

**LEGISLATIVE COUNCIL PANEL ON
CONSTITUTIONAL AFFAIRS
(Meeting on 19 October 1998)**

**REVIEW OF DISTRICT ORGANISATIONS:
LEGISLATIVE WORK FOR SETTING UP NEW STRUCTURE
FOR DELIVERY OF MUNICIPAL SERVICES**

INTRODUCTION

This is to update Members on the Administration's proposals for setting up a new structure for the delivery of municipal services, i.e. food safety and environmental hygiene services, arts and culture, and recreation and sports services and the legislative work for setting up such structures.

BACKGROUND

2. A "Consultation Report on the Review of District Organisations" (the Report) was published on 9 October 1998. A copy of the Report was forwarded to each LegCo Member for reference on the same day.

3. The Report summarises the public views on the structure, functions and composition of district organisations, i.e. the Municipal Councils and District Boards, collected during the public consultation exercise in June and July 1998. It also outlines the Administration's proposals for new structure for delivery of municipal services and the legislative work involved, having regard to these public views. The major findings in the Report are summarised and further elaborated below.

THE NEW STRUCTURE

Food Safety and Environmental Hygiene

4. In the public consultation exercise, we found that there was majority support for the Government to assume direct responsibility for food safety and environmental hygiene. To ensure an effective and streamlined

framework for these areas of work after the Government assumes direct responsibility, we have commissioned a Consultancy Study on Food Safety and Environmental Hygiene Services, with a view to devising a structure which would improve leadership, efficiency, policy formulation and co-ordination. Having regard to the consultant's preliminary recommendations, we propose that a new framework for providing food safety and environmental hygiene services should include the elements set out in paragraphs 5 to 9 below.

5. A new department of food and environmental hygiene will be set up to be responsible, among other things, for all aspects of food safety and environmental hygiene. Expert and dedicated staff will be drawn from the Department of Health, the Agriculture and Fisheries Department, the Urban Services Department and the Regional Services Department to form the new department. An outline of the principal functions of the new department is at **Annex A**.

6. The new department will be working to a new policy bureau which will be responsible for the environment and for food safety. The bureau will be underpinned by the new department, the existing Environmental Protection Department (EPD), and the Agriculture and Fisheries Department (AFD).

7. The new bureau and the new department will be funded from general revenue as any other government department. Funding of major capital works items proposed by the new department and supported by the bureau will be subject to the normal procedures of the Public Works Programme. The new bureau will be accountable to the Legislative Council. The role of the Legislative Council in monitoring the policies and scrutinising the expenditure in these areas will be enhanced.

8. To ensure public participation in the important matters of food health and environmental hygiene, the District Boards (to be renamed "District Councils") will be empowered with a greater advisory and monitoring role in the delivery of these services at the district level. At the central level, an advisory committee comprising public health professionals and academics, food experts, food trade representatives, and community representatives will be

established to advise the new policy secretary and the new department on major policy issues. This will provide for greater professional and community participation in policy formulation.

9. We believe that the new structure will provide strong and clear leadership in the co-ordination and direction of food safety and environmental hygiene matters, ensure efficient co-ordination and prompt response to food safety crisis and other emergency situations, and provide a stronger focus for development of policies to protect and improve the environment of Hong Kong.

Arts and Culture, and Sports and Recreation

10. In the consultation exercise, relatively fewer submissions expressed views on the other functions of the Provisional Municipal Councils in respect of the delivery of arts and culture, and sports and recreation services. Those who commented were mainly from the arts and sports community. They expressed concern over the fragmentation and overlapping of responsibilities and poor co-ordination among the Provisional Municipal Councils, the relevant government agencies and other statutory bodies such as the Hong Kong Arts Development Council and the Hong Kong Sports Development Board. Moreover, they were dissatisfied with the Provisional Municipal Councils' policies on venue planning and management and subventing arts and sports organisations, as well as the uneven distribution of resources which hamper the development and promotion of the arts and sports as a whole.

11. In examining the options for delivering arts and culture and sports and recreation services, we drew references from a number of overseas countries including the United States (New York City), Canada (Vancouver and Toronto), the United Kingdom, Japan and Singapore, etc. We noted that most overseas authorities set up dedicated agencies for the provision of such services.

12. We propose to develop a new structure which will include all key players such as professionals from the arts and sports community and representatives from the community and other sectors such as business, tourism, etc. Our objective is a new structure which will strengthen both professional

and community input and ensure a proper balance between them. The structure should facilitate the formulation and implementation of overall arts and sports policies and make the most effective use of available resources.

13. We have commenced a review of the composition, role and funding of the various bodies and their relations with the Government agencies (e.g. Home Affairs Bureau). We will draw on the views of relevant professionals and experts in these fields in order to build up the new structure. We will also consider how the areas relating to libraries and museums should be managed. The new structure for arts and culture and sports and recreation should be subject to the same funding mechanism as the structure for food safety and environmental hygiene as outlined in paragraph 7 above.

14. Details of the new structures will be finalised with a view to putting them in place before the end of 1999. We will keep Members informed of progress regularly.

LEGISLATIVE WORK

Amendments Required

15. The legislative work to implement the changes as a result of the review will involve new or amending legislation to provide for -

- (a) the establishment of the new District Councils, their functions and composition, etc.;
- (b) elections to the District Councils;
- (c) the transfer of the functions, contractual rights, duties and liabilities of the Provisional Municipal Councils to the Administration and other statutory bodies; and
- (d) any necessary changes to other relevant statutory bodies such as the Arts Development Council, the Sports Development Board.

16. A list of legislation that would need to be amended or repealed is at **Annex B**.

Legislative Timetable

17. As the terms of office of the Provisional District Board members will expire by the end of 1999 under the current legislation, election of the 18 District Councils to replace the Provisional District Boards should be held no later than December 1999. In view of the long lead time required for making the electoral arrangements, the bill for the establishment and election of the District Councils should be enacted as early as possible in 1999, to enable the work of demarcation of boundaries and the making of subsidiary legislation governing election expenses, election deposits, electoral procedures, etc. to proceed. These steps, including the negative vetting procedures of the subsidiary legislation, will have to be completed by 14 July 1999 which is the last regular sitting of LegCo before the summer recess. (A chart showing the steps involved is at **Annex C**). Failure to meet this deadline would mean a substantial delay until the LegCo reconvenes in October 1999. Such a delay will make it impossible for polling to take place before the end of 1999, since there will be insufficient time for other practical electoral arrangements (such as printing and publication of voter register, nomination of candidates and canvassing activities).

18. The transfer of the functions, contractual right, etc. to the Administration or other statutory bodies will involve a large number of legislative amendments and co-ordination among a number of government agencies. In this connection, we have begun the legislative drafting work and plan to introduce the bills into the Legislative Council as soon as possible in 1999. We will also seek the approval of LegCo's Finance Committee and its Establishment Subcommittee for the setting up of the new government agencies in due course.

Constitutional Affairs Bureau

16 October 1998

[6a-149]

**Principal Functions of
the Proposed Department of Food and Environmental Hygiene**

The new department of food and environmental hygiene will be responsible for the following principal functions -

(a) Food Safety and Public Health

- control, investigation and prevention of food-borne illnesses
- food standards
- food surveillance
- food health education
- food hygiene research
- import and export control of food products

(b) Veterinary Public Health

- poultry inspections
- livestock quarantine and controls
- farm hygiene

(c) Environmental Hygiene

- market management
- inspection of food premises
- hawker control
- meat inspection at abattoirs and slaughterhouses
- street cleansing
- refuse collection
- nuisance complaints
- various licensing functions

**List of legislation that would need to be amended or
repealed in order to transfer authority or functions from the Municipal
Councils to the Administration or any public body**

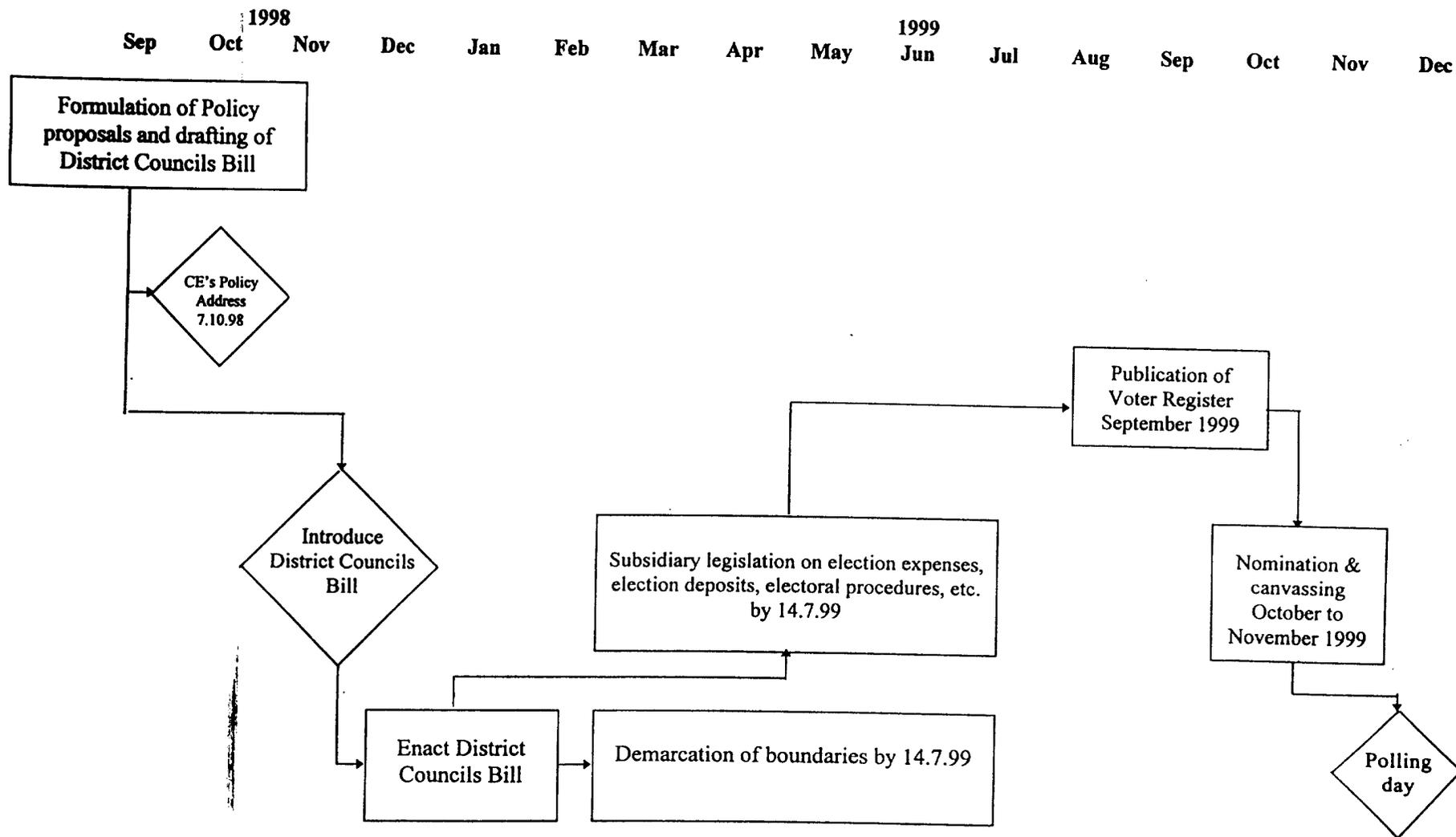
Legislation	Likely Extent of Amendments
(a) Provisional Urban Council Ordinance (Chapter 101)	To be repealed; saving provisions required for transfer of property, rights and liabilities and continuity of contracts and legal proceedings
(b) Provisional Regional Council Ordinance (Chapter 385)	
(c) Provisional District Boards Ordinance (Chapter 366)	To be repealed and a new District Councils Ordinance to be introduced
(d) Public Health and Municipal Services Ordinance (Chapter 132) (including around 84 sets of by-laws)	Amendments to the primary and subsidiary legislation required
(e) Waste Disposal Ordinance (Chapter 354)	Amendment to the primary and subsidiary legislation required
(f) Places of Public Entertainment Ordinance (Chapter 172)	Amendment to the primary and subsidiary legislation required
(g) Dutiable Commodities Ordinance (Chapter 109)	Amendments to the primary and subsidiary legislation required
(h) Administrative Appeals Board Ordinance (Chapter 442)	Amendment to the Schedule to this Ordinance to enable the Board to take over the work of the Municipal Services Appeals Board

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| (i) Municipal Services Appeals Board Ordinance (Chapter 220) | To be repealed; saving provision required for continuity of the appeal cases already commenced |
| (j) Rating Ordinance (Chapter 116) | Amendment to the primary and subsidiary legislation required |
| (k) Hong Kong Arts Development Council Ordinance (Chapter 472) | Amendment to the primary legislation, if found necessary after the review |
| (l) Hong Kong Sports Development Board Ordinance (Chapter 1149) | Amendment to the primary legislation, if found necessary after the review |
| (m) Some forty other Ordinances and subsidiary legislation which contain references to the two Provisional Municipal Councils or the municipal services departments | Consequential amendments to these Ordinances and subsidiary legislation are required to replace references to the two Councils |
| (n) Some thirty other Ordinances and subsidiary legislation which are currently administered by the Agriculture and Fisheries Department or Department of Health | Amendments to these Ordinances and subsidiary legislation to transfer relevant powers to the future authority for food safety control |

[Annex-Annex B]

1999 District Councils Election Plan

Annex C



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