage the existing licence-holders in the urban area will counter any difficulty in complying with the provisions. As regards control over disinfection of pool water, provision of testing kits and inspection book provided in Bylaws 17(A), 17B and 17C of the RC

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					Bylaws, the control can be imposed through licensing conditions and need not be stipulated in the Regulation.
		15	To consider deleting the section which requires the sterilization of bathing costumes and towels supplied to bathers	24.9.99	For protecting public health, the provision has to be retained as some swimming pools provide towels to swimmers.
Undertakers of Burials Regulation	RC	7	To consider removing the age limit of 21 concerning the refusal to grant or revocation of licence	24.9.99	We consider that a minimum age should be stipulated and this should be lowered to 18. A CSA will be introduced for Members' consideration.
		8	To consider improving the drafting of the section adopting the version in the existing UC Bylaws	24.9.99	Agreed. A CSA will be put up for Members' consideration.

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