

立法會
Legislative Council

LC Paper No. CB(2)935/99-00

Ref : CB2/HS/1/99

**Subcommittee to consider the formation of new Panel(s)
in relation to the provision of municipal services**

**Minutes of Meeting
held on Tuesday, 4 January 2000 at 9:00 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Dr Hon TANG Siu-tong, JP (Chairman)
Hon Cyd HO Sau-lan
Hon Fred LI Wah-ming, JP
Dr Hon LEONG Che-hung, JP
Hon Howard YOUNG, JP
Hon CHOY So-yuk
- Absent with Apology** : Hon LEE Wing-tat
Hon CHAN Yuen-han
Hon Gary CHENG Kai-nam, JP
Hon WONG Yung-kan
Hon Mrs Miriam LAU Kin-ye, JP
- Member Attending** : Hon Michael HO Mun-ka (Chairman, Panel on Health Services)
- Clerk in Attendance** : Mrs Constance LI
Chief Assistant Secretary (2)2
- Staff in Attendance** : Mrs Justina LAM
Assistant Secretary General 2

Mr LEE Yu-sung
Senior Assistant Legal Adviser

Miss Mary SO
Senior Assistant Secretary (2)8

The Chairman informed members that he had accepted the late membership of Mr LEE Wing-tat and Mr Fred LI on grounds of absence from Hong Kong in accordance with the rule 23(a) of the House Rules.

I. Discussion of comments from members on the proposed adjustment to the work of the Panels on Environmental Affairs and Home Affairs

[LC Paper No. CB(2)753/99-00(01)]

2. The Chairman said that at the first Subcommittee meeting held on 28 December 1999, members present (including Miss CHOY So-yuk, Chairman of the Panel on Home Affairs (HA Panel)) unanimously agreed that a new Panel on Leisure, Cultural and Sport needed not be formed. Instead, the ambit of work of the HA Panel should be expanded to cover these areas. As regards food safety and environmental hygiene, most members present at that meeting were of the view that they should be taken up by the Panel on Environmental Affairs (EA Panel). The Chairman further said that Miss Christine LOH, Chairman of the EA Panel, had indicated that she had no fundamental objections to the option of the EA Panel taking up food safety and environmental hygiene.

3. The Chairman said that as some Members, including those belonging to the Democratic Party, were not present at the last Subcommittee meeting, this meeting was convened to consider the views of these Members. In this connection, the Chairman referred Members to Mr Fred LI's comments detailed in LC Paper No. CB(2) 753/99-00(01) and the draft minutes of the first Subcommittee meeting on 28 December 1999.

4. Mr Fred LI said that, in view of the importance of food safety and environmental hygiene on the well-being of Hong Kong people, the Democratic Party considered it incumbent upon the Legislative Council (LegCo) to form a new Panel to monitor these policy issues following the dissolution of the two Provisional Municipal Councils (PMCs). Mr LI further said that as food safety and environmental hygiene were distinctly different from environmental protection and conservation which were under the purview of the existing EA Panel, he did not see the logic of the EA Panel taking up issues relating to food safety and environmental hygiene. Moreover, given the already heavy workload of the EA Panel, it would not be possible for the Panel to operate effectively if its ambit was expanded to cover food safety and environmental hygiene. As regards the monitoring of issues relating to the

provision of leisure and cultural services, Mr LI said that the Democratic Party had no strong objection to expanding the ambit of the existing HA Panel to cover these issues.

5. On the reasons given by some Members for not forming new Panels, Mr LI said that it would be irresponsible of LegCo to defer the formation of new Panels until the next LegCo term, given that the new governmental structure for the provision of municipal services had already come into operation on 1 January 2000. Mr Michael HO, Chairman of the Panel on Health Services (HS Panel), added that it would be undesirable to leave these issues without proper monitoring by LegCo for some 11 months following the dissolution of the two PMCs. Given the large volume of work involved in monitoring the issues relating to the provision of municipal services, a new Panel should be formed as soon as possible to attend to these issues in a dedicated manner. He added that from past experience, frequent legislative amendments were made to the Public Health and Municipal Services Ordinance (Cap. 132) and its by-laws.

6. Dr LEONG Che-hung shared Mr LI's views that a new Panel to oversee issues relating to food safety and environmental hygiene should be formed without delay. Noting that the EA Panel had held 45 meetings since the beginning of the current LegCo term, Dr LEONG echoed Mr LI's concern as to whether the EA Panel could cope with the additional workload given that its primary concern was environmental protection and conservation matters. Dr LEONG said that although he was in favour of forming a new Panel on Leisure, Culture and Sport, he had no strong objection to expanding the ambit of the existing HA Panel to cover issues relating to the provision of leisure and cultural services. Dr LEONG however pointed out that there might be a problem of having quorum for meetings of the EA Panel and the HA Panel if their terms of reference were to be expanded, as some existing Panel members might not be interested in issues relating to the provision of municipal services.

7. Miss CHOY So-yuk was of the view that instead of forming a new Panel, the ambit of the HA Panel could be expanded to cover issues relating to the provision of leisure and culture services, as past experience had shown that few Panel members turned up for the discussion of issues relating to culture, leisure and sport. With regard to the monitoring of issues relating to food safety and environmental hygiene, Miss CHOY opined that it might be appropriate for the Subcommittee to reconsider whether a new Panel should be formed in view of the views expressed by Mr Fred LI, Mr Michael HO and Dr LEONG Che-hung.

8. Mr Howard YOUNG said that as members had agreed at the last Subcommittee meeting that no new Panels should be formed and that the work of the EA Panel and HA Panel should be adjusted to take up the additional workload arising from monitoring of municipal services-related issues, he saw

no reason to re-open discussion of the matter. Moreover, both the Chairmen of the EA Panel and HA Panel had indicated no objection to expanding the ambit of their respective Panel to deal with issues relating to the provision of municipal services. Mr YOUNG further said that should the EA Panel and HA Panel encounter difficulties in coping with the additional workload in the future, Members could then reconsider whether new Panels should be formed.

9. Mr Fred LI reiterated that it would be irresponsible of LegCo to withhold the setting up of new Panels until the existing relevant Panels had run into difficulties in coping with the new workload arising from monitoring of provision of municipal services. Mr LI opined that food safety and environmental hygiene were important issues of public concern requiring close monitoring, and that the EA Panel would unlikely have the capacity to give sufficient attention to these issues.

10. Mr Howard YOUNG said that the arrangement for the EA Panel and HA Panel to oversee issues relating to the provision of municipal services was merely transitional, as it was not worthwhile to make changes to the existing structure of Panels given that the current LegCo term would only last six more months. Moreover, the experience of the EA Panel and HA Panel in monitoring the provision of municipal services would provide useful reference for Members of the next LegCo term in considering whether new Panels should be formed.

11. Miss Cyd HO reiterated her views expressed at the previous Subcommittee meeting that the ambit of the HA Panel should be expanded to take up the monitoring of issues relating to the provision of leisure and cultural services, and that LegCo Members should convene meetings with the District Councils as soon as possible to discuss the delineation of responsibilities between the two Councils in carrying out such monitoring work.

12. Miss HO further said that as health education and food safety were related to health services, they should fall within the scope of work of the HS Panel. As regards environmental hygiene and the remaining responsibilities under the purview of Division A of the Environment and Food Bureau (EFB), these could be dealt with by the EA Panel or a new Panel. Alternatively, to avoid having to hold too many joint Panel meetings, consideration could be given to including both food safety and environmental hygiene in the terms of reference of the HS Panel or a new Panel.

13. Dr LEONG Che-hung did not agree with Miss HO's proposals. Dr LEONG pointed out that the EFB was set up to lead and co-ordinate Government's overall efforts in food safety and environmental hygiene. Moreover, the arrangements of placing these issues under the ambit of the HS Panel or splitting them between two Panels would deviate from the principle of

delineating the responsibilities of Panels according to the corresponding policy bureaux. The Chairman concurred with Dr LEONG.

14. Dr LEONG further expressed concern about overburdening the HS Panel if its ambit was expanded to cover issues relating to food safety and environmental hygiene, having regard to the fact that the HS Panel had already held 34 meetings since the beginning of the current LegCo term. Dr LEONG also pointed out that issues such as those relating to hawkers and markets, wholesale marketing, liquor licensing and restaurant licensing, which were under the purview of Division A of the EFB, did not fall readily within the purview of the HS Panel or that of any other Panels. On balance, Dr LEONG considered it more appropriate for a new Panel to be formed to deal with the policy areas under the purview of Division A of the EFB, while those under the purview of Division B of the EFB should continue to be monitored by the existing EA Panel. Mr Michael HO agreed with Dr LEONG.

15. Miss Cyd HO said that she would not insist on the option of the HS Panel taking up the monitoring of issues relating to food safety and environmental hygiene if a new Panel was formed to deal with these issues.

16. In concluding the discussion, the Chairman said that most Members were in favour of expanding the ambit of the HA Panel to monitor issues relating to the provision of leisure and cultural services to cover these issues. Although a few members were in favour of setting up a new Panel on Leisure, Culture and Sport, they did not have strong objection to the HA Panel taking up the additional responsibilities. Members however had divergent views on whether new Panel should be formed for monitoring issues relating to food safety and environmental hygiene. The following alternatives had been proposed by members -

- (a) a new Panel on Food Safety and Environmental Hygiene should be formed;
- (b) the terms of reference of the EA Panel should be expanded to cover food safety, environmental hygiene and agriculture and fisheries;
- (c) the terms of reference of the HS Panel should be expanded to cover food safety, environmental hygiene and agriculture and fisheries; and
- (d) issues relating to food safety and health education should continue to come under the ambit of the HS Panel, while issues relating to environmental hygiene should be monitored by a new Panel formed for the purpose or the terms of the reference of the EA Panel should be expanded to deal with these issues.

17. As members had no consensus on how food safety and environmental hygiene should be monitored by LegCo Panels, the Chairman suggested making a report to the House Committee on 7 January 2000 to seek Members' views on the Subcommittee's recommendations in paragraph 16. Members agreed.

18. There being no other business, the meeting ended at 9:55 am.

Legislative Council Secretariat

10 January 2000