

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";
	(ii) by deleting "or provision, if any" and substituting "(if any) or new authority or authorized person, as the case may require".

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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) By deleting paragraph (c) and substituting -
section 1

"(c) by repealing the definitions of "boarding house", "laundry", "lines", "public table tennis saloon", "Regional Council area", "Regional Services Appeals Board", "Urban Council area", "Urban Services Appeals Board" and "washhouse";".

(b) By adding -

"(ca) by repealing the definition of "registered

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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,

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".

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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".

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);".

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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".

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."

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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

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".

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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 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;".

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(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 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

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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 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."

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(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 -

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

In this Part, unless the context otherwise requires -

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"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,

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

(ii) in subsection (4) by deleting "of the Board" and substituting "or Vice-Chairman";

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- (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**
- (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

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- (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.
- (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);

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(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."

(i) In the proposed section 125G -

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

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(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 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

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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

(a) by deleting -

"83B Secretary for the
Environment and Food"

and substituting -

"83B Director of Food and
Environmental Hygiene";

(b) by adding -

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- "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".

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";

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- (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 -
 - (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

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"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**

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

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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

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"

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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

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."."

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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 -

"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";

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(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 "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";

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(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";

(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

ClauseAmendment Proposed224A. **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) "(iiia) 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";
- (iiib) in the definition of "wholesale market" by adding ", but does not include the Western Wholesale Food Market" after "Fisheries";".

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

- "(iia) by repealing "or destroyed" and substituting ", destroyed or accidentally defaced";".
- (b) By deleting paragraph (e) (v).

Schedule 3, By adding -
section

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

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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 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

<u>Clause</u>	<u>Amendment Proposed</u>
	"(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,";".
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 -

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"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) -

(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";

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- (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 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);

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- (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";".

(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".

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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 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**

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materials, etc.

Section 34A is repealed."

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

Schedule 3, (a) By deleting -
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 -

ClauseAmendment Proposed

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 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**

ClauseAmendment Proposed

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

Schedule 3, By adding -
section 475

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

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 -

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

(b) by repealing -

"Public table 1 year".
tennis saloon

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".

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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".

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

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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 "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.";

ClauseAmendment Proposed

Schedule 3 By deleting section 590 and substituting -

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

Section 4 is repealed."

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) -

ClauseAmendment Proposed

section 608

(i) by deleting subparagraph (i) and substituting -

"(i) by repealing "Subject to paragraph (2), the" and substituting "The";";

(ii) by adding -

"(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

ClauseAmendment Proposed

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

ClauseAmendment Proposed

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

(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".

ClauseAmendment Proposed

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

ClauseAmendment Proposed

mL 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

ClauseAmendment Proposed

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

ClauseAmendment Proposed

(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 -

ClauseAmendment Proposed

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

ClauseAmendment Proposed

(c) by adding -

"(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).

ClauseAmendment Proposed

(d) In paragraph (a) (iii) (D), in the proposed section 9(1) (a) (ia) by deleting "decision maker" and substituting "respondent".

(e) By adding -

"(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).

ClauseAmendment Proposed

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".

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.

ClauseAmendment Proposed

(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.

(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

ClauseAmendment Proposed

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

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 -

ClauseAmendment Proposed**"8D. Mode of voting**

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

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.

ClauseAmendment 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;

ClauseAmendment 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 -

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

ClauseAmendment Proposed

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 -

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

ClauseAmendment Proposed

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.";

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

ClauseAmendment Proposed

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

ClauseAmendment Proposed

The following is added -

"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

ClauseAmendment Proposed

licensed slaughterhouse";

(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

ClauseAmendment 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)

ClauseAmendment 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**" -

"Marine Parks Ordinance

ClauseAmendment Proposed105A. **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.

ClauseAmendment 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 STAGE

Amendments to be moved by the Honourable LEE Wing-tat

ClauseAmendment 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;"

ClauseAmendment Proposed

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 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

ClauseAmendment Proposed

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 -

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.

Clause

Amendment Proposed

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:

% 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]

ClauseAmendment Proposed

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
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(Current Market Rent - Fair Market Rent) x 100%

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%".

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 -

ClauseAmendment Proposed

"(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."

Schedule 3 By deleting section 591 and substituting -

"591. Conduct in public conveniences

Section 5 is amended -

- (a) in paragraph (c), by repealing "Council" and substituting "Director";
- (b) in paragraph (d) -
 - (i) by repaling "loiter in, or";
 - (ii) by repealing "or loiter in".

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Schedule 3 By deleting section 597 and substituting -

"597. Saving

Section 12 is repealed."

Schedule 5, By adding -
section 4(c)

"owners corporation"(業主立案法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap. 344);".

Schedule 5 By adding -

"8CA. Regulation added

The following is added -

"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 -

ClauseAmendment Proposed**"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 STAGEAmendments to be moved by the Honourable LI Wah-mingClauseAmendment 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 the Authority to add any facility which is directly related to the burning of

ClauseAmendment Proposed

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.";

(c) is subsection (2) -

(i) by adding "or to the addition" after "permission";

ClauseAmendment Proposed

(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;

(b) by adding -

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

ClauseAmendment Proposed

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

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 STAGE

Amendments 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). "