

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) ORDINANCE

RESOLUTION

(Under section 11 of the Provision of Municipal Services
(Reorganization) Ordinance (Cap. 552))

RESOLVED that the provision of Municipal Services (Reorganization)
Order, made by the Chief Executive in Council on 18 April
2000, be approved.

PROVISION OF MUNICIPAL SERVICES (REORGANIZATION) ORDER

(Made by the Chief Executive in Council under section 11 of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) subject to the approval of the Legislative Council)

PART I

PRELIMINARY

1. Commencement

(1) Subject to subsection (2), this Order shall come into operation on the specified date.

(2) Section 3 and the Schedule shall be deemed to have come into operation on 1 January 2000.

2. Interpretation

In this Order, unless the context otherwise requires -
"specified date" (指明日期) means the date of publication of this Order in the Gazette.

PART II

AMENDMENTS OF ENACTMENTS

3. Amendment of enactments

The enactments listed in the Schedule are amended to the extent and in the manner set out in that Schedule.

PART III

FINANCIAL PROVISIONS

4. Definitions: Part III

In this Part -

"a Council" (市政局) means the body known as the Provisional Regional Council or the body known as the Provisional Urban Council immediately before the appointed day and accordingly references to "the Councils" (兩局) are to be construed as references to both those Councils;

"Director" (署長) means the Director of Accounting Services;

"specified period" (指明期間) means the period from the 1st day of April 1999 to the 31st day of December 1999 (both dates inclusive);

"a statement of accounts" (帳目報表) means the statement of accounts prepared under section 5(1).

5. Accounts of the Councils

(1) The Director shall prepare in respect of each of the Councils a statement of accounts.

(2) The statement of accounts of a Council shall include -

- (a) a statement of the receipts and payments of the Council for the specified period;
- (b) a statement of the assets and liabilities of the Council on the last day of the specified period; and
- (c) any other statements as the Director thinks fit.

6. Audit

(1) The Director shall, within a period of 2 months from the specified date, transmit to the Director of Audit the statements of accounts.

(2) The Director of Audit shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Councils (which, by virtue of section 4(1) of the Ordinance, are vested in the Government as from the appointed day) and to require such information and explanations thereon as he thinks fit.

(3) On receipt of the statements of accounts under subsection (1), the Director of Audit shall examine and audit them.

(4) The Director of Audit shall, within a period of 4 months from the specified date, prepare and submit to the Chief Executive reports in respect of his examination and audit of the statements of accounts, together with -

- (a) copies of the statements of assets and liabilities duly certified by him; and
- (b) copies of the statements of receipts and payments duly certified by him.

7. Financial statements and reports to be laid before Legislative Council

As soon as may be convenient after the receipt thereof, the Chief Executive shall cause to be laid on the table of the Legislative Council copies of the audited statements of accounts and of the reports of the Director of Audit submitted under section 6(4).

AMENDMENTS OF ENACTMENTS

Hawker Regulation

1. Licence to be surrendered on termination

Section 20(1) of the Hawker Regulation (Cap. 132 sub. leg.) is amended by repealing "Department of Food and Environmental Hygiene" and substituting "Food and Environmental Hygiene Department".

Air Pollution Control (Specified Processes) Regulations

2. "局長" substituted for "規劃環境地政局局長"

Regulations 11, 14(2) and 15(2) of the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg.) are amended by repealing "規劃環境地政局局長" and substituting "局長".

Air Pollution Control (Fuel Restriction) Regulations

3. Fuel restrictions

Regulation 4(4) of the Air Pollution Control (Fuel Restriction) Regulations (Cap. 311 sub. leg.) is amended by repealing "規劃環境地政局局長" where it twice appears and substituting "局長".

Waste Disposal Ordinance

4. Interpretation

Section 2(1) of the Waste Disposal Ordinance (Cap. 354) is amended, in the definition of "collection authority", in paragraph (b), by adding "and the Director" after "Hygiene".

Waste Disposal (Refuse Transfer Station) Regulation

5. Disposal of waste at refuse transfer stations

Section 4(2) of the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354 sub. leg.) is amended by adding -

"(c) disposing of waste collected by or on behalf of the Director of Food and Environmental Hygiene or the Director of Leisure and Cultural Services."

6. Section added

The following is added -

"16. Exemption of charge

(1) No charge shall be payable under this Regulation in respect of waste collected by or on behalf of the Director of Food and Environmental Hygiene or the Director of Leisure and Cultural Services.

(2) Where any person claims the waste he disposes of or intends to dispose of at a refuse transfer station is, by virtue of subsection (1), not chargeable under this Regulation, the Director may require him to produce such evidence as may be reasonably necessary for establishing that the waste is collected

by or on behalf of the Director of Food and Environmental Hygiene or the Director of Leisure and Cultural Services.".

Water Pollution Control (Appeal Board) Regulations

7. Interpretation

Regulation 2 of the Water Pollution Control (Appeal Board) Regulations (Cap. 358 sub. leg.) is amended, in the definitions of "上訴人" and "答辯人", by repealing "規劃環境地政局局長" wherever it appears and substituting "局長".

8. Schedule amended

The Schedule is amended, in Form 1, by repealing "規劃環境地政局局長" and substituting "環境食物局局長".

Water Pollution Control (General) Regulations

9. Interpretation

Regulation 2(1) of the Water Pollution Control (General) Regulations (Cap. 358 sub. leg.) is amended, in the definition of "分區", by repealing "規劃環境地政局局長" and substituting "局長".

Water Pollution Control (Sewerage) Regulation

10. "局長" substituted for "規劃環境地政局局長"

Sections 11(1)(a), 12(1), (3) and (4), 13, 14(1) and (2), 15, 16(1) and (2), 17(1) and (2), 18(1) and (2), 19(1), (2), (3) and (4), 20(1)(a), 23(a) and 24 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) are amended by repealing "規劃環境地政局局長" wherever it appears and substituting "局長".

11. Compensation rights and assessment

Schedule 1 is amended, in Part I, in the heading of column 5, by repealing "規劃環境地政局局長" and substituting "環境食物局局長".

12. Application of the Roads (Works, Use and Compensation) Ordinance

Schedule 2 is amended, in Part II, under the heading "**Particular Modifications and Additions**" in respect of the reference to section 2, in paragraph (a)(iii), by repealing "Planning, Environment and Lands" and substituting "the Environment and Food".

Dumping at Sea Ordinance

13. Short title and commencement

Section 1(2) of the Dumping at Sea Ordinance (Cap. 466) is amended by repealing "Secretary for Planning, Environment and Lands" and substituting "Secretary for the Environment and Food".

**Environmental Impact Assessment
(Appeal Board) Regulation**

14. "局長" substituted for "規劃環境地政局局長"

Sections 2 (in the definition of "答辯人") and 3 of the Environmental Impact Assessment (Appeal Board) Regulation (Cap. 499 sub. leg.) are amended by repealing "規劃環境地政局局長" and substituting "局長".

Clerk to the Executive Council

COUNCIL CHAMBER

18 April 2000

Explanatory Note

The purpose of this Order is -

- (a) to make further consequential amendments to some enactments and subsidiary legislation that are necessary for the better carrying out of the provisions of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552); and
- (b) to provide for the drawing up and auditing of the financial statements of the dissolved Provisional Regional Council and the Provisional Urban Council for the period from 1 April 1999 to 31 December 1999.