

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

**List of concerns  
(as at 6 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)	

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

	2.8 The Administration to provide a paper on the existing and proposed mechanism to determine the market stall rentals and the appeal systems.	30.7.1999	CB(2)2747/98-99(05)	
3.	<u>Total savings to be achieved by the re-organization</u>  3.1 The Administration to provide information on the total savings to be achieved by the re-organization upon passage of the Bill.	25.5.1999	CB(2)2204/98-99(01)  The Administration is studying the staffing establishments of the new structure and will inform Members when details are available.	To discuss at future meetings.
4.	<u>Transfer of property, rights and liabilities</u>  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.  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.	4.6.1999  4.6.1999	CB(2)2374/98-99(02)  Appendices I and II to Paper No. CB(2)2387/98-99(01) and CB(2)2522/98-99(03)	

	<p>4.3 The Administration to respond whether the Government can be sued by PMCs under <b>clause 5(3)</b> and <b>(4)</b>, and whether the Government is currently exempted from certain obligations and liabilities under existing legislation.</p>	4.6.1999	CB(2)2374/98-99(02)	
	<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>	4.6.1999	CB(2)2374/98-99(02)	
	<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>	4.6.1999	CB(2)2522/98-99(02)	
	<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>	25.6.1999	CB(2)2522/98-99(02)	
	<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>	25.6.1999	CB(2)2522/98-99(02)	
	<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>	25.6.1999	CB(2)2522/98-99(02)	

	<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.</p>	<p><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.</p>	<p><u>Reconciliation of differences between subsidiary legislation (<b>Schedules 1 and 2</b>)</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.</p>	<p><u>Division of responsibility among government departments and organizations (<b>Schedule 3</b>)</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>7.5 The Administration to explain the existing and proposed arrangements for secondment of health officers from the Department of Health.</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>7.7 The Administration to consider transferring the control and management of public cemeteries under <b>paragraph 56</b> to another department.</p> <p>7.8 The Administration to consider transferring the responsibilities for exhumations under <b>paragraph 58</b> to another department.</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>27.7.1999</p> <p>27.7.1999</p> <p>27.7.1999</p> <p>27.7.1999</p> <p>27.7.1999</p> <p>30.7.1999</p>	<p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p>	
<p>8.</p>	<p><u>Repeal of subsidiary legislation</u></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>13.5.1999</p>	<p>CB(2)2088/98-99(01)</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>20.7.1999</p> <p>23.7.1999</p>	<p>Annex A to Paper No. CB(2)2646/98-99(02)</p> <p>CB(2)2646/98-99(02)</p>	
9.	<p><u>Tenements, Hotels and Boarding Houses (Schedule 3)</u></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>	
10.	<p><u>Other provisions in Schedule 3</u></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>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>10.4 The Administration to explain its initial views on the Consultant Report on streamlining food business licensing.</p>	<p>27.7.1999</p> <p>27.7.1999</p> <p>27.7.1999</p> <p>30.7.1999</p>	<p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</p> <p>CB(2)2747/98-99(02)</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>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>30.7.1999</p>	<p>CB(2)2747/98-99(07)</p> <p>CB(2)2747/98-99(05)</p>	
<p>11. <u>Proposed appeal mechanism (Schedules 3 and 4)</u></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>	

Legislative Council Secretariat

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