

《提供市政服務（重組）條例草案》

全體委員會審議階段

由政制事務局局長動議的修正案

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- 5(1) 在“有效的，”之後加入“或是在該日期當日或之後生效的，”。
- 8(2) (a) 在(a)段中，在“與訟一方”之後加入“及由他人代前主管當局提起”。
- (b) 在(b)段中，刪去“the former authority”而代以“a former authority”。
- (c) 在(e)段中，在“是有效的，”之後加入“或是在該日期當日或之後生效的，”。
- (d) 在(i)段中，在“發出”之後加入“或由他人代其發出”。
- (e) 在(j)段中 —
- (i) (A) 刪去“該等成文法則的任何條文”而代以“對前主管當局或任何獲前主管當局授權的人”；
- (B) 刪去“該等條文”而代以“對前主管當局或該等人士”；
- (ii) 刪去“或條文（如有的話）”而代以“（如有的話）或對新主管當局或獲授權的人（視情況所需而定）”。

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9 加入 —

“(3) 為免生疑問，現述明在根據第(2)款作為訂明費用般繼續有效的費用由新主管當局或根據該款所提述的新條文予以更改、修訂或取代之之前，該等費用的效力不得因其並非按規定形式訂立而受影響。”。

10 刪去第(1)款而代以 —

“(1) 凡任何人在或被指稱在被本條例廢除的成文法則（包括附表 2 第 2 欄所述的成文法則）如此廢除前，觸犯該等成文法則所訂罪行，則就該罪行而提起的法律程序可予以展開或繼續，猶如本條例不曾制定一樣。”。

11 刪去第(1)款而代以 —

“(1) 行政長官會同行政會議可藉在憲報刊登的命令，對任何成文法則作出為更有效地施行本條例而需作出的相應修訂，以及訂立為更有效地施行本條例而需訂立的過渡性或保留條文。”。

附表 3
第 1 條 (a) 刪去(c)段而代以 —

“(c) 廢除“公眾乒乓球室”、“市政上訴委員會”、“市政局轄區”、“洗衣店”、“洗濯場”、“旅館”、“區域市政上訴委員會”、“區域市政局轄區”及“臨時宿舍”的定義；”。

(b) 加入 —

“(ca) 廢除“註冊通風系統承辦商”的定義而代以 —

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“ “註冊專門承建商（通風系統工程類別）”

(registered specialist contractor (ventilation works category))指當其時名列根據《建築物條例》（第123章）第8A條備存的專門承建商名冊的通風系統工程類別分冊的人；”。

(c) 在(d)段中 —

(i) 在建議的“衛生主任”的定義中，刪去(b)段而代以 —

“(b) 食物環境衛生署署長、食物環境衛生署副署長或食物環境衛生署助理署長，

並包括獲衛生署署長或食物環境衛生署署長授權執行衛生主任的職能的人；”；

(ii) 在建議的“訂明費用”的定義中，在“124I”之後加入“、124IA”。

附表 3 加入 —

“2A. **對公共下水道及排水渠的保護**

第6(2)條現予修訂，廢除“只有主管當局方”而代以“主管當局”。”。

附表 3 刪去第 5 條而代以 —

條次建議修正案“5. **取代標題**

在第 35 條之前的標題現予廢除，代以 —

“**公共廁所及浴室**” 。” 。

附表 3 在建議的第 43(1)條中 —
第 16 條

(a) 刪去“本條例”而代以“第 42 條”；

(b) 刪去“公眾作”而代以“民眾作”。

附表 3 加入 —

“26A. **有關街市的規例**

第 80(1)條現予修訂，加入 —

“(aa) 就終止(a)段所提述的批給的決定，向市政服務上訴委員會提出上訴；” 。” 。

附表 3 在建議的第 81(1)條中 —
第 28 條

(a) 刪去“本條例”而代以“第 80 條”；

(b) 刪去“公眾”而代以“民眾”。

附表 3 加入 —

“30A. **減除過份擠迫情況**

第 87 條現予廢除。” 。

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附表 3	加入 —	“40A. 罪行 第 92C(2)條現予修訂，在“92A”之後加入“或 92AB”。
附表 3 第 47 條	刪去(b)段而代以 —	“(b) 廢除第(2)款。”
附表 3	加入 —	“49A. 公眾集會 第 105R 條現予廢除。”
附表 3	加入 —	“49B. 政務司司長的同意 第 105S 條現予廢除。”
附表 3	加入 —	“49C. 防止在文娛中心舉行未經批准的公眾集會 第 105T 條現予廢除。”
附表 3 第 50 條	刪去 “有組織的”。	

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附表 3 在建議的第 110(1)條中 —

第 52 條

- (a) 刪去“本條例”而代以“第 109 條”；
- (b) 刪去“公眾作”而代以“民眾作”。

附表 3 在建議的第 117(1)條中 —

第 56 條

- (a) 刪去“本條例”而代以“第 116 條”；
- (b) 刪去“公眾作”而代以“民眾作”。

附表 3 刪去第 61 條而代以 —

**“61. 申請在某些地點設置火葬場時
就任何反對作聆訊的條文**

第 124D 條現予修訂 —

- (a) 在第(4)款中，在首次出現的“上訴”之前加入“市政服務”；
- (b) 加入 —

“ (5) 根據第(4)款
提出上訴的人必須在他接
獲關於有關決定的通知後
30 天內提出上訴。” 。” 。

附表 3 (a) 在建議的第 124I(1)條中 —

第 63 條

- (i) 在(f)段中，刪去“公營屠房的登記或發牌，或”；

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(ii) 加入 —

“(sa) 在為記錄屬悼念性質的題字而備存於紀念花園內的紀念冊上作出題字；”。

(b) 加入 —

“1241A. 主管當局可就附表 16 所指明的項目訂明費用

(1) 主管當局可藉規例規定作為公眾人士的個人就附表 16 所指明的項目而應付的費用。

(2) 就第(1)款而言，以下項目並不包括在內 —

(a) (i) 會社、機構、協會或其他組織的成員以其成員身分進入附表 16 所指明的場地或設施而應付的費用；或

(ii) 為商業目的而進入附表 16 所指明的場地或設施而應付的費用；或

(b) (i) 會社、機構、協會或其他組織的成員以其成員身分使用附表 16 所指明的場地、服務或設施而應付的費用；

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- (ii) 為參加由會社、機構、協會或其他組織籌辦或安排或由他人代會社、機構、協會或其他組織籌辦或安排的遊戲、運動或其他活動而使用附表 16 所指明的場地、服務或設施而應付的費用；
- (iii) 為進行宣傳或商業活動而使用附表 16 所指明的場地、服務或設施而應付的費用；或
- (iv) 為商業目的而使用附表 16 所指明的場地、服務或設施而應付的費用。

(3) 主管當局可根據第(1)款就不同界別或類別的人或情況，訂明不同的費用。

(4) 主管當局可藉在憲報刊登的命令修訂附表 16。

(5) 第(4)款所指的命令須經立法會批准。”。

(c) 在建議的第 124J 條中 —

(i) 刪去第(1)款而代以 —

“(1) 除第 124IA(1)條另有規定外，主管當局可在財政司司長的批准下，釐定

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為任何與文化或消閑活動有關的目的進入或使用由主管當局提供或由主管當局管轄和管理的場地、服務或設施而應付的費用。”；

(ii) 刪去第(2)款而代以 —

“(2) 根據本條為任何項目而釐定的費用，可因應不同界別或類別的人或情況而有所不同。”。

(d) 在建議的第 124L 條中，在 “124I” 之後加入 “、124IA”。

附表 3 加入 —

“64A. **加入條文**

在第 XIB 部中，加入 —

“124M. **第 XIB 部的釋義**

在本部中，除文意另有所指外 —

“主席”(Chairman)指根據第 125A(2)條獲委擔任該職位的人；

“委員會”(Board)指根據第 125A 條設立的牌照上訴委員會；

“秘書”(secretary)指根據第 125G(1)條委任的委員會秘書；

“副主席”(Vice-Chairman)指根據第 125A(2)條獲委擔任該職位的人。”。

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- 附表 3 (a) 在建議的第 125A 條中 —
第 66 條
- (i) 刪去第(2)款而代以 —
- “(2) 委員會由以下人士組成 —
- (a) 一名主席；
- (b) 一名副主席；及
- (c) 不少於 13 名其他成員，
- 該等人士須由行政長官按照本條委任。”；
- (ii) 在第(4)款中，刪去“委員會”而代以“主席、副”；
- (iii) 在第(5)款中，刪去“或”而代以“、主席或副”；
- (iv) 刪去第(6)及(7)款。
- (b) 在建議的第 125B 條中 —
- (i) 在標題中，在“**權力**”之後加入“**以及就其決定提出上訴**”；
- (ii) 在第(4)款中，刪去“任何人”而代以“任何向委員會提出上訴的人，如”；
- (iii) 加入 —
- “(5) 如有人根據第(4)款針對某項決定提出上訴，委員會可運用其酌情決定權，規定該項決定在上訴等候裁定期間暫停執行。”。

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- (c) 刪去建議的第 125C 條而代以 —

“125C. 委員會須如何組成以處理上訴

(1) 委員會須由以下人士組成，以聆訊上訴或根據第 125B(5)條作出決定 —

(a) 主席或副主席；及

(b) 4 名根據第(2)款指定的其他成員。

(2) 秘書必須為施行第(1)(b)款而指定 4 名成員。

(3) 秘書在根據第(2)款指定成員時，須接受主席或副主席的指示。”。

- (d) 在建議的第 125D 條中，在 “and” 之後加入 “the” 。

- (e) 在建議的第 125E 條中 —

(i) 在第(1)款中，刪去 “委員會” 而代以 “主席或副” ；

(ii) 在第(3)、(4)及(5)款中，刪去所有 “主席” 而代以 “主持聆訊者” 。

- (f) 加入 —

“125EA. 委員會須說明作出決定的理由

(1) 委員會必須說明作出決定的理由。

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(2) 秘書必須將委員會的決定及作出該決定的理由的文本送達上訴各方當事人。”。

(g) 在建議的第 125F 條中 —

(i) 將該條重編為第 125F(1)條；

(ii) 加入 —

“ (2) 根據第(1)款訂立的規則是
附屬法例。”。

(h) 加入 —

“ 125FA. 上訴聆訊以外的委員會會議

在上訴聆訊或為第 125B(5)條的目的而舉行的會議以外的委員會會議上 —

(a) 會議的法定人數不得少於委員會當其時的成員人數的一半；

(b) 主席或副主席須主持會議；

(c) 問題由出席並有投票的成員的多數票決定；及

(d) 主持會議者有權投決定票。”。

(i) 在建議的第 125G 條中 —

(i) 將該條重編為第 125G(1)條；

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(ii) 在第(1)(b)款中，刪去“(當中可包括一名法律顧問)”；

(iii) 加入 —

“(2) 環境食物局局長可委任一名法律顧問就關於上訴的法律事宜提供意見，該名法律顧問可出席任何在委員會席前進行的聆訊，亦可在委員會商議事宜時出席，以就此向委員會提供意見。”。

附表 3 刪去第 75 條而代以 —

“75. **認證文件和將文件作為證據出示**

第 135 條現予修訂 —

(a) 廢除所有“或公共機構”；

(b) 加入 —

“(3) 儘管《提供市政服務(重組)條例》(1999年第 號)對本條作出修訂，在該等修訂的生效日期當日及以後，第(2)款仍適用於在該生效日期之前發出和簽署而若非因該等修訂生效則該款本會適用的命令、通知、繳費通知書、證明書或其他文件，猶如該等修訂不曾作出一樣。”。

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附表 3 加入 —

“83A. **加入條文**

現加入 —

“154. **過渡性條文**

在根據本條例訂立的附屬法例中，凡提述訂明費用或根據第 124J 條釐定的費用，均包括提述根據《提供市政服務(重組)條例》(1999 年第 號)第 9(2)條繼續有效的費用，猶如該等費用是根據第 124I、124IA 或 124K 條訂明或根據第 124J 條釐定的(視屬何情況而定)，直至有關費用根據第 124I、124IA、124J 或 124K 條被取代為止。”。

附表 3 在建議的附表 3 中 —
第 84 條

(a) 刪去 —

“83B 環境食物局局長”

而代以 —

“83B 食物環境衛生署署長”；

(b) 加入 —

“105E 康樂及文化事務署署長”；

(c) 刪去 “118(1)、(4)及(5)” 而代以 “118(1)及(4)”；

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(d) 加入 —

“124IA 民政事務局局長”。

附表 3 在建議的附表 6 中，刪去 —
第 87 條

“92AB 食物環境衛生署署長

92C 食物環境衛生署署長”

而代以 —

“92C 如關乎第 92A 條，指康樂及文化事務署署長；
如關乎第 92AB 條，指食物環境衛生署署
長”。

附表 3 刪去第 88 條而代以 —

“88. **表格**

附表 7 現予修訂 —

(a) 在表格 F 中 —

(i) 廢除“或公共機構”；

(ii) 在註 1 中 —

(A) 廢除“罰款
\$60,000”而代以
“第 6 級罰款”；

(B) 廢除“\$1,000”而代
以“\$1,750”；

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(iii) 在註 3 中，廢除“罰款 \$10,000”而代以“第 4 級罰款”；

(b) 在表格 G 中 —

(i) 廢除兩度出現的“或公共機構”；

(ii) 在註 1 中 —

(A) 廢除“罰款 \$60,000”而代以“第 6 級罰款”；

(B) 廢除“\$1,000”而代以“\$1,750”；

(iii) 在註 2 中，廢除“罰款 \$10,000”而代以“第 4 級罰款”。”。

附表 3 加入 —

“89A. **罰則**

附表 9 現予修訂，廢除 —

“105F(3) 第 2 級罰款 —

105S(1) 第 3 級罰款及 —”。“”。

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附表 3 刪去(b)段而代以 —
第 91 條

“(b) 廢除“公眾乒乓球室”及“殮葬商”。”。

附表 3 在“《屠場規例》”的標題之前加入 —

“94A. **加入附表**

現加入 —

“附表 16 [第 124IA 條]

民政事務局局長可藉規例
規定費用的項目

1. 公眾泳池

入場

2. 博物館

入場

3. 圖書館

入場

4. 公眾遊樂場地

(a) 租用網球場

(b) 租用籃球場

(c) 租用壁球場

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(d) 租用足球場

(e) 租用乒乓球枱

(f) 租用羽毛球場

5. 度假營

營費” 。” 。

附表 3 刪去(b)及(c)段而代以 —
第 100 條

“(b) 在第(2)款中，廢除在“，則經理”之前的所有字句而代以 —

“(2) 如有就進行夜間屠宰而訂明的訂明費用”；

(c) 在第(3)款中，廢除在“繳付”之後的所有字句而代以“進行夜間屠宰的訂明費用(如有的話)。” 。” 。

附表 3 刪去第 146 條而代以 —

“146. **廢除條文**

第 3 條現予廢除。” 。

附表 3 刪去第 148 條而代以 —

“148. **廢除條文**

第 5 條現予廢除。” 。

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附表 3 刪去“、10及11”而代以“及10”。
第 149 條

附表 3 加入 —

“149A. **取代條文**

第 11 條現予廢除，代以 —

“11. 任何人不得在他所佔用或使用的處所上或在該等處所內豎設或安排豎設任何干擾道路交通的標誌，亦不得容許該等標誌留在他所佔用或使用的處所上或留在該等處所內。”。

附表 3 刪去第(ii)節而代以 —
第 151(a)
條

“(ii) 廢除“3(1)、5(1)、6、8、9、10”而代以“6”；”。

附表 3 刪去在“撥作”之後的所有字句而代以“供公眾用於烹煮的地方生火。”。
第 157 條

附表 3 刪去(a)及(b)段而代以 —
第 158 條

“(a) (i) 廢除“市政局書面同意(可在繳付市政局認為適當的費用後獲得)”而代以“署長書面同意”；

(ii) 廢除“該局”而代以“署長”；”。

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附表 3 刪去第 165 條而代以 —

“165. **公眾集會及聚會**

第 13 條現予廢除。”。

附表 3 刪去第 167 條而代以 —

“167. **罪行及罰則**

第 16 條現予修訂 —

(a) 廢除兩度出現的 “by-law” 而代以 “section” ；

(b) 在(a)段中，廢除 “13、” 。”。

附表 3 刪去(a)段而代以 —
第 174 條

“(a) 在第(1)款中 —

(i) 在(a)段中，廢除 “本附例可予懲處的任何罪行；” 而代以 “本規例可予懲處的任何罪行；或” ；

(ii) 廢除(b)段；”。

附表 3 刪去 “he” 而代以 “him” 。

第 175(b)
(i)條

附表 3 刪去第 209 條而代以 —

條次

建議修正案

“209. 行為及舉止

第 15 條現予修訂 —

- (a) 在(a)段中，廢除“市政局”而代以“食物環境衛生署署長”；
- (b) 廢除(c)段；
- (c) 在(h)段中，廢除“、衣着不恰當或衣着太少”。”。

附表 3 刪去第 217 條而代以 —

“217. 行為及舉止

第 22 條現予修訂 —

- (a) 在(a)段中，廢除“市政局”而代以“食物環境衛生署署長”；
- (b) 廢除(c)段；
- (c) 在(e)段中，廢除“市政局”而代以“食物環境衛生署署長”；
- (d) 在(h)段中，廢除“、衣着不恰當或衣着太少”。”。

附表 3 刪去(b)段而代以 —
第 219 條

- “(b) 廢除首次出現的“該局”而代以“食物環境衛生署署長”；

條次建議修正案

(c) 廢除“該局不時釐定並以該局認為適當的方式公布的”而代以“訂明”。

附表 3 (a) 在標題中，刪去“**修訂**”而代以“**取代**”。

第 224 條

(b) 在建議的附表中，在末處加入 —

“59. 九龍官塘三家村鯉魚門徑 6 號三家村市政大廈一樓。”

附表 3 在“《**奶粉規例**》”的標題之前加入 —

“《**博物館指定令**》

224A. **修訂附表**

《博物館指定令》（第 132 章，附屬法例）的附表現予修訂，廢除“市政局轄區”及“區域市政局轄區”。

附表 3 加入 —

第 233(a)

條

“(iia) 在“介貝類水產動物”的定義中，廢除在“但不包括”之後的所有字句而代以“刺身形式的或作為壽司的一部分的軟體類動物及甲殼類動物，亦不包括供不經烹煮而食用的蠔；”；

(iib) 在“批發市場”的定義中，在“的批發市場”之後加入“，但不包括西區副食品批發市場”；”。

條次

建議修正案

附表 3 在建議的第 28(a)條中，刪去“維多利亞”。
第 248 條

附表 3 (a) 在(c)段中，加入 —
第 249 條 “(ia) 廢除“或被銷毀”而代以“、被銷毀或被意外污損”；”。

(b) 刪去(e)(v)段。

附表 3 加入 —
第 250(e) 條 “(ia) 廢除“或被銷毀”而代以“、被銷毀或被意外污損”；”。

附表 3 (a) 在(d)段中，刪去句號而代以分號；
第 255 條 (b) 加入 —

“(e) 在第(6)款中，廢除“有關”而代以“訂明”。”。

附表 3 刪去第 277 條而代以 —

“277. **冰凍甜點小販須穿著制服以及展示號碼**
第 16 條現予廢除。”。

附表 3 加入 —
第 280(a) 條 “(va) 加入 —

條次建議修正案

“(ha) 在處所內用作製造或貯存冰凍甜點的部分，並無設置任何污水設備或廁所設備，亦不與設有污水設備或廁所設備的房間或其他地方直接相通；”；”。

附表 3 刪去(b)段而代以 —
第 296 條

“(b) 在第(2A)款中 —

(i) 廢除 “bylaw” 而代以 “section” ；

(ii) 廢除 “適當” 而代以 “訂明” ；”。

附表 3 加入 —
第 297(a)
條

“(iii) 在(a)段中，廢除 “16、” ；”。

附表 3 刪去第 304 條而代以 —

“304. **拒絕與撤銷**

第 5 條現予修訂 —

(a) 廢除兩度出現的 “區域市政局” 而代以 “署長” ；

(b) 廢除 “21” 而代以 “18” 。”。

附表 3 (a) 在(e)段中，刪去 “ “hawker badge” 、”。
第 316 條

條次

建議修正案

(b) 加入 —

“(ea) 廢除 “小販徽章” 的定義而代以 —

“ “小販證” (hawker badge)指根據第 10A
條發出的小販證；” ；” 。

附表 3 刪去第 325 條而代以 —

“325. **小販證**

第 10A 條現予修訂 —

(a) 在第(1)款中 —

(i) 廢除 “市政局在根據本附
例” 而代以 “署長在根據
本規例” ；

(ii) 廢除兩度出現的 “徽章”
而代以 “證” ；

(b) 在第(2)款中，廢除兩度出現的
“徽章” 而代以 “證” ；

(c) 在第(3)款中 —

(i) 廢除首次、第二次及第三次
出現的 “徽章” 而代以
“證” ；

(ii) 廢除第四次出現的 “徽
章” 而代以 “該證” 。” 。

條次建議修正案

附表 3 刪去建議的第 14 條而代以 —
第 329 條

“14. 牌照等不得更改或污損

(1) 任何人不得更改或污損牌照、小販證或攤位證，亦不得在其上作任何擦除。

(2) 任何人不得使用或為意圖使用而管有曾在其上作擦除或曾被更改或污損的牌照、小販證或攤位證，除非 —

- (a) 該項更改是獲授權而作出的；或
- (b) 該牌照、小販證或攤位證是因意外而污損或損壞的。”。

附表 3 刪去第 350 條而代以 —

“350. 固定攤位須保持在安全及清潔狀況

第 39 條現予修訂 —

- (a) 廢除第(1)款；
- (b) 在第(2)款中，廢除“31”而代以“33”。”。

附表 3 刪去“Department of Food and Environmental Hygiene”而代以“Food and Environmental Hygiene Department”。

第 360(c)
(ii)及
(e)(ii)條

條次

建議修正案

- 附表 3 (a) 在(b)段中，加入 —
第 366 條 “(ia) 廢除 “至 24” 而代以 “、24” ；” 。
- (b) 刪去(d)段而代以 —
- “ (d) 在第(5)款中 —
- (i) 廢除 “ by-laws ” 而代以 “ sections ” ；
- (ii) 廢除 “29、” ；” 。
- (c) 在(g)(ii)段中，刪去 “ Department of Food and Environmental Hygiene ” 而代以 “ Food and Environmental Hygiene Department ” 。

- 附表 3 加入 —
- “367A. 以 “證” 取代 “徽章”
- 第 11(2)、15(3)、16、17、20 及 56(3A)條現予修訂，廢除所有 “徽章” 而代以 “證” 。” 。

- 附表 3 刪去 “library card” 而代以 “library card, ” 。
- 第 379(a) 條

- 附表 3 刪去第 386 條而代以 —
- “386. 取代條文
- 第 17 條現予廢除，代以 —

條次建議修正案**“17. 借用人可預訂未能即時取得的圖書館藏件**

借用人如欲向圖書館借取任何未能即時取得的圖書館藏件，可藉繳付根據本條例第 124J 條釐定的適當費用而預訂該藏件。”。

附表 3 在 “directed” 之前加入 “as” 。
第 388
(a)(i)條

附表 3 刪去(b)段而代以 —
第 396 條
“(b) 廢除第(4)款；”。

附表 3 加入 —
“396A. **對書寫物料等的限制**
第 34A 條現予廢除。”。

附表 3 刪去 “署長” 而代以 “政府” 。
第 401(a)
(ii)條

附表 3 (a) 刪去 —
第 405 條
“鴨脷洲街市 Ap Le Chau Market”。

條次

建議修正案

(b) 刪去 —

“鴨脷洲西岸工業邨熟食市場” Apleichau West Industrial Area Cooked Food Market”。

(c) 刪去 —

“奶路臣街臨時熟食市場” Nelson Street Temporary Cooked Food Market”。

(d) 在末處加入 —

“西營盤街市 赤柱臨時街市 宜安街街市” Sai Ying Pun Market Stanley Temporary Market Yee On Street Market”。

附表 3 刪去 “the Secretary” 而代以 “Secretary”。

第 409 條

附表 3 加入 —

第 419 條

“(da) 加入 —

“(ha) 在處所內用作加工處理、再造或貯存奶類或奶類飲品的部分，並無設置任何污水設備或廁所設備，亦不與設有污水設備或廁所設備的房間或其他地方直接相通；”；”。

條次建議修正案

附表 3 在(a)段之前加入 —
第 424 條

“(aa) 在第(1)款中，在“時間”之後加入“，以及奶類及奶類飲品隨後冷卻所達到的溫度”；”。

附表 3 刪去(d)段而代以 —
第 448 條

“(d) 廢除第(6)款；”。

附表 3 刪去(a)段而代以 —
第 465 條

“(a) 廢除“區域市政局可在其絕對酌情決定下，”而代以“署長可”；”。

附表 3 加入 —

“466A. **對某些人的限制**

第 21 條現予修訂，廢除“14”而代以“15”。”。

附表 3 加入 —
第 475 條

“(aa) 廢除“21”而代以“18”；”。

附表 3 刪去第 481 條而代以 —

“481. **罪行及罰則**

第 19 條現予修訂 —

條次

建議修正案

- (a) 廢除 “ bylaw ” 而代以 “ section ” ；
- (b) 廢除 “ 、 26 或 28 ” 而代以 “ 或 26 ” 。 ” 。

附表 3 刪去第 487 條而代以 —

“487. **廢除第 V 部**

第 V 部現予廢除。”。

附表 3 刪去第 488 條而代以 —

“488. **修訂附表**

附表 1 現予修訂 —

- (a) 廢除 “ [bylaw 4] ” 而代以 “ [s. 4] ” ；
- (b) 廢除 —

“公眾乒 1 年” 。”。
乒乓球
館

附表 3 刪去(d)段而代以 —
第 489 條

“(d) 廢除表格 4。”。

條次建議修正案

- 附表 3 刪去第(ii)節而代以 —
第 495(b)
條 “(ii) 廢除第二次出現的“市政局”而代以“根據本條例
第 124J 條”。”。
- 附表 3 刪去“為烹煮而”。
第 497(c)
條
- 附表 3 (a) 在(b)段中，刪去“destroy or remove”而代以“， destroy or
第 498 條 remove”。
- (b) 在(c)(i)段中，刪去“destroy or release”而代以“， destroy or
release”。
- 附表 3 刪去第(i)節。
第 500(a)
條
- 附表 3 加入 —
“502A. **風箏、模型飛機、汽球等**
第 17 條現予修訂，廢除“市政局”而代以
“署長”。”。
- 附表 3 (a) 刪去(a)(i)段而代以 —
第 505 條 “(i) 在(a)段中，廢除“市政局”而代以“署
長”；”。

條次

建議修正案

(b) 刪去(b)(i)段。

附表 3 刪去第 510 條而代以 —

“510. **公開演講等**

第 28 條現予廢除。”。

附表 3 刪去第 511 條而代以 —

“511. **罪行及罰則**

第 30 條現予修訂 —

(a) 廢除兩度出現的 “bylaw” 而代以
“section” ；

(b) 在(a)段中，廢除 “、28” 。”。

附表 3 刪去(e)段而代以 —
第 534 條

“(e) 在第(7)款中 —

(i) 廢除 “區域市政局” 而代以 “署長” ；

(ii) 在但書中，廢除 “fee prescribed” 而代以
“prescribed fee” 。”。

附表 3 刪去 “Department of Food and Environmental Hygiene” 而代以 “Food
第 546(b) and Environmental Hygiene Department” 。

條

條次建議修正案

附表 3 刪去 “Department of Food and Environmental Hygiene” 而代以 “Food
第 555 條 and Environmental Hygiene Department” 。

附表 3 刪去 “Department of Food and Environmental Hygiene” 而代以 “Food
第 558(d) and Environmental Hygiene Department” 。

(ii)條

附表 3 刪去(a)段而代以 —
第 561 條

“(a) 廢除第(1)款而代以 —

“(1) 除第(2)款另有規定外，埋葬人類遺骸、在墳墓上方或週圍設置紀念碑像或圍繞物以及建造墓穴或甕盎，均須向署長繳付訂明費用。”；”。

附表 3 刪去第 590 條而代以 —

“590. **使用某些公共廁所的隔室的費用**

第 4 條現予廢除。”。

附表 3 刪去第 593 條而代以 —

“593. **傳染病**

第 8 條現予廢除。”。

附表 3 刪去第(ii)節而代以 —
第 595(a)
條

“(ii) 廢除 “4、5、6、7 或 8” 而代以 “5、6、6A 或 7”；”。

條次

建議修正案

附表 3 刪去(a)段而代以 —
第 601 條

“(a) 在第(1)款中 —

- (i) 廢除兩度出現的“市政局”而代以“署長”；
- (ii) 在(b)段中，廢除“訂明的適當”而代以“列的訂明”；”。

附表 3 (a) 在(a)段中 —
第 608 條

(i) 刪去第(i)節而代以 —

“(i) 廢除“除第(2)款另有規定外，”；”；

(ii) 加入 —

“(ia) 在“所列的”之後加入“訂明”；”。

(b) 刪去(b)段而代以 —

“(b) 廢除第(2)款。”。

附表 3 刪去第 615 條而代以 —

“615. **街市攤檔的出租**

第 6 條現予修訂 —

- (a) 將該條重編為第 6(1)條；
- (b) 在第(1)款中 —

條次建議修正案

- (i) 廢除“區域市政局”而代以“署長”；
- (ii) 廢除兩度出現的“該局”而代以“他”；
- (iii) 在“予任何”之後加入“一個”；

(c) 加入 —

“(2) 根據第(1)款租得攤檔的人，如遭署長終止其租用有關攤檔的租契、牌照或許可證，該人可在收到關於署長的決定的通知後 14 天內，就該決定向市政服務上訴委員會提出上訴。”。

附表 3 刪去第 620 條而代以 —

“620. **在某些情況下禁止某些人在公眾街市內經營業務的權力**

第 13 條現予廢除。”。

附表 3 (a) 刪去(a)段而代以 —
第 621 條

“(a) 在第(1)款中，廢除“by-law”而代以“section”；”。

條次

建議修正案

(b) 加入 —

“(aa) 廢除第(2)款；”。

附表 3 刪去第 626 條而代以 —

“626. **一般罪行**

第 4 條現予修訂 —

(a) 在(a)及(d)段中，廢除“市政局”而代以“署長”；

(b) 在(k)段中，廢除“穿着極少衣服”而代以“衣著不恰當”。

附表 3 刪去建議的第 10 條而代以 —
第 631 條

“10. **費用**

(1) 任何人在根據第 9 條指明的某一節時間內使用泳池，均須向署長繳付訂明費用或根據本條例第 124J 條釐定的費用（視何者屬適當而定）。

(2) 如任何人如未繳付第(1)款所指的適當費用，則除非事先獲得管理員准許，否則不得進入泳池場地範圍內。”。

附表 3 在標題中，刪去“規則”而代以“附屬命令”。
第 632 條

條次建議修正案

附表 3 刪去“條例”而代以“附例”。
第 633 條

附表 3 刪去所有“Department of Food and Environmental Hygiene”而代以
第 638 條 “Food and Environmental Hygiene Department”。

附表 3 刪去“wherever”而代以“where”。
第 651(a)
(i)條

附表 3 加入 —
第 705(a)
條 “(iii) 在(h)段中，在但書中，廢除在“，則”之後的所有字句而代以“署長可接受獲其批准的同
等旱廁設施，例如化糞式廁所及化學廁所；”；”。

附表 3 加入 —

“706A. **取代條文**

第 10 條現予廢除，代以 —

“10. 水質

泳池的持牌人須安排令泳池的池
水保持於 —

- (a) 符合以下細菌數量標準的水平 —

條次

建議修正案

- (i) 無論何時於泳池的任何地方所抽取的每個容積為 100 毫升的池水樣本中，均不含大腸桿菌；及
- (ii) 無論何時於泳池的任何地方所抽取的池水樣本中的細菌總數，每毫升不超過 200 個細菌；而細菌總數是以攝氏 37 度的 48 小時細菌殖數方法釐定的；及
- (b) 符合以下清澈標準的水平 —
 - (i) 池水的濁度（以懸浮體散射濁度單位表達）不超過 5；及
 - (ii) 池水的顏色（以鉑鈷標準色度單位表達）不超過 5；及
- (c) 符合不低於 7.0 亦不高於 7.8 的 pH 值標準的水平。” 。” 。

條次建議修正案

附表 3 刪去第 721 條而代以 —

“721. **拒絕與撤銷**

第 7 條現予修訂 —

- (a) 廢除兩度出現的“區域市政局”而代以“署長”；
- (b) 廢除“21”而代以“18”。”。

附表 3 刪去第 722 條而代以 —
第 722 條

“722. **取代條文**

第 8 條現予廢除，代以 —

“8. 牌照不得更改或污損

(1) 任何人不得更改或污損牌照，亦不得在其上作任何擦除。

(2) 任何人不得使用或為意圖使用而管有曾在其上作擦除或曾被更改或污損的牌照，除非 —

- (a) 該項更改是獲授權而作出的；或
- (b) 該牌照是因意外而污損或損壞的。”。

附表 3 (a) 在(b)段中，刪去句號而代以分號。
第 731 條

條次

建議修正案

(b) 加入 —

“(c) 廢除所有“註冊通風系統承辦商”而代以
“註冊專門承建商(通風系統工程類別)”。”。

附表 4 (a) 在第(iv)節中，在建議的“答辯人”的定義中，刪去(b)段而
第 3(b)條 代以 —

“(b) 就反對某上訴委員會決定的上訴而言，指作出
原來決定的人；”。

(b) 在第(viii)節中，加入 —

““原來決定”(first decision)指成為向牌照上訴委員
會提出的上訴的標的事項的決定；”。

附表 4 在建議的第 6(2)條中，刪去“一人或多於一人”而代以“一名
第 7(a)條 或多於一名具有法律專業資格的人”。

附表 4 (a) 在建議的第 7(1)(a)條中，刪去在“行使”之後的所有字句
第 8 條 而代以“作出該行政決定或有關的原來決定(視屬何情況
而定)的人獲授予的所有權力及酌情決定權；”。

(b) 刪去建議的第 7(2)(b)條而代以 —

“(b) 委員會就反對某上訴委員會決定的上訴作出
裁決。”。

附表 4 刪去(b)及(c)段而代以 —
第 10 條

“(b) 在第(2)款中 —

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(i) 加入 —

“(aa) (如屬反對上訴委員會決定的上訴) 牌照上訴委員會秘書；及”；

(ii) 在(b)段中，廢除“；及”而代以句號；

(iii) 廢除(c)段；

(c) 加入 —

“(3) 如主席作出指示，秘書亦須向以下的人發出通知 —

(a) 在有關的行政決定或原來決定作出之前，任何曾就該決定的標的事項向答辯人作出陳述的人(上訴人除外)；或

(b) 在有關的上訴委員會決定作出之前，任何曾就該決定的標的事項向牌照上訴委員會作出陳述的人(上訴人除外)。”。

附表 4
第 11 條

(a) 在標題中，刪去“作出決定者”而代以“答辯人及牌照上訴委員會”。

(b) 刪去(a)(i)段。

(c) 刪去(a)(iii)(A)及(E)(I)及(iv)段。

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(d) 在(a)(iii)(D)段中，在建議的第9(1)(a)(iia)條中，刪去“作出決定者”而代以“答辯人”。

(e) 加入 —

“(aa) 加入 —

“(1A) 如向委員會提出的上訴所反對的是一項上訴委員會決定，則牌照上訴委員會秘書須在接獲第8(2)條所指的上訴通知後28日內，將以下文件及資料送達秘書、上訴人及任何其他受該上訴委員會決定約束的人：該上訴委員會決定的文本、作出該決定的理由、關於該決定的程序紀錄及閉門商議紀錄、曾就該決定的標的事項向牌照上訴委員會作出陳述的人的名稱，以及牌照上訴委員會認為與該上訴有關並由其管有的任何其他文件。”；”。

(f) 刪去(b)(i)及(ii)段。

(g) 刪去(c)、(d)及(e)段。

附表5
第2條

(a) 在(a)(i)段中，在建議的第6(1)(g)條中，刪去在“的費用”之前的所有字句而代以 —

“(g) 第6A條所提述”。

(b) 在(b)段中，在建議的第6(4A)(b)條中，刪去自“訂立”起至“規則”止的所有字句而代以“決定其程序及為施行該等規例而需訂定的格式”。

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附表 5 在建議的第 6A 條中，刪去自“，以及”起至“修訂”止的所有
第 3 條 字句而代以“、就酒牌的續期、轉讓或修訂，以及就任何人取得酒牌局的批准以代替持牌人管理領有牌照處所”。

附表 5 在建議的“Board”的定義中，刪去“section”而代以
第 4(c)條 “regulation”。

附表 5 刪去建議的第 2A(2)、(3)及(4)條而代以 —
第 6 條

“(2)酒牌局由以下人士組成 —

- (a) 一名主席；
- (b) 一名副主席；及
- (c) 9 名其他成員，

該等人士由行政長官委任。

(3) 根據第(2)款委任的人，須不是公職人員。

(4) 根據第(2)款委任的人，須按照其委任條款任職及離職。

(5) 環境食物局局長如認為有需要，可委任一名酒牌局秘書及其他職員。

(6) 環境食物局局長可委任一名法律顧問，就與申請有關的法律事宜提供意見，而該顧問可出席在酒牌局席前進行的任何聆訊，亦可出席該局的議事會議，並就上述事宜向該局提供意見。”。

附表 5 加入 —

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“8A. **酒牌局會議**

第 13(1)條現予修訂，廢除“3月、6月、9月及12月期間以及在其他”。”。

附表 5 加入 —

“8B. **加入條文**

現加入 —

“13A. **酒牌局可轉授權力及職能**

酒牌局可將其任何權力或職能轉授予屬下的委員會、酒牌局成員或任何公職人員。

13B. **酒牌局會議的法定人數**

酒牌局會議的法定人數為不少於當其時該局成員人數的半數。

13C. **由主席或副主席主持會議**

根據第 2A(2)條委任的主席或副主席必須在酒牌局的任何會議中主持會議。”。

附表 5 加入 —

“8C. **加入條文**

在第 II 部中，加入 —

條次建議修正案**“14A. 酒牌局可決定會議及申請的程序**

酒牌局可決定其會議程序及向該局提出申請的程序，包括提出申請、聆訊及就申請作出決定的方式，以及須就申請遞交或送達哪些文件。”。

附表 5 加入 —

“8D. 表決模式

第 14(2)條現予修訂，廢除“主席”而代以“主持會議的人”。

附表 5 加入 —

“9A. 申請的公告

第 16 條現予修訂，廢除“或標誌”。

附表 5 刪去第 10 條而代以 —

“10. 取代條文

第 17 條現予廢除，代以 —

“17. 酒牌局的決定。向市政服務上訴委員會提出上訴

(1) 酒牌局在接獲申請後可無條件地批准申請，或批准申請但施加它認為適合的條件，或拒絕批准申請。

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(2) 酒牌局除非信納以下事項，否則不得批出酒牌 —

(a) 申請人是持有該牌照的適當人選；

(b) 就與申請有關的處所而言，考慮到 —

(i) 處所的位置及結構；及

(ii) 處所內的消防安全及衛生情況，

該處所是適合用作售賣或供應令人醺醉的酒類的地方；

(c) 在有關個案的整體情況下，批出該牌照並不違反公眾利益。

(3) 酒牌局必須以書面說明作出以下決定的理由 —

(a) 就遭反對的申請作出的決定；或

(b) 拒絕批准申請的決定。

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(4) 根據第 2A(5)條委任的酒牌局秘書必須將酒牌局的決定及作出該決定的理由，以書面通知申請人及其他曾對申請表示關注的人或團體。

(5) 申請人或最少 20 名在與申請有關的處所的 400 米半徑範圍內居住的人，可在第(4)款所指的通知發出後的 28 天內，向市政服務上訴委員會提出針對該決定的上訴。” 。”。

附表 5 刪去第 11 條而代以 —

“11. 對再申請的限制

第 19(2)條現予修訂，廢除在“申請，”之後的所有字句而代以 —

“則酒牌局秘書必須將拒絕一事以及拒絕的理由，以書面通知該人；而該人則可在接獲該通知後的 28 天內，針對該項拒絕向市政服務上訴委員會提出上訴。” 。”。

附表 5 加入 —

“11A. 牌照的發出及有效期

第 20(3)條現予修訂，廢除“、9 個月、6 個月或 3 個月”而代以“或少於 1 年” 。”。

附表 5 刪去第 12 條而代以 —

條次

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“12. **牌照的撤銷與暫時吊銷**

第 23 條現予修訂 —

- (a) 在第(1)款中，在“期間”之後加入“，或拒絕為酒牌續期”；
- (b) 加入 —

“(1A) 在不局限第(1)款的原則下，酒牌局如認為有以下情況，則可將酒牌撤銷或暫時吊銷，或拒絕為酒牌續期 —

- (a) 持有該牌照的人沒有遵從該牌照的條件；
- (b) 持有該牌照的人不再是持有該牌照的適當人選；
- (c) 基於與以下事項有關的理由，該牌照所指明的處所不再是適合用作售賣或供應令人醺醉的酒類的地方 —
 - (i) 處所的位置及結構；

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(ii) 處所內的
消防安全
及衛生情
況；或

(d) 為公眾利益有
此需要。”；

(c) 廢除第(2)款而代以 —

“(2) 酒牌局秘書必
須將根據本條作出的決定以及作
出該決定的理由，以書面通知有
關的人。

(3) 任何人可在接
獲第(2)款所指的通知後的 28 天
內，向市政服務上訴委員會針對
有關決定提出上訴。”。

附表 5 加入 —

“12A. **持牌人患病或不在場**

第 24 條現予修訂，廢除 “\$10” 而代以 “根據
本條例第 6A 條訂明的適當”。

附表 5 刪去第 13 條而代以 —

“13. **臨時牌照的發出**

第 25(2)條現予廢除。”。

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附表 5 刪去第 14 條而代以 —

“14. **會社須領有牌照始可向會員供應酒類**

第 26 條現予修訂 —

(a) 在第(2)款中，廢除“市政局或區域市政局(按情況所需而定)”而代以“酒牌局”；

(b) 廢除第(3)款。”。

附表 5 加入 —

“14A. **持牌人須展示姓名等**

第 26A(1)條現予修訂，在“liquor”之後加入“licence”。

14B. **加入條文**

現加入 —

“26B. **酒牌局可決定牌照的格式**

酒牌局可決定根據本規例批出的牌照的格式。”。

附表 5 刪去第 15 條而代以 —

“15. **對在領有牌照處所僱用青年的限制**

第 29 條現予修訂 —

條次建議修正案

(a) 在第(1)款之後加入 —

“(1AA) 如酒牌局
拒絕給予第(1)(c)款所指的
准許，則必須以書面說明拒
絕的理由。”；

(b) 在第(1A)款中，廢除“向上訴委
員會”而代以“在接獲拒絕通知
後的 28 天內，向市政服務上訴委
員會提出”。”。

附表 5 在建議的第 33 條中，加入 —
第 16 條

“(1A) 本規例中提述訂明費用之處，包括提述
根據《提供市政服務（重組）條例》（1999 年第 號）
第 9(2)條繼續有效的費用，猶如該費用是根據本條例第
6A 條訂明的一樣，直至該費用根據該第 6A 條被取代為
止。”。

附表 7 在《公共財政條例》標題之前加入 —

“《公職指定》

1A. 修訂附表

《公職指定》（第 1 章，附屬法例）的附表現予修
訂，廢除 —

“政務司司長 公眾衛生及市政條例（第 132
章），第 105S 條。”。

附表 7 刪去第 6 條而代以 —

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“6. **指定當局**

《土地(雜項條文)條例》(第 28 章)的附表現
予修訂 —

- (a) 在與第 6(1)、(2)及(2A)條相關的記項的第 3 欄中,廢除“市政局”而代以“食物環境衛生署署長”;
- (b) 在與第 6(3)、(4A)及(5)條相關的記項的第 3 欄中,在“或”之前加入“、食物環境衛生署署長”。

附表 7 刪去“及 4”。
第 10 條

附表 7 在“估價冊”之前加入“有效”。
第 26(a)條

附表 7 在建議的第 56 條中 —
第 30 條

- (a) 在第(2)款中,刪去“根據第 18(1)條”而代以“為第 18(1)條的目的而”;
- (b) 在第(3)款中,刪去首次出現的“根據該條”而代以“為該條的目的而”;
- (c) 在第(4)款中,刪去“根據第 18(1)條”而代以“為第 18(1)條的目的而”。

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附表 7 刪去第 36 條而代以 —

“36. **釋義**

《公眾衛生(動物及禽鳥)條例》(第 139 章)第 2(1)條現予修訂，在“衛生主任”的定義中 —

- (a) 廢除“，以及”而代以頓號；
- (b) 在“執行衛生主任職責的人”之後加入“，包括根據第 17A 條獲授權的公職人員”。

36A. **關乎施行條例的作為的法律責任限制**

第 14 條現予修訂 —

- (a) 在兩度出現的“處長”之後加入“或食物環境衛生署署長”；
- (b) 在“漁農處”之後加入“或食物環境衛生署”。

36B. **加入條文**

現加入 —

“17A. **處長可授權公職人員出任衛生主任**

處長可授權任何公職人員履行本條例賦予衛生主任的職能。”。

附表 7 刪去第 37 條而代以 —

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“37. **進口動物須帶往持牌屠房或政府倉庫**

《公眾衛生(動物及禽鳥)規例》(第139章，
附屬法例)第9條現予修訂 —

(a) 廢除第(1)款而代以 —

“ (1) 在本條中，
“持牌屠房”(licensed
slaughterhouse)指根據《屠房
規例》(第132章，附屬法
例)領有牌照的屠房。”；

(b) 在第(2)款中，廢除“屠場”而代
以“持牌屠房”；

(c) 在第(3)款中 —

(i) 廢除“往屠場”而代以
“往持牌屠房”；

(ii) 廢除“該屠場”而代以
“該屠房”。

附表 7 刪去“、市政局議員、區域市政局議員”而代以“市政局議員、
第 42 條 區域市政局議員或”。

附表 7 刪去在“(第153章)”之後的所有字句而代以 —
第 43 條

“第7(2)條現予修訂 —

(a) 廢除(b)段；

(b) 在(d)段中，廢除“5”而代以“6”。”。

條次建議修正案

附表 7 (a) 在《**野生動物保護條例**》標題之前加入 —

“《貓狗條例》

44A. **釋義**

《貓狗條例》(第 167 章)第 2 條現予修訂，
加入 —

“ “局長” (Secretary)指環境食物局局長；” 。

44B. **規例**

第 3(2)(a)條現予修訂，廢除 “經濟局” 。

附表 7 在 “ “區域市政總署署長。” ” 之後加入 “而分別代以 “食物
第 47 條 環境衛生署署長。” 及 “康樂及文化事務署署長。” ” 。

附表 7 刪去 “Department of Food and Environmental Hygiene” 而代以 “Food
第 53(b)條 and Environmental Hygiene Department” 。

附表 7 在《**商船(雜類航行器)規例**》標題之前加入 —

“《空氣污染管制(指明工序)規例》

65A. **修訂附表 2**

《空氣污染管制(指明工序)規例》(第 311
章，附屬法例)附表 2 中的表格 5 現予修訂，廢除 “規劃
環境地政局局長” 而代以 “環境食物局局長” 。

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65B. **修訂附表 4**

附表 4 現予修訂，廢除兩度出現的“規劃環境地政局局長”而代以“環境食物局局長”。

65C. **修訂附表 5**

附表 5 現予修訂，廢除“規劃環境地政局局長”而代以“環境食物局局長”。

附表 7 在第 83 條之前加入 —

“82A. **生效日期**

《廢物處置(廢物處置的收費)規例》(第 354 章, 附屬法例)第 1 條現予修訂, 廢除“規劃環境地政局”而代以“環境食物局”。

附表 7 刪去 “《廢物處置(廢物處置的收費)規例》(第 354 章, 附屬法
第 83 條 例)”。

附表 7 在《廢物處置(廢物轉運站)規例》標題之前加入 —

“《廢物處置(指定廢物處置設施)規例》

83A. **附表的修訂**

《廢物處置(指定廢物處置設施)規例》(第 354 章, 附屬法例)第 8 條現予修訂, 廢除“規劃環境地政局局長”而代以“環境食物局局長”。

附表 7 在《行車隧道(政府)條例》標題之前加入 —

條次建議修正案

“《水污染管制(一般)規例》

89A. 由監督根據《水污染管制條例》第 19
(3) (b)條刊登的公告的格式

《水污染管制(一般)規例》(第 358 章, 附屬法例)附表 1 現予修訂 —

- (a) 廢除“規劃環境地政局局長”而代以“根據本條例第 5 條”;
- (b) 廢除“而指明”而代以“而訂立”。

附表 7 刪去“Department of Food and Environmental Hygiene”而代以“Food
第 93(b)條 and Environmental Hygiene Department”。

附表 7 在《保護臭氧層條例》標題之前加入 —

“《噪音管制條例》

93A. 釋義

《噪音管制條例》(第 400 章)第 2 條現予修訂, 加入 —

““局長”(Secretary)指環境食物局局長;”。

93B. “局長”取代“規劃環境地政局局長”

第 8A、9(1)及(3)、10(1)及(3)、13A(3)、13B(3)及 27(1)條現予修訂, 廢除所有“規劃環境地政局”。

條次

建議修正案

《噪音管制(上訴委員會)規例》

93C. **表格**

《噪音管制(上訴委員會)規例》(第400章，附屬法例)的附表現予修訂，在表格1、2及2A中，廢除“規劃環境地政局局長”而代以“環境食物局局長”。

附表7 在《性別歧視條例》標題之前加入 —

“《海岸公園條例》

105A. **規例**

《海岸公園條例》(第476章)第20(1)條現予修訂，廢除“規劃環境地政局”而代以“環境食物局”。

《海岸公園及海岸保護區規例》

105B. **附表1的修訂**

《海岸公園及海岸保護區規例》(第476章，附屬法例)第18(1)條現予修訂，廢除“規劃環境地政局”而代以“環境食物局”。

附表7 刪去“Department of Food and Environmental Hygiene”而代以“Food
第113(a) and Environmental Hygiene Department”。
條

附表7 在《香港康體發展局條例》標題之前加入 —

條次建議修正案“127A. **起回骨殖許可**

第 9 條現予修訂，廢除“市政局或區域市政局”而代以“食物環境衛生署署長”。”。

附表 7 (a) 刪去第 130 條之前的標題。

(b) 刪去第 130 至 132 條。

附表 7 加入 —

“《1999 年立法會(修訂)條例》

133. **加入條文**

《1999 年立法會(修訂)條例》(1999 年第 48 號)第 13 條現予修訂，在新訂的第 20V(1)(e)條中，廢除“或臨時區域市政局”而代以“、臨時區域市政局、康樂及文化事務署或民政事務局”。”。

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<u>條次</u>	<u>建議修正案</u>
附表3, 第1條	<p>在(d)段中，加入 —</p> <p>“(da) “公平市值租金” (Fair Market Rent)指差餉物業估價署署長評估的租金；</p> <p>“現行租金” (Current Market Rent)指續簽公眾街市的租約之前所繳付的租金；”。</p>
附表3, 第26條	<p>加入 —</p> <p>“26AA. 加入條文</p> <p>現加入 —</p> <p>79B. 公眾街市攤檔的租金調整</p> <p>(1) 在續簽租約時，公眾街市攤檔的租金，需依據下述方式調整：</p> <p>(a) 按照最近一次由差餉物業估價署評估的公平市值租金；或</p> <p>(b) 以續訂租約前的甲類消費物價指數變動計算（如租約是在1月至6月間期滿，則新租金的調整是以該1月之前的10月的甲類消費物價過去12個月平均計算，如租約是7月至12月期滿，則新租金的調整是以該7月之前的4月的甲類消費物價指數過去12個月平均計算），</p>

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以(a)或(b)段中兩者金額較低者為準，如屬前者，租金須依據附表17予以調整，如屬後者，租金須依據附表18或附表19向上或向下予以調整。

(2) 儘管第(1)款另有規定，在《提供市政服務（重組）條例草案》（1999年第 號）生效後，街市檔戶所繳付的實際租金金額為根據附表17、18或19所調整後的再減予百分之三十。

(3) 在本條內“甲類消費物價指數”（Consumer Price Index (A)）指由政府統計處處長編製而以此為名的指數。”。

附表3 在《屠場規例》標題之前加入 —

“94B. 加入附表

現加入 —

附表17

[第79B條]

街市租金調整程式

- (1) 在差餉物業估價署署長評估的公平市值租金後，如該租金相等或少於現行租金，則後者為需繳付的租金。
- (2) 如公平市值租金超逾現行租金的幅度為100%或不足100%，則公平市值租金需在每年的均等增幅下，在最後一年的租約達致。
- (3) 如超逾的幅度介乎101%與300%之間，則續簽租約後的租金將調整為公平市值租金的75%，以每年均等的加租幅度，至最後一年收取相等於調整額的數目。

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- (4) 如超逾的幅度多於300%，則續簽租約後的租金將調整為公平市值租金的60%，以每年均等的加租幅度，至最後一年收取相等於調整額的數目。

附表 18

[第 79B 條]

如第 79B(1)(b)條被採納成為租金調整的計算基礎，
當公平市值租金高於現行的街市租金時，
向上調整租金百分率的計算方式

公平市值租金與現行街市租金之間的百分率差距 租金向上調整的百分率

$$\frac{(\text{公平市值租金} - \text{現行街市租金})}{\text{現行街市租金}} \times 100\%$$

0 - 50%	無
50.1 - 100%	+ 5%
100.1 - 150%	+ 6%
150.1 - 200%	+ 7%
200.1 - 250%	+ 8%
250.1 - 300%	+ 9%
逾300%	+ 10%

附表 19

[第 79B 條]

如第 79B(1)(b)條被採納成為租金調整的計算基礎，
當現行的街市租金高於公平市值租金時，
向下調整租金百分率的計算方式

條次建議修正案

現行街市租金與公平市值
租金之間的百分率差距

租金向下調整的百分率

$$\frac{(\text{現行街市租金} - \text{公平市值租金})}{\text{公平市值租金}} \times 100\%$$

0.1 - 50%	- 5%
50.1 - 100%	- 6%
100.1 - 150%	- 7%
150.1 - 200%	- 8%
200.1 - 250%	- 9%
逾250.1%	- 10%” 。” 。

附表3 刪去第446條而代以 —

“446. 博物館向公眾開放的日期及時間

第5條現予修訂 —

(a) 在第(1)款中，廢除“向公眾開放的日期及時間，由區域市政局不時決定。”而代以“除了每星期的星期二、農曆年初一及農曆年初二外，全年每天均向公眾開放。”；

(b) 加入 —

“(1A) 博物館向公眾開放的時間，由署長不時決定。”。

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附表3, 加入 —
第500條

“(ba) 在第(2)款中，在“轎子”之後加入“，亦不適用於任何以人手推動，拉動或運送，並只供運載私人物品的手搖車，手推車或其他類似形式的運輸工具””。

附表3 刪去第559條而代以 —

“559. 政府或署長無須就物品的損失
或損毀負上法律責任

第9條現予廢除。”。

附表3 刪去第591條而代以 —

“591. 在公廁內的行為

第5條現予修訂 —

(a) 在(c)段中，廢除“市政局”而代以
“署長”；

(b) 在(d)段中 —

(i) 廢除“遊蕩，或”；

(ii) 廢除“遊蕩或”。”。

附表3 刪去第597條而代以 —

“597. 保留條文

第12條現予廢除。”。

條次建議修正案

附表5 加入 —
第4(c)條

“業主立案法團”(owners corporation)指根據《建築物管理條例》(第344章)第8條註冊的法團；”。

附表5 加入 —

“8CA. 加入條文

現加入 —

“14B. 適用於聆訊的條文

如在聆訊開始後，一名或多於一名並非主席的委員不能繼續聆訊該上訴，則只要餘下成員(包括主席在內)的人數不少於4人並得到各方當事人同意，餘下的委員可繼續聆訊該申請並作出裁定，而該小組仍妥為組成。”。

附表5 加入 —

“9B. 加入條文

現加入 —

“16A. 發出書面通知

酒牌局按照第16條發出公告後，民政事務署署長需在酒牌局考慮該申請之前最少10天，以書面通知在與申請有關處所的400米半徑範圍內所有的業主立案法團。”。

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附表3 加入 —

“26A. 有關街市的規例

第 80(1)條現予修訂，加入 —

“(aa) 就(a)段所提述的店鋪、攤檔、棚
檻、圍欄或檔位，就終止租契、牌
照或許可證的決定，或就調整租金
的決定，向市政上訴委員會提出上
訴；”。

附表 3 刪去第 61 條而代以 —

“61. 申請在某些地點設置火葬場
或在現有的火葬場加入設施時
就任何反對作聆訊的條文

第 124D 條現予修訂 —

(a) 在第(1)款中 —

(i) 在“遺骸，”之後加入“或
向主管當局申請在第 124C(b)
或(c)條提述的建築物或地
方，加入與焚化人類遺骸直
接有關的設施，”；

(ii) 在“所在”之後加入“及設
施”；

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(b) 加入 —

“(1A) 如主管當局決定在任何現有的政府火葬場加入與焚化人類遺骸直接有關的設施，則須安排將指明有關場地所在及須加設施的公告，在憲報連續3期以中英文刊登。”；

(c) 在第(2)款中 —

(i) 在“(1)”之後加入“及(1A)”；

(ii) 在“准許”之後加入“或加入設施”；

(d) 在第(3)款中，在“申請”後加入“或決定是否加入設施”；

(e) 廢除第(4)款而代以 —

“(4)作出決定後，主管當局須在切實可行的時間內將決定及作出該決定的理由，以書面通知申請人及反對人。”；

(f) 加入 —

“(5)依據第(1)款的申請人或依據第(1)及(1A)款的反對人，可在通知書日期30天內，向市政服務上訴委員會作出上訴。”。

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- 附表 3 (a) 在(c)段中，刪去句號而代以分號；
第 256 條 (b) 加入 —

“(d) 在(a)段中，在“圖則有”之後加入“重大”。”。

- 附表 3 在“《遊樂場所規例》”標題之前加入 —

“468A. 加入條文

現加入 —

“25. 過渡性條文

儘管《提供市政服務(重組)條例》(1999
年第 號)對本規則另有修訂，在該等修訂
生效起計的 12 個月內，第 10(1)(m)條並不適
用於持有牌照在緊接該生效前稱為市政局轄區
內的處所經營厭惡性行業的人。”。

- 附表 3 加入 —

“615A. 加入條文

現加入 —

6A. 上訴

根據第 6 條租得店鋪、攤檔、棚檻、圍欄
或檔位的人，就署長終止其租約、租契、牌照
或許可證的決定，或就署長調整租金的決定，
可在通知書的日期 30 天內，向市政服務上訴委
員會提出上訴。”。

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附表 7 在(a)段後加入 —
 第 60 條

“(aa) 加入 —

“2 名委員為文化委員會代表；” 。”。

附表 7 在(a)段後加入 —
 第 104 條

“(aa) 加入 —

“(3)(ca) 2 名委員為文化委員會代表；” 。”。

附表 7 刪去第 128 條而代以 —
 第 128 條

“《香港康體發展局條例》（第 1149 章）第 3(2)條現予修訂 —

(a) 刪去(c)段而代以 —

“(c) 2 名委員會為康樂體育諮詢委員會的代表” ；

(b) 廢除(d)段。”。

Annex VI

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Constitutional Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
5(1)	By adding "or which is to take effect on or after that day" after "appointed day".
8(2)	(a) In paragraph (a) by adding "or which are instituted on behalf of a former authority" after "party".
	(b) In paragraph (b) by deleting "the former authority" and substituting "a former authority".
	(c) In paragraph (e) by deleting "if in force immediately before the commencement date day" and substituting "which is in force immediately before the commencement date or which is to take effect on or after that date".
	(d) In paragraph (i) by adding "or on behalf of" after "issued by".
	(e) In paragraph (j) -
	(i) by deleting "provision of such an enactment" and substituting "former authority or person authorized by the former authority";

<u>Clause</u>	<u>Amendment Proposed</u>
	(ii) by deleting "or provision, if any" and substituting "(if any) or new authority or authorized person, as the case may require".
9	By adding - "(3) For the avoidance of doubt it is stated that the validity of a fee or charge continued in force under subsection (2) as a prescribed fee is not affected by it not being in the required form, until it is varied, amended or replaced by the new authority or under the new provision referred to in that subsection."
10 (1)	By deleting "under the enactment which corresponds to it, if any, and if there is no corresponding enactment,".
11	By deleting subclause (1) and substituting - "(1) The Chief Executive in Council may, by order published in the Gazette, make such consequential amendments to any enactment or provisions of a transitional or savings nature as are necessary for the better carrying out of the provisions of this Ordinance."
Schedule 3, (a) section 1	By deleting paragraph (c) and substituting - "(c) by repealing the definitions of "boarding house", "laundry", "lines", "public table tennis saloon", "Regional Council area", "Regional Services Appeals Board", "Urban Council

Clause

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area", "Urban Services Appeals Board" and "washhouse";".

(b) By adding -

"(ca) by repealing the definition of "registered ventilation contractor" and substituting -

"registered specialist contractor (ventilation works category)"
(註冊專門承建商(通風系統工程類別)) means a person whose name is for the time being on the sub-register for the ventilation works category in the register of specialist contractors maintained under section 8A of the Buildings Ordinance (Cap. 123);";".

(c) In paragraph (d) -

(i) in the proposed definition of "health officer" by deleting paragraph (b) and substituting -

"(b) the Director of Food and Environmental Hygiene, a Deputy Director of Food and Environmental Hygiene or an Assistant Director of Food and Environmental Hygiene,

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and includes a person authorized by the Director of Health or the Director of Food and Environmental Hygiene to perform the functions of a health officer;"

- (ii) in the proposed definition of "prescribed fee" by adding ", 124IA" after "124I".

Schedule 3 By adding -

"2A. Protection of public sewers and drains

Section 6(2) is amended by repealing "only".

Schedule 3 By deleting section 5 and substituting -

"5. Heading substituted

The heading before section 35 is repealed and the following substituted -

"Public latrines and bathhouses".

Schedule 3, In the proposed section 43(1) -
section 16

- (a) by deleting "this Ordinance" and substituting "section 42";
- (b) by deleting "公眾作" and substituting "民眾作".

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Amendment Proposed

Schedule 3 By adding -

"26A. **Regulations in relation to markets**

Section 80(1) is amended by adding -

"(aa) an appeal to the Municipal Services Appeals Board against a decision to terminate a grant referred to in paragraph (a);".

Schedule 3, In the proposed section 81(1) -
section 28

- (a) by deleting "this Ordinance" and substituting "section 80";
- (b) by deleting "公眾" and substituting "民眾".

Schedule 3 By adding -

"30A. **Abatement of overcrowding**

Section 87 is repealed."

Schedule 3 By adding -

"40A. **Offences**

Section 92C(2) is amended by adding "or 92AB" after "92A".

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Schedule 3, By deleting paragraph (b) and substituting -
section 47

"(b) by repealing subsection (2).".

Schedule 3 By adding -

"49A. **Public meetings**

Section 105R is repealed.".

Schedule 3 By adding -

"49B. **Consent of Chief Secretary for
Administration**

Section 105S is repealed.".

Schedule 3 By adding -

"49C. **Prevention of unauthorized public
meetings in civic centres**

Section 105T is repealed.".

Schedule 3, By deleting "organized" where it secondly appears.
section 50

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Schedule 3, In the proposed section 110(1) -
section 52

- (a) by deleting "this Ordinance" and substituting "section 109";
- (b) by deleting "公眾作" and substituting "民眾作".

Schedule 3, In the proposed section 117(1) -
section 56

- (a) by deleting "this Ordinance" and substituting "section 116";
- (b) by deleting "公眾作" and substituting "民眾作".

Schedule 3 By deleting section 61 and substituting -

"61. **Provision for hearing objections
where application for
crematorium in certain
locations**

Section 124D is amended -

- (a) in subsection (4) by repealing "Appeals Board" and substituting "Municipal Services Appeals Board";
- (b) by adding -

"(5) Any appeal under subsection (4) must be made within 30 days after receiving notice of the

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decision."."

Schedule 3, (a) In the proposed section 124I(1) -
section 63

(i) in paragraph (f) by deleting "the registration or licensing of public slaughterhouses or";

(ii) by adding -

"(sa) the insertion of an inscription in a book kept at a garden of remembrance for recording commemorative inscriptions;"

(b) By adding -

"124IA. Authority may prescribe fees and charges for matters specified in Schedule 16

(1) The Authority may by regulation provide for the fees and charges payable by an individual as a member of the public in connection with the matters specified in Schedule 16.

(2) For the purposes of subsection (1) the following is not included -

(a) fees and charges payable in connection with the admission to a venue or facility specified in Schedule 16 -

(i) of members of a club, institution, association or other

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- organization as members thereof;
or
- (ii) for a commercial purpose; or
- (b) fees and charges payable in connection with the use of a venue, service or facility specified in Schedule 16 -
- (i) by members of a club, institution, association or other organizations as members thereof;
- (ii) for games, sports or other activity organized or arranged by or on behalf of a club, institution, association or other organization;
- (iii) for trading or advertising; or
- (iv) for a commercial purpose.

(3) The Authority may prescribe different fees and charges for persons or cases of

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different classes or descriptions under subsection (1).

(4) The Authority may by order published in the Gazette amend Schedule 16.

(5) An order under subsection (4) is subject to the approval of the Legislative Council."

(c) In the proposed section 124J -

(i) by deleting subsection (1) and substituting -

"(1) Subject to section 124IA(1), any fee or charge payable in connection with the admission to or the use for any purpose of a venue, service or facility relating to a cultural or leisure activity provided by the Authority or which is under the control and management of the Authority may be determined by the Authority with the approval of the Financial Secretary.";

(ii) in the Chinese text by deleting subsection (2) and substituting -

"(2) 根據本條為任何項目而釐定的費用，可因應不同界別或類別的人或情況而有所不同。"

(d) In the proposed section 124L by adding ", 124IA" after "124I".

Schedule 3 By adding -

"64A. **Section added**

The following is added in Part XIB -

Clause

Amendment Proposed

"124M. **Interpretation of Part XIB**

In this Part, unless the context otherwise requires -

"Board" (委員會) means the Licensing Appeals Board established under section 125A;

"Chairman (主席) means the person appointed to that office under section 125A(2);

"secretary" (秘書) means the secretary to the Board appointed under section 125G(1);

"Vice-Chairman"(副主席) means the person appointed to that office under section 125A(2).".".

Schedule 3, (a) In the proposed section 125A -
section 66

(i) by deleting subsection (2) and substituting -

"(2) The Board is to consist of -

(a) a Chairman;

(b) a Vice-Chairman; and

(c) not less than 13 other members,

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appointed by the Chief Executive in accordance with this section.";

- (ii) in subsection (4) by deleting "of the Board" and substituting "or Vice-Chairman";
 - (iii) in subsection (5) by deleting "or Chairman" and substituting ", Chairman or Vice-Chairman";
 - (iv) by deleting subsections (6) and (7).
- (b) In the proposed section 125B -
- (i) in the heading by adding "**and appeals from its decisions**" after "**Board**";
 - (ii) in subsection (4) by deleting "dissatisfied with" and substituting "who appeals to the Board, if dissatisfied with the";
 - (iii) by adding -
 - "(5) If an appeal is made under subsection (4), the Board may, in its discretion, suspend the operation of the decision to which the appeal relates, pending the determination of the appeal."
- (c) By deleting the proposed section 125C and substituting -
- "125C. How the Board is to be constituted for the purposes of an appeal**

Clause

Amendment Proposed

(1) For the purposes of hearing an appeal or making a decision for the purposes of section 125B(5), the Board is to consist of -

(a) the Chairman or Vice-Chairman; and

(b) 4 other members nominated under subsection (2).

(2) The secretary must nominate 4 members for the purposes of subsection (1)(b).

(3) In nominating members under subsection (2), the secretary is subject to the direction of the Chairman or Vice-Chairman."

(d) In the proposed section 125D by adding "the" after "and".

(e) In the proposed section 125E -

(i) in subsection (1) by deleting "of the Board" and substituting "or Vice-Chairman";

(ii) in subsections (3), (4) and (5) by deleting "Chairman" wherever it appears and substituting "person presiding".

(f) By adding -

"125EA. Board to give reasons for decision

(1) The Board must give reasons for its decisions.

ClauseAmendment Proposed

(2) The secretary must serve a copy of the Board's decision and of the reasons for the decision on the parties to an appeal."

(g) In the proposed section 125F -

(i) by renumbering it as section 125F (1);

(ii) by adding -

"(2) The rules made under subsection (1) are subsidiary legislation."

(h) By adding -

"125FA. Meetings of the Board other than appeal hearings

At a meeting of the Board, other than an appeal hearing or a meeting for the purposes of section 125B (5) -

(a) the quorum shall be not less than half the members of the Board for the time being;

(b) the Chairman or Vice-Chairman shall preside;

(c) decisions are to be made by a majority of the members present and voting; and

(d) the person presiding has a casting vote."

Clause

Amendment Proposed

- (i) In the proposed section 125G -
- (i) by renumbering it as section 125G (1);
- (ii) in subsection (1)(b) by deleting "(which may include a legal adviser)";
- (iii) By adding -

"(2) The Secretary for the Environment and Food may appoint a legal adviser to advise on legal matters relating to an appeal and the legal adviser may be present at any hearing before the Board or deliberations of the Board to so advise the Board."

Schedule 3 By deleting section 75 and substituting -

"75. **Authentication and production
in evidence of documents**

Section 135 is amended -

- (a) by repealing "or public body" wherever it appears;
- (b) by adding -

"(3) Notwithstanding the amendments made to this section by the Provision of Municipal Services (Reorganization) Ordinance (of 1999), on and after the

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commencement of those amendments, subsection (2) applies to any order, notice, demand, certificate or other document made and signed before that commencement and to which that subsection would have applied if not for such commencement, as if those amendments had not been made."."

Schedule 3 By adding -

"83A. **Section added**

The following is added -

"154. **Transitional**

Any reference in subsidiary legislation made under this Ordinance to prescribed fee or fee determined under section 124J includes a reference to a fee continued in force under section 9(2) of the Provision of Municipal Services (Reorganization) Ordinance (of 1999) as if prescribed under section 124I, 124IA or 124K or determined under section 124J, as the case may be, until the relevant fee is replaced under section 124I, 124IA, 124J or 124K."."

Schedule 3, In the proposed Third Schedule -
section 84

Clause

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(a) by deleting -

"83B Secretary for the
Environment and Food"

and substituting -

"83B Director of Food and
Environmental Hygiene";

(b) by adding -

"105E Director of Leisure and
Cultural Services";

(c) by deleting "118(1), (4) and (5)" and substituting
"118(1) and (4)";

(d) by adding -

"124IA Secretary for Home Affairs".

Schedule 3, In the proposed Sixth Schedule by deleting -
section 87

"92AB Director of Food and Environmental Hygiene

92C Director of Food and Environmental Hygiene"

and substituting -

"92C Director of Leisure and Cultural Services in
respect of section 92A and Director of Food
and Environmental Hygiene in respect of
section 92AB".

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Schedule 3 By deleting section 88 and substituting -

"88. **Forms**

The Seventh Schedule is amended -

- (a) in Form F -
 - (i) by repealing "or public body";
 - (ii) in Note 1 -
 - (A) by repealing "of \$60,000" and substituting "at level 6";
 - (B) by repealing "\$1,000" and substituting "\$1,750";
 - (iii) in Note 3 by repealing "of \$10,000" and substituting "at level 4";
- (b) in Form G -
 - (i) by repealing "or public body" where it twice appears;
 - (ii) in Note 1 -

Clause

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(A) by repealing "of \$60,000" and substituting "at level 6";

(B) by repealing "\$1,000" and substituting "\$1,750";

(iii) in Note 2 by repealing "of \$10,000" and substituting "at level 4".

Schedule 3 By adding -

"89A. **Penalties**

The Ninth Schedule is amended by repealing -

"105F(3) level 2 -

105S(1) level 3 and 3 months imprisonment -".

Schedule 3, By deleting paragraph (b) and substituting -
section 91

"(b) by repealing "Public table tennis saloon" and "Undertaker of burials".

Schedule 3 By adding before the heading "**Abattoirs Regulation**" -

"94A. **Schedule added**

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The following is added -

"SCHEDULE 16
[S.124IA]

MATTERS FOR WHICH SECRETARY
FOR HOME AFFAIRS MAY BY
REGULATION PROVIDE FOR FEES
AND CHARGES

1. Public swimming pools

Admission
2. Museums

Admission
3. Libraries

Admission
4. Public pleasure grounds
 - (a) Hire of tennis courts
 - (b) Hire of basketball courts
 - (c) Hire of squash courts
 - (d) Hire of football pitches
 - (e) Hire of table tennis tables
 - (f) Hire of badminton courts

Clause

Amendment Proposed

5. Holiday camps

Camp fees".

Schedule 3, By deleting paragraphs (b) and (c) and substituting -
section 100

"(b) in subsection (2) by repealing everything from "if" to "Ordinance" and substituting "if there is a prescribed fee for that purpose";

(c) in subsection (3) by repealing everything after "pay" and substituting "the prescribed fee, if any, for night slaughter.". .

Schedule 3 By deleting section 146 and substituting -

"146. **Section repealed**

Section 3 is repealed.". .

Schedule 3 By deleting section 148 and substituting -

"148. **Section repealed**

Section 5 is repealed.". .

Schedule 3, By deleting ", 10 and 11" and substituting "and 10".
section 149

ClauseAmendment Proposed

Schedule 3 By adding -

"149A. **Section amended**

Section 11 is amended by repealing everything from "such" to ", or" and substituting "sign".

Schedule 3, By deleting subparagraph (ii) and substituting -
section 151

(a) (ii) by replacing "3(1)、5(1)、6、8、9、10" and substituting "6";

Schedule 3 By deleting everything after "aside" and substituting "by the section 157 Director for use by the public for cooking."

Schedule 3, By deleting paragraphs (a) and (b) and substituting -
section 158

"(a) by repealing "Council (which may be granted on payment of such fee as the Council thinks fit)" and substituting "Director";

Schedule 3 By deleting section 165 and substituting -

"165. **Public meetings and assemblies**

Section 13 is repealed."

Schedule 3 By deleting section 167 and substituting -

Clause

Amendment Proposed

"167. **Offences and penalties**

Section 16 is amended -

- (a) by repealing "by-law" where it twice appears and substituting "section";
- (b) in paragraph (a) by repealing "13, ".".

Schedule 3, By deleting paragraph (a) and substituting -
section 174

"(a) in subsection (1) -

- (i) in paragraph (a) by repealing "these by-laws;" and substituting "this Regulation; or";
- (ii) by repealing paragraph (b);".

Schedule 3, By deleting "he" and substituting "him".
section 175

(b) (i)

Schedule 3 By deleting section 209 and substituting -

"209. **Conduct and behaviour**

Section 15 is amended -

- (a) in paragraph (a) by repealing "Council" and substituting

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- "Director of Food and Environmental Hygiene";
- (b) by repealing paragraph (c);
- (c) in paragraph (h) by repealing everything from "or is" to "clad".

Schedule 3 By deleting section 217 and substituting -

"217. **Conduct and behaviour**

Section 22 is amended -

- (a) in paragraph (a) by repealing "Council" and substituting "Director of Food and Environmental Hygiene";
- (b) by repealing paragraph (c);
- (c) in paragraph (e) by repealing "Council" and substituting "Director of Food and Environmental Hygiene";
- (d) in paragraph (h) by repealing everything from "or is" to "clad".

Schedule 3, By deleting paragraph (b) and substituting -
section 219

- "(b) by repealing "the Council" where it secondly appears and substituting "that Director";

Clause

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(c) by repealing everything after "payment" and substituting "of the prescribed fee."."

Schedule 3, (a) In the heading by deleting "**amended**" and substituting section 224 "**substituted**".

(b) In the proposed Schedule by adding at the end -

"59. The first floor of Urban Council Sam Ka Tsuen Complex, 6 Lei Yue Mun Path, Sam Ka Tsuen, Kwun Tong, Kowloon.".

Schedule 3 By adding before the heading "**Dried Milk Regulations**" -

"Designation of Museums Order

224A. **Schedule amended**

The Schedule to the Designation of Museums Order (Cap. 132 sub.leg.) is amended by repealing "Urban Council Area" and "Regional Council Area"."

Schedule 3, By adding -
section 233

(a) "(iia) in the definition of "shell fish" by repealing everything after "include" and substituting "molluscs or crustaceans in the form of sashimi or forming part of sushi, or oyster to be eaten in its raw state";

(iib) in the definition of "wholesale market" by adding ", but does not include the Western Wholesale Food Market" after "Fisheries";".

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Schedule 3, In the proposed section 28(a) by deleting "Harbour" and section 248 substituting "harbour".

Schedule 3, (a) In paragraph (c) by adding -
section 249

"(ia) by repealing "or destroyed" and substituting ", destroyed or accidentally defaced";".

(b) By deleting paragraph (e) (v).

Schedule 3, By adding -
section

250(e) "(ia) by repealing "or destroyed" and substituting ", destroyed or accidentally defaced";".

Schedule 3, (a) In paragraph (d) by deleting the full stop and substituting a
section 255 semicolon.

(b) By adding -

"(e) in subsection (6) by repealing "appropriate" and substituting "prescribed".".

Schedule 3 By deleting section 277 and substituting -

"277. **Hawkers of frozen confections**

Clause

Amendment Proposed

**to wear uniforms and
display numbers**

Section 16 is repealed."

Schedule 3, By adding -
section 280

(a) "(va) by adding -

"(ha) no part of the premises in
which any frozen confection
is manufactured or stored
contains a soil fitment or
latrine fitment or
communicates directly with
a room or other place which
contains a soil fitment or
latrine fitment;";".

Schedule 3, By deleting paragraph (b) and substituting -
section 296

"(b) in subsection (2A) -

(i) by repealing "bylaw" and substituting
"section";

(ii) by repealing "appropriate" and
substituting "prescribed";".

Schedule 3, By adding -
section 297

(a) "(iii) in paragraph (a) by repealing "16,";".

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Schedule 3 By deleting section 304 and substituting -

"304. **Refusals and revocations**

Section 5 is amended -

- (a) by repealing "Council" where it twice appears and substituting "Director";
- (b) by repealing "21" and substituting "18".

Schedule 3, (a) In paragraph (e) by deleting "'hawker badge'",
section 316

(b) By adding -

"(ea) by repealing the definition of "hawker badge"
and substituting -

"'hawker badge" (小販證) means a
badge issued under section
10A;"

Schedule 3 By deleting section 325 and substituting -

"325. **Hawker badges**

Section 10A is amended -

- (a) in subsection (1) -

Clause

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- (i) by repealing "these by-laws the Council" and substituting "this Regulation the Director";
- (ii) by repealing "徽章" where it twice appears and substituting "證";
- (b) in subsection (2), by repealing "徽章" where it twice appears and substituting "證";
- (c) in subsection (3) -
 - (i) by repealing "徽章" where it first, secondly and thirdly appears and substituting "證";
 - (ii) by repealing "徽章" where it fourthly appears and substituting "該證".

Schedule 3, By deleting the proposed section 14 and substituting -
section 329

**"14. Licence, etc. not to be altered
or defaced**

(1) A person shall not alter, deface or make any erasure on a licence, hawker badge or pitch card.

(2) A person shall not use or have in his possession with a view to using a licence, hawker badge or

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pitch card on which an erasure has been made or which has been altered or defaced unless -

- (a) the alteration is authorized; or
- (b) the licence, hawker badge or pitch card has been defaced or damaged accidentally."

Schedule 3 By deleting section 350 and substituting -

"350. **Fixed pitches to be kept in safe and clean condition**

Section 39 is amended -

- (a) by repealing subsection (1);
- (b) in subsection (2) by repealing "by-law 31" and substituting "section 33".

Schedule 3, By deleting "Department of Food and Environmental Hygiene" section 360 and substituting "Food and Environmental Hygiene Department".

(c) (ii) and

(e) (ii)

Schedule 3, (a) In paragraph (b) by adding -
section 366

"(ia) by repealing "to 24" and substituting ", 24";".

Clause

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(b) By deleting paragraph (d) and substituting -

"(d) in subsection (5) -

(i) by repealing "by-laws" and substituting "sections";

(ii) by repealing "29, ";".

(c) In paragraph (g) (ii) by deleting "Department of Food and Environmental Hygiene" and substituting "Food and Environmental Hygiene Department".

Schedule 3 By adding -

"367A. **"證" substituted for "徽章"**

Section 11(2), 15(3), 16, 17, 20 and 56(3A) are amended by repealing "徽章" wherever it appears and substituting "證".

Schedule 3, By deleting "library card" and substituting "library card,".
section 379

(a)

Schedule 3 By deleting section 386 and substituting -

"386. **Section substituted**

Section 17 is repealed and the following

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substituted -

"17. Borrower may reserve library material not immediately available

A borrower who desires to borrow any library material which is not immediately available in a library may reserve that library material by paying the appropriate fee determined under section 124J of the Ordinance."."

Schedule 3, By adding "as" before "directed".
section
388(a) (i)

Schedule 3, By deleting paragraph (b) and substituting -
section 396

"(b) by repealing subsection (4);".

Schedule 3 By adding -

"396A. Restriction on writing materials, etc.

Section 34A is repealed."."

Schedule 3, By deleting "Director" and substituting "Government".
section 401
(a)(ii)

Schedule 3, (a) By deleting -

Clause

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section 405

"Ap Le Chau Market 鴨脷洲街市".

(b) By deleting -

"Apleichau West Industrial 鴨脷洲西岸工
Area Cooked Food 業邨熟食市
Market 場".

(c) By deleting -

Nelson Street Temporary 奶路臣街臨時
Cooked Food Market 熟食市場".

(d) By adding at the end -

"Sai Ying Pun Market 西營盤街市
Stanley Temporary Market 赤柱臨時街市
Yee On Street Market 宜安街街市".

Schedule 3, By deleting "the Secretary" and substituting "Secretary".
section 409

Schedule 3, By adding -
section 419

"(da) by adding -

"(ha) no part of the premises in which milk or any milk beverage is processed, reconstituted or stored, contains a soil fitment or latrine fitment or communicates directly with a room or

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other place which contains a soil fitment or latrine fitment;"

Schedule 3, By adding before paragraph (a) -
section 424

"(aa) in subsection (1) by adding "and the temperature to which the milk or the milk beverage is subsequently cooled" after "heated";".

Schedule 3, By deleting paragraph (d) and substituting -
section 448

"(d) by repealing subsection (6);".

Schedule 3, By deleting paragraph (a) and substituting -
section 465

"(a) by repealing "Council may in its absolute discretion" and substituting "Director may";".

Schedule 3 By adding -

"466A. **Restrictions as to certain
person**

Section 21 is amended by repealing "14" and substituting "15".

Schedule 3, By adding -
section 475

"(aa) by repealing "21" and substituting "18";".

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Schedule 3 By deleting section 481 and substituting -

"481. **Offences and penalties**

Section 19 is amended -

- (a) by repealing "bylaw" and substituting "section";
- (b) by repealing ", 26 or 28" and substituting "or 26".

Schedule 3 By deleting section 487 and substituting -

"487. **Part repealed**

Part V is repealed."

Schedule 3 By deleting section 488 and substituting -

"488. **Schedule amended**

Schedule 1 is amended -

- (a) by repealing "[bylaw 4]" and substituting "[s. 4]";
- (b) by repealing -

"Public table 1 year".
tennis saloon

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Schedule 3, By deleting paragraph (d) and substituting -
section 489

"(d) by repealing Form 4."

Schedule 3, By deleting subparagraph (ii) and substituting -
section 495

(b) "(ii) by repealing "the Council may determine" and
substituting "determined under section 124J of the
Ordinance"."

Schedule 3, By deleting "for cooking purposes other than in" and substituting
section 497 "other than in an".

(c)

Schedule 3, (a) In paragraph (b) by deleting "destroy or remove" and
section 498 substituting ", destroy or remove".

(b) In paragraph (c) (i) by deleting "destroy or release" and
substituting ", destroy or release".

Schedule 3, By deleting subparagraph (i).
section 500

(a)

Schedule 3 By adding -

"502A. **Kites, model aircraft,
balloons, etc.**

Section 17 is amended by repealing "Council"
and substituting "Director".

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Schedule 3, (a) By deleting paragraph (a) (i) and substituting -
section 505

"(i) in paragraph (a) by repealing "Council"
and substituting "Director";".

(b) By deleting paragraph (b) (i).

Schedule 3 By deleting section 510 and substituting -

"510. **Public addresses, etc.**

Section 28 is repealed."

Schedule 3 By deleting section 511 and substituting -

"511. **Offences and penalties**

Section 30 is amended -

(a) by repealing "bylaw" where it
twice appears and substituting
"section";

(b) in paragraph (a) by repealing
", 28, ".".

Schedule 3, By deleting paragraph (e) and substituting -
section 534

"(e) in subsection (7) -

(i) by repealing "Council" and substituting

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"Director";

- (ii) in the proviso by repealing "fee prescribed" and substituting "prescribed fee".

Schedule 3, By deleting "Department of Food and Environmental Hygiene" section 546 and substituting "Food and Environmental Hygiene Department".
(b)

Schedule 3, By deleting "Department of Food and Environmental Hygiene" section 555 and substituting "Food and Environmental Hygiene Department".

Schedule 3, By deleting "Department of Food and Environmental Hygiene" section 558 and substituting "Food and Environmental Hygiene Department".
(d) (ii)

Schedule 3, By deleting paragraph (a) and substituting -
section 561

"(a) by repealing subsection (1) and substituting -

"(1) Subject to subsection (2), the prescribed fee is payable to the Director for the burial of human remains, the setting up of any monument or enclosure over or around any grave and the construction of any vault or urn.";

Schedule 3 By deleting section 590 and substituting -

"590. **Fees for use of compartments in certain public latrines**

Section 4 is repealed."

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Schedule 3 By deleting section 593 and substituting -

"593. **Communicable diseases**

Section 8 is repealed."

Schedule 3, By deleting subparagraph (ii) and substituting -
section 595

- (a) "(ii) by repealing "4, 5, 6, 7 or 8" and substituting "5, 6, 6a or 7";".

Schedule 3, By deleting paragraph (a) and substituting -
section 601

- "(a) in subsection (1) -
- (i) by repealing "Council" where it twice appears and substituting "Director";
 - (ii) in paragraph (b) by repealing "appropriate fee prescribed in the Schedule" and substituting "prescribed fee set out in the Schedule";".

Schedule 3, (a) In paragraph (a) -
section 608

- (i) by deleting subparagraph (i) and substituting -
- "(i) by repealing "Subject to paragraph (2), the" and substituting "The";";
- (ii) by adding -

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"(ia) by repealing "fees listed" and substituting "prescribed fees set out";".

(b) By deleting paragraph (b) and substituting -

"(b) by repealing subsection (2).".

Schedule 3 By deleting section 615 and substituting -

"615. **Letting of market stalls**

Section 6 is amended -

(a) by renumbering it as section 6(1);

(b) in subsection (1) -

(i) by repealing "Council" and substituting "Director";

(ii) by repealing "it" and substituting "he";

(iii) by adding "一個" after "予任何";

(c) by adding -

"(2) A person to whom a stall is let under subsection (1) may appeal to the Municipal Services Appeals Board against any decision of the Director to

Clause

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terminate the lease, licence or permit by which the stall is let to the person, within 14 days after receiving notice of the termination."."

Schedule 3 By deleting section 620 and substituting -

"620. **Power to prohibit persons carrying on business in public markets in certain cases**

Section 13 is repealed."

Schedule 3, (a) By deleting paragraph (a) and substituting -
section 621

"(a) in subsection (1) by repealing "by-law" and substituting "section";"

(b) By adding -

"(aa) by repealing subsection (2);"

Schedule 3 By deleting section 626 and substituting -

"626. **General offences**

Section 4 is amended -

(a) in paragraphs (a) and (d) by repealing "Council" and substituting "Director";

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- (b) in paragraph (k) by repealing "sparsely clad" and substituting "improperly clad".

Schedule 3, By deleting the proposed section 10 and substituting -
section 631

"10. Fees and charges

(1) A person using a swimming pool during a session specified under section 9 shall pay to the Director the prescribed fee or the fee determined under section 124J of the Ordinance as may be appropriate.

(2) Except with the prior permission of an attendant, no person shall enter the precincts of a swimming pool without first having paid the appropriate fee under subsection (1)."

Schedule 3, In the heading by deleting "**rules**" and substituting "**subsidiary section 632 orders**".

Schedule 3, By deleting "條例" and substituting "附例".
section 633

Schedule 3, By deleting "Department of Food and Environmental Hygiene" section 638 wherever it appears and substituting "Food and Environmental Hygiene Department".

Schedule 3, By deleting "wherever" and substituting "where".

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section 651

(a) (i)

Schedule 3, By adding -
section 705

(a) "(iii) in paragraph (h) in the proviso by adding ",
such as aqua-privies and chemical closets,
approved by the Director" after
"accommodation";".

Schedule 3 By adding -

"706A. **Section substituted**

Section 10 is repealed and the following
substituted -

"10. Quality of water

A licensee of a swimming pool
shall cause the water in the swimming pool to
be maintained to -

(a) a standard of
bacteriological
quality, such that -

(i) Escherichia coli
is absent in pool
water samples
of 100 mL

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each, taken at any time at any location in the swimming pool; and

- (ii) the total bacterial count as determined by the 48-hour plate count method at 37°C does not exceed 200 bacteria per mL of pool water sample taken at any time at any location in the swimming pool; and

- (b) a standard of clarity, such that -

- (i) the turbidity of water as expressed in Nephelometric Turbidity Units does not exceed 5; and

- (ii) the colour of

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water as
expressed in
Hazen Units
does not exceed
5; and

- (c) a standard of pH value
of not less than 7.0
and not more than
7.8."."

Schedule 3 By deleting section 721 and substituting -

"721. **Refusals and revocations**

Section 7 is amended -

- (a) by repealing "Council" where it
twice appears and substituting
"Director";
- (b) by repealing "21" and substituting
"18"."

Schedule 3, By deleting section 722 and substituting -
section 722

"722. **Section substituted**

Section 8 is repealed and the following
substituted -

"8. Licence not to be altered or defaced

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(1) A person shall not alter, deface or make any erasure on a licence.

(2) A person shall not use or have in his possession with a view to using a licence on which an erasure has been made or which has been altered or defaced unless -

(a) the alteration is authorized;
or

(b) the licence has been defaced or damaged accidentally."."

Schedule 3, (a) In paragraph (b) by deleting the full stop and substituting a section 731 semicolon.

(b) By adding -

"(c) by repealing "registered ventilation contractor" wherever it appears and substituting "registered specialist contractor (ventilation works category)"."

Schedule 4, (a) In subparagraph (iv), in the proposed definition of section 3(b) "respondent" by deleting paragraph (b) and substituting -

"(b) an appeal board decision, the person who made the first decision;"

(b) In subparagraph (viii), by adding -

" "first decision" (原來決定) means a decision which was the subject matter of an appeal to the

Clause

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Licensing Appeals Board;".

Schedule 4, In the proposed section 6(2) by adding "who are legally qualified" section 7(a) after "persons".

Schedule 4, (a) In the proposed section 7(1) (a) by deleting "decision which section 8 was the subject matter of the appeal board decision" and substituting "first decision".

(b) In the proposed section 7(2) (b) by deleting everything after "decision" where it first appears and substituting a full stop.

Schedule 4, By deleting paragraphs (b) and (c) and substituting - section 10

"(b) in subsection (2) -

(i) by adding -

"(aa) in the case of an appeal against an appeal board decision, the secretary to the Licensing Appeals Board; and";

(ii) in paragraph (b) by repealing "; and" and substituting a full stop;

(iii) by repealing paragraph (c);

(c) by adding -

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"(3) If the Chairman so directs, the Secretary shall also give notice to any person (other than the appellant) who has made representations -

- (a) to the respondent, on the subject matter of the administrative decision or the first decision, before the relevant decision was made; or
- (b) to the Licensing Appeals Board, on the subject matter of the appeal board decision, before that decision was made."."

Schedule 4, (a) In the heading by deleting "**Decision maker**" and section 11 substituting "**Respondent and Licensing Appeals Board**".

- (b) By deleting paragraph (a) (i).
- (c) By deleting paragraph (a) (iii) (A) and (E) (I) and (iv).
- (d) In paragraph (a) (iii) (D), in the proposed section 9(1) (a) (ia) by deleting "decision maker" and substituting "respondent".
- (e) By adding -

Clause

Amendment Proposed

"(aa) by adding -

"(1A) If the appeal to the Board is against an appeal board decision, the secretary to the Licensing Appeals Board shall, within 28 days after receiving notice of an appeal under section 8(2), serve on the Secretary, the appellant and any other person bound by the appeal board decision, a copy of the appeal board decision, the reasons for that decision, the minutes of proceedings and private deliberations relating to that decision, the names of persons who has made representations to the Licensing Appeals Board on the subject matter of that decision and any other document which is in the possession of the Licensing Appeals Board and considered by the Licensing Appeals Board to be relevant to the appeal.";

(f) By deleting paragraph (b) (i) and (ii).

(g) By deleting paragraph (c), (d) and (e).

Schedule 5, (a) In paragraph (a) (i), in the proposed section 6(1) (g) by section 2 deleting everything from "for" to "(n)" and substituting "referred to in section 6A".

(b) In paragraph (b), in the proposed section 6(4A) (b) by deleting "make rules for regulating proceedings before it" and substituting "determine its procedures and forms for the purposes of those regulations".

ClauseAmendment Proposed

Schedule 5, In the proposed section 6A by adding "and for authorizing a section 3 person to manage premises for which a licence has been issued, in place of the licence holder" after "licence" where it thirdly appears.

Schedule 5, In the proposed definition of "Board" by deleting "section" and section 4(c) substituting "regulation".

Schedule 5, By deleting the proposed regulation 2A(2),(3) and (4) and section 6 substituting -

"(2) The Board is to consist of -

- (a) a Chairman;
- (b) a Vice Chairman; and
- (c) 9 other members,

appointed by the Chief Executive.

(3) A public officer may not be appointed under paragraph (2).

(4) A person appointed under paragraph (2) is to hold any vacate office in accordance with that person's terms of appointment.

(5) The Secretary for the Environment and Food may appoint a secretary to the Board and other staff as the Secretary considers necessary.

Clause

Amendment Proposed

(6) The Secretary for the Environment and Food may appoint a legal adviser to advise on legal matters relating to an application and the legal adviser may be present at any hearing before the Board or deliberations of the Board to so advise the Board."

Schedule 5 By adding -

"8A. **Meetings of Board**

Regulation 13(1) is amended by repealing "during March, June, September and December and at such other times" and substituting "as often".

Schedule 5 By adding -

"8B. **Regulations added**

The following are added -

"13A. **Board may delegate powers and functions**

The Board may delegate any power or function of the Board to a committee of the Board, a member of the Board or a public officer.

13B. **Quorum for meeting of Board**

ClauseAmendment Proposed

The quorum for a meeting of the Board is not less than half its members for the time being.

13C. Chairman or Vice Chairman to preside

The Chairman or Vice Chairman appointed under regulation 2A(2) must preside at any meeting of the Board."."

Schedule 5 By adding -

"8C. Regulation added

The following is added in Part II -

"14A. Board may determine procedure for meetings and applications

The Board may determine the procedure for meetings of and applications to the Board including the manner of making, hearing and determining applications and the documents to be lodged or served in connection with applications."."

Schedule 5 By adding -

"8D. Mode of voting

Regulation 14(2) is amended by repealing "chairman" and substituting "person presiding"."

Clause

Amendment Proposed

Schedule 5 By adding -

"9A. **Advertisement of applications**
Regulation 16 is amended by repealing "or
sign".".

Schedule 5 By deleting section 10 and substituting -

"10. **Regulation substituted**

Regulation 17 is repealed and the following
substituted -

"17. **Decisions of Board and
appeals to Municipal
Services Appeals
Board**

(1) Upon application the Board
may grant a liquor licence without conditions or
subject to such conditions as it thinks fit, or
refuse the application.

(2) The Board shall not grant a
liquor licence unless it is satisfied -

(a) that the applicant is a
fit and proper person
to hold the licence;

ClauseAmendment Proposed

(b) that the premises to which the application relates are suitable for selling or supplying intoxicating liquor, having regard to -

(i) the location and structure of the premises; and

(ii) the fire safety and hygienic conditions in the premises;

(c) that in all the circumstances the grant of the licence is not contrary to the public interest.

(3) The Board must give reasons in writing -

(a) for any decision on an application in respect of which there is an objection; or

(b) for any decision to refuse an application.

Clause

Amendment Proposed

(4) The secretary to the Board appointed under regulation 2A (5) must give notice in writing of the Board's decision, together with reasons, to the applicant and any other person who or body which has expressed an interest in the application.

(5) The applicant or 20 or more persons residing within a radius of 400 metres from the premises to which the application relates may, within 28 days after the date of the notice under paragraph (4), appeal to the Municipal Services Appeals Board against the decision."."

Schedule 5 By deleting section 11 and substituting -

"11. **Restriction against further applications**

Regulation 19(2) is amended by repealing everything after "(1)(b)," and substituting -

"the secretary to the Board must give notice in writing of the refusal, together with reasons, to the person and the person may appeal to the Municipal Services Appeals Board against the refusal within 28 days after receiving the notice."."

Schedule 5 By adding -

ClauseAmendment Proposed

"11A. **Issue and duration of
licences**

Regulation 20(3) is amended by repealing ", 9 months, 6 months or 3 months" and substituting " or such lesser period".

Schedule 5 By deleting section 12 and substituting -

"12. **Revocation and suspension of
licences**

Regulation 23 is amended -

- (a) in paragraph (1) by adding "or refuse to renew" after "fit";
- (b) by adding -

"(1A) Without limiting paragraph (1), the Board may revoke, suspend or refuse to renew a liquor licence, if in its opinion -

- (a) the person holding the licence has failed to comply with any condition of the licence;

Clause

Amendment Proposed

(b) the person holding the licence has ceased to be a fit and proper person to hold the licence;

(c) the premises specified in the licence have ceased to be suitable for selling or supplying intoxicating liquor, for reasons connected with

-
(i) the location and structure of the premises;

ClauseAmendment Proposed

(ii) the fire safety and hygienic conditions in the premises; or

(d) public interests so requires.";

(c) by repealing paragraph (2) and substituting -

"(2) The secretary to the Board must give notice in writing, together with reasons, of a decision under this regulation to the person concerned.

(3) A person may appeal to the Municipal Services Appeals Board against any decision of the Board under this regulation within 28 days after receiving notice of the decision."."

Schedule 5 By adding -

Clause

Amendment Proposed

"12A. **Illness or absence of licensee**

Regulation 24 is amended by repealing "a fee of \$10" and substituting "the appropriate fee prescribed under section 6A of the Ordinance".

Schedule 5 By deleting section 13 and substituting -

"13. **Issue of temporary licences**

Regulation 25(2) is repealed."

Schedule 5 By deleting section 14 and substituting -

"14. **Clubs to be licensed for supply of liquor to members**

Regulation 26 is amended -

- (a) in paragraph (2), by repealing "Urban Council or the Regional Council as the case may require" and substituting "Board";
- (b) by repealing paragraph (3)."

Schedule 5 By adding -

ClauseAmendment Proposed

"14A. **Licensee to exhibit name, etc.**

Regulation 26A(1) is amended by adding "licence" after "liquor".

14B. **Regulation added**

The following is added -

"26B. Board may determine forms of licences

The Board may determine the form of any licence granted by it under these regulations."."

Schedule 5 By deleting section 15 and substituting -

"15. **Restrictions on employment of young persons on licensed premises**

Regulation 29 is amended -

(a) by adding after paragraph (1) -

"(1AA) If the Board refuses permission for the purposes of paragraph (1)(c), the Board must give reasons in writing for the refusal.";

Clause

Amendment Proposed

- (b) in paragraph (1A) by repealing "Appeals Board" and substituting "Municipal Services Appeals Board within 28 days after receiving notice of the refusal".

Schedule 5, In the proposed regulation 33 by adding -
section 16

"(1A) Any reference in these regulations to the prescribed fee includes a reference to a fee continued in force under section 9(2) of the Provision of Municipal Services (Reorganization) Ordinance (of 1999) as if prescribed under section 6A of the Ordinance, until that fee is replaced under that section 6A."

Schedule 7 By adding before the heading "**Public Finance Ordinance**" -

"Specification of Public Offices

1A. Schedule amended

The Schedule to the Specification of Public Offices (Cap. 1 sub. leg.) is amended by repealing -

"Chief Secretary Public Health and Municipal for Administration Services Ordinance (Chapter 132), section 105S.".

Schedule 7 By deleting section 6 and substituting -

"6. Designated Authorities

ClauseAmendment Proposed

The Schedule to the Land (Miscellaneous Provisions) Ordinance (Cap. 28) is amended -

- (a) in the entry in relation to section 6(1), (2) and (2A) in column 3 by repealing "Urban Council" and substituting "Director of Food and Environmental Hygiene";
- (b) in the entry in relation to section 6(3), (4A) and (5) in column 3 by adding ", the Director of Food and Environmental Hygiene" before "or".

Schedule 7, By deleting "items 3 and 4" and substituting "item 3".
section 10

Schedule 7 By adding "in force" after "list".
section 26

(a)

Schedule 7, In the proposed section 56 -
section 30

- (a) in subsection (2) by deleting "under" and substituting "for the purposes of";
- (b) in subsection (3) by deleting "under" where it first appears and substituting "for the purposes of";

Clause

Amendment Proposed

- (c) in subsection (4) by deleting "under" and substituting "for the purposes of".

Schedule 7 By deleting section 36 and substituting -

"36. **Interpretation**

Section 2(1) of the Public Health (Animals and Birds) Ordinance (Cap. 139) is amended in the definition of "health officer" -

- (a) by repealing "and" and substituting a comma;
- (b) by adding "and includes a public officer authorized under section 17A" after "officer" where it lastly appears.

36A. **Limitation of liability for acts done for purposes of Ordinance**

Section 14 is amended -

- (a) by adding "or the Director of Food and Environmental Hygiene" after "Director" where it twice appears;
- (b) by adding "or the Food and Environmental Hygiene Department" after "Department".

36B. **Section added**

The following is added -

ClauseAmendment Proposed

"17A. Director may authorize public officers to act as health officers

The Director may authorize any public officer to perform the functions of a health officer under this Ordinance."."

Schedule 7 By deleting section 37 and substituting -

"37. Imported animals to be taken to licensed slaughterhouse or Government Depot

Regulation 9 of the Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg.) is amended -

- (a) by repealing subregulation (1) and substituting -

"(1) In this regulation "licensed slaughterhouse (持牌屠房) means a slaughterhouse licensed under the Slaughterhouses Regulation (Cap. 132 sub. leg.).";

- (b) in subregulation (2) by repealing "an abattoir" and substituting "a licensed slaughterhouse";

Clause

Amendment Proposed

- (c) in subregulation (3) -
 - (i) by repealing "an abattoir" and substituting "a licensed slaughterhouse";
 - (ii) by repealing "abattoir" where it secondly appears and substituting "licensed slaughterhouse".

Schedule 7, By deleting ", the Urban Council, the Regional Council" and section 42 substituting "the Urban Council, the Regional Council or".

Schedule 7, By deleting everything from "Section" to "Council" and section 43 substituting -

"Section 7(2) of the Chinese Temples Ordinance (Cap. 153) is amended -

- (a) by repealing paragraph (b);
- (b) in paragraph (d) by repealing "5" and substituting "6".

Schedule 7 By adding before the heading "**Wild Animals Protection Ordinance**" -

"Dogs and Cats Ordinance

ClauseAmendment Proposed**44A. Interpretation**

Section 2 of the Dogs and Cats Ordinance (Cap. 167) is amended by repealing the definition of "Secretary" and substituting -

"Secretary" (局長) means the Secretary for the Environment and Food."

44B. Regulations

Section 3(2)(a) is amended by repealing "經濟局".

Schedule 7, By adding "and substituting "Director of Food and Environmental section 47 Hygiene." and "Director of Leisure and Cultural Services." respectively" after "Regional Services."

Schedule 7, By deleting "Department of Food and Environmental Hygiene" section 53 and substituting "Food and Environmental Hygiene Department".
(b)

Schedule 7 By adding before the heading "**Merchant Shipping (Miscellaneous Craft) Regulations**" -

"Air Pollution Control (Specified Processes) Regulations

65A. Second Schedule amended

Clause

Amendment Proposed

Form 5 in the Second Schedule to the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

65B. Fourth Schedule amended

The Fourth Schedule is amended by repealing "Secretary for Planning, Environment and Lands" where it twice appears and substituting "Secretary for the Environment and Food".

65C. Fifth Schedule amended

The Fifth Schedule is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

Schedule 7 By adding before section 83 -

"82A. Commencement

Section 1 of the Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub. leg.) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

Schedule 7, By deleting "of the Waste Disposal (Charges for Disposal of section 83 Waste) Regulation (Cap. 354 sub. leg.)".

Schedule 7 By adding before the heading "**Waste Disposal (Refuse Transfer Station) Regulation**" -

ClauseAmendment Proposed**"Waste Disposal (Designated
Waste Disposal Facility)
Regulation****83A. Amendment of Schedule**

Section 8 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

Schedule 7 By adding before the heading "**Road Tunnels (Government Ordinance)**" -

**"Water Pollution Control (General)
Regulations****89A. Form of Notice to be published by the
Authority under section 19(3)(b) of the
Water Pollution Control Ordinance**

The First Schedule to the Water Pollution Control (General) Regulations (Cap. 358 sub. leg.) is amended by repealing "specified by the Secretary for Planning, Environment and Lands" and substituting "established under section 5 of the Ordinance".

Schedule 7, By deleting "Department of Food and Environmental Hygiene" section 93 and substituting "Food and Environmental Hygiene Department".
(b)

Clause

Amendment Proposed

Schedule 7 By adding before the heading "**Ozone Layer Protection Ordinance**" -

"Noise Control Ordinance

93A. **Interpretation**

Section 2 of the Noise Control Ordinance (Cap. 400) is amended by repealing the definition of "Secretary" and substituting -

"'Secretary' (局長) means the Secretary for the Environment and Food;"

93B. "局長" **substituted for**
"規劃環境地政局局長"

Sections 8A, 9(1) and (3), 10(1) and (3), 13A(3), 13B(3) and 27(1) are amended by repealing "規劃環境地政局" wherever it appears.

**Noise Control (Appeal Board)
Regulations**

93C. **Forms**

Forms 1, 2 and 2A of the Schedule to the Noise Control (Appeal Board) Regulations (Cap. 400 sub. leg.) are amended in the notes by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

Schedule 7 By adding before the heading "**Sex Discrimination Ordinance**" -

ClauseAmendment Proposed**"Marine Parks Ordinance**105A. **Regulations**

Section 20(1) of the Marine Parks Ordinance (Cap. 476) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

**Marine Parks and Marine Reserves
Regulation**105B. **Amendment of Schedule 1**

Section 18(1) of the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg.) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

Schedule 7, By deleting "Department of Food and Environmental Hygiene" section and substituting "Food and Environmental Hygiene Department".
113(a)

Schedule 7 By adding before the heading "**Hong Kong Sports Development Board Ordinance**" -

"127A. Permission for exhumation

Rule 9 is amended by repealing "Urban Council or of the Regional Council" and substituting "Director of Food and Environmental Hygiene".

Schedule 7 (a) By deleting the heading before section 130.

Clause

Amendment Proposed

- (b) By deleting sections 130 to 132.

Schedule 7 By adding -

**"Legislative Council (Amendment)
Ordinance 1999**

133. Sections added

Section 13 of the Legislative Council (Amendment) Ordinance 1999 (48 of 1999) is amended in the new section 20V(1) (e) by repealing "or the Provisional Regional Council" and substituting ", the Provisional Regional Council, the Leisure and Cultural Services Department or the Home Affairs Bureau".

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) BILL

COMMITTEE STAGEAmendments to be moved by the Honourable LEE Wing-tatClauseAmendment Proposed

Schedule 3, In paragraph (d), by adding -
section 1

"(da) "Current Market Rent" (現行租金) means the rent payable under the lease of the stall in a public market immediately prior to the renewal;

"Fair Market Rent" (公平市值租金) means the rent assessed by Commissioner of Rating and Valuation towards a stall in a public market;"

Schedule 3, By adding -
section 26

"26AA. Section added

The following is added -

79B. Rental adjustment of public market stalls

(1) Upon renewal of the lease of a stall in a public market, the amount of rent to be paid under the lease shall be adjusted as follows -

- (a) the Fair Market Rent which is most recently assessed by Commissioner of Rating and Valuation;
- (b) in accordance with changes in the Consumer Price Index (A) prior to the renewal of the lease (If the lease ends between January and June, then the bases

Clause

Amendment Proposed

for calculating the adjustment of new rent shall be the 12 months' average of the Consumer Price Index (A) immediately preceding that October prior to that January. If the lease ends between July to December, then the bases for calculating the adjustment of new rent shall be the 12 months' average of the Consumer Price Index (A) immediately preceding that April prior to that July),

whichever results in a lesser amount. If paragraph (a) is lesser, the rent shall be further adjusted in accordance with Schedule 17. If paragraph (b) is lesser, the rent shall be moved upward or downward with reference to Schedule 18 or 19.

(2) Notwithstanding subsection (1), the actual amount paid by a lesser in a public market shall be 30% less than the amount adjusted under Schedule 17, 18 or 19 after the Provision of Municipal Services (Reorganization) Ordinance (of 1999) come into operation.

(3) In this section "Consumer Price Index (A)" (甲類消費物價指數) means the index of that name compiled by the Commissioner for Census and Statistics."."

Schedule 3 By adding before the heading "**Abattoirs Regulation**" -

"94B. Schedules added

The followings are added -

ClauseAmendment Proposed**Schedule 17****[s. 79B]****RENTAL REVISION FORMULA OF PUBLIC MARKETS**

1. If the Fair Market Rent, assessed by Commissioner of Rating and Valuation, is the same or less than the Current Market Rent, the latter rent shall be the amount of rent for the new lease.
2. If the Fair Market Rent is 100% or less than 100% of the Current Market Rent, then Fair Market Rent shall be achieved at the beginning of the last year of the lease by equal annual increases during the term of the lease.
3. If the Fair Market Rent is between 101% and 300% more than the Current Market Rent, the amount of rent payable under the new lease shall be 75% of the Fair Market Rent, and to be achieved at the beginning of the last year by even annual increase.
4. If the Fair Market Rent is more than 300% of the Current Market Rent, the amount of rent payable under the new lease shall be 60% of the Fair Market Rent, and to be achieved at the beginning of the last year by even annual increase.

Schedule 18**[s.79B]**

IF SECTION 79B(1)(b) IS ADOPTED, AND WHERE THE FAIR MARKET RENT IS HIGHER THAN THE CURRENT MARKET RENT, THEN THE FORMULA FOR CALCULATING THE PERCENTAGE OF UPWARD RENTAL ADJUSTMENT SHALL BE AS FOLLOWS:

Clause

Amendment Proposed

% difference between Fair Market Rent and
 Current Market Rent

% of upward
 of rental adjustment

$$\frac{(\text{Fair Market Rent} - \text{Current Market Rent}) \times 100\%}{\text{Current Market Rent}}$$

0 - 50%	Nil
50.1 - 100%	+ 5%
100.1 - 150%	+ 6%
150.1 - 200%	+ 7%
200.1 - 250%	+ 8%
250.1 - 300%	+ 9%
over 300.1%	+ 10%

Schedule 19

[s. 79B]

**IF SECTION 79B(1)(b) IS ADOPTED, AND WHERE THE
 CURRENT MARKET RENT IS HIGHER THAN THE FAIR
 MARKET RENT, THEN THE FORMULA FOR
 CALCULATING THE PERCENTAGE OF DOWNWARD
 RENTAL ADJUSTMENT SHALL BE AS FOLLOWS.**

% difference between Current Market Rent and
 Fair Market Rent

% of downward of rental
 adjustment

$$\frac{(\text{Current Market Rent} - \text{Fair Market Rent}) \times 100\%}{\text{Fair Market Rent}}$$

0.1 - 50%	-5%
50.1 - 100%	- 6%
100.1 - 150%	- 7%
150.1 - 200%	- 8%
200.1 - 250%	- 9%
over 250.1%	- 10%". "

ClauseAmendment Proposed

Schedule 3 By deleting section 446 and substituting -

"446. Days and times when museums are open to public

Section 5 is amended -

(a) in subsection (1), by repealing "such days and during such hours as may be determined from time to time by the Council." and substituting "every day of the year except Tuesdays and the Lunar New Year's day and the second day of the Lunar New Year.";

(b) by adding -

"(1A) A museum shall be open to the public during such hours as may be determined from time to time by Director.".

Schedule 3 By adding -
section 500

"(ba) in subsection (2), by adding ", nor to any trolley, handcart or other similar kind of conveyance which is propelled, drawn or carried by hand and used solely for the conveyance of personal effects" after "invalid";".

Schedule 3 By deleting section 559 and substituting -

"559. Government or Director not liable for loss of or damage to articles

Section 9 is repealed.".

ClauseAmendment Proposed**"14B. Provisions applicable to hearing**

If after the commencement of the hearing of an application, one or more members (other than the Chairman) are unable to continue, the remaining members, so long as their number (including the Chairman) is not less than 4 may, with the consent of the parties, continue to hear and determine the application, and the panel remains duly constituted."."

Schedule 5 By adding -

"9B. Regulation added

The following is added -

"16A. Giving notice in writing

The Director of Home Affairs, following the advertisement made by the Board under regulation 16, must give notice in writing, at least 10 days before the Board meets to consider an application, to all owners corporations within a radius of 400 metres from the premises to which the application relates."."

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) BILL

COMMITTEE STAGE

Amendments to be moved by the Honourable LI Wah-ming

Clause

Amendment Proposed

Schedule 3 By adding -

"26A. Regulations in relation to markets

Section 80(1) is amended by adding -

"(aa) an appeal to the Municipal Services Appeals Board against a decision to terminate a grant, lease, permit, or decision to adjust the rent of a shop, stall, shed, pen or standing referred to in paragraph (a);".

Schedule 3 By deleting section 61 and substituting -

"61. Provision for hearing objections where application for crematorium in certain locations or adding facilities in an existing crematorium

Section 124D is amended -

(a) in subsection (1) -

(i) by adding "or application is made for the permission of

Clause

Amendment Proposed

the Authority to add any facility which is directly related to the burning of human remains in a building or place referred to in section 124C(b) or (c)" after "highway,";

(ii) by adding "and facility" after "site";

(b) by adding -

"(1A) Where the Authority intends to add any facility which is directly related to the burning of human remains in an existing government crematorium, the Authority shall cause notice of such decision, specifying the site and facility to be added, to be published in English and Chinese in 3 successive numbers of the Gazette.";

Clause

Amendment Proposed

- (c) is subsection (2) -
 - (i) by adding "or to the addition" after "permission";
 - (ii) by adding "or (1A)" after "subsection (1)";
- (d) in subsection (3), by adding "or make the addition" after "application";
- (e) by repealing subsection (4) and substituting -

"(4) The Authority shall give notice in writing of its decision, together with reasons, to the applicant and any objector as soon as practicable after a decision is made.";
- (f) by adding -

"(5) An applicant under subsection (1) or an objector under subsection (1) and (1A), may appeal to the Municipal Services Appeal Board against the decision of the Authority within 30 days of the date of the notice.".

Schedule 3, (a) In paragraph (c), by deleting the full stop at the end and section 256 substituting a semicolon;

ClauseAmendment Proposed

(b) by adding -

"(d) in paragraph (a), by adding "material" before "deviation".".

Schedule 3 By adding before the heading "**Places of Amusement Regulation**"

"468A. Section added

The following is added -

"25. Transitional

Notwithstanding the amendments made to this Regulation by the Provision of Municipal Services (Reorganization) Ordinance (of 1999), section 10(1)(m) does not apply to a person who holds a licence on the commencement of those amendments in respect of an offensive trade carried on in premises in the area known immediately before that commencement as the Urban Council area, for a period of 12 months beginning on that commencement."."

Schedule 3 By adding -

"615A. Section Added

The following is added -

6A. Appeals

Clause

Amendment Proposed

A person to whom a shop, stall, shed, pen or standing is let under section 6 may appeal to the Municipal Services Appeals Board against any decision of the Director to terminate the lease, license, permit or to adjust the rent, within 30 days of the notice of termination or adjustment."."

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) BILL

COMMITTEE STAGEAmendments to be moved by the Honourable Ambrose CHEUNG

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 7, Section 60	By adding after paragraph (a) - "(aa) by adding - "(c) 2 members representing the Cultural Committee;".
Schedule 7, Section 104	By adding after paragraph (a) - "(aa) by adding - "(3)(ca) 2 members representing the Cultural Committee;".
Schedule 7, Section 128	By deleting section 128 and substituting - "Section 3(2) of the Hong Kong Sports Development Board Ordinance (Cap. 1149) is amended- (a) by repealing paragraph (c) and substituting - "(c) 2 members representing the Recreation and Sports Consultation Committee;"; (b) by repealing paragraph (d)."