

立法會
Legislative Council

LC Paper No. LS128/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 5 May 2000**

**Legal Service Division Report on
Resolution under section 11 of the Provision of
Municipal Services (Reorganization) Ordinance (Cap. 552)**

The Secretary for the Environment and Food has given notice of motion to pass the above resolution at the Legislative Council meeting of 17 May 2000. By this resolution the Provision of Municipal Services (Reorganization) Order made by the Chief Executive in Council on 18 April 2000 would be approved by the Legislative Council.

2. Section 11 of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) ("the Ordinance") provides that 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 the Ordinance. Subject to certain restrictions, such an order may provide for any provision of the order to come into effect on a date earlier than the date of publication of the order. An order made under section 11 is subject to the approval of the Legislative Council.

3. The main provisions of the Provision of Municipal Services (Reorganization) Order ("the Order") are contained in Parts II and III. Part II makes certain amendments to various ordinances and subsidiary legislation. The amendments are apparently textual or technical in nature. Pursuant to the power under section 11, the Order specifies that the amendments in Part II are deemed to have come into operation on 1 January 2000, the same day as the commencement of most parts of the Ordinance.

4. Part III, on the other hand, concerns with providing for the procedure for preparation, auditing and tabling in Legislative Council of the accounts of the then Provisional Urban Council and Provisional Regional Council. The original procedures were contained in the repealed Provisional Urban Council Ordinance and Provisional Regional Council Ordinance respectively. With the repeal of the two said Ordinances, Part III specifies the procedure for preparation, auditing and tabling in Legislative Council of the accounts of the two former municipal councils from 1 April 1999 to 31 December 1999. The procedure is the same as that prescribed in the repealed Provisional Urban Council Ordinance and Provisional Regional Council Ordinance. The provisions in Part III will come into operation on the date of publication of the Order in the Gazette.

5. Background and details are contained in the LegCo Brief dated 19 April 2000 (File Ref. EFB(CR)10/8/1) issued by the Environment and Food Bureau. Members may refer to Annex C of the Brief for a description and Annex D for a marked-up of the amendments.

6. The legal and drafting aspects of the resolution and the Order are in order.

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