

立法會
Legislative Council

LC Paper No. CB(2) 771/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/12/00

**Bills Committee on
Public Health and Municipal Services
(Amendment) Bill 2001**

**Minutes of meeting
held on Tuesday, 16 October 2001 at 10:45 am
in Conference Room A of the Legislative Council Building**

Members Present : Hon Fred LI Wah-ming, JP (Chairman)
Hon Cyd HO Sau-lan
Hon WONG Yung-kan
Hon Andrew CHENG Kar-foo
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon WONG Sing-chi

Public Officers Attending : Mr David LAU
Principal Assistant Secretary for the Environment and Food (A) 2

Mr W H CHEUK
Deputy Director (Environmental Hygiene)
Food and Environmental Hygiene Department

Ms Winnie SO
Assistant Director (Headquarters)
Food and Environmental Hygiene Department

Mr Lawrence PENG
Senior Government Counsel
Department of Justice

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Irene MAN
Senior Assistant Secretary (2)9

Action

The Committee deliberated (Index of proceedings attached at **Annex**).

2. The Administration was requested to consider and to provide a response to the following issues raised by members of the Bills Committee -

Proposed section 128D

- (a) To improve the drafting of section 128D(4) to reflect that the reference to subsection 8 is to qualify "appointment" but not "suitable";
- (b) To delete the reference to "alphabetical order" in sections 128D(8) and (9B);
- (c) To specify the method of selecting members to hear an appeal (e.g. by duty roster) in section 128D(8)(b);
- (d) To revise the composition of the Appeal Board to include a Chairman, two Deputy Chairmen and 18 members;
- (e) To require the two Deputy Chairmen of the Appeal Board to hold the same legal qualifications as the Chairman;
- (f) To provide a roster or stand-by system for the Deputy Chairmen to obviate the need for the Chief Executive to appoint a Deputy Chairmen to act an Chairman if the latter was ill or absent from Hong Kong;

Action

- (g) To specify in the Bill that the Deputy Chairmen would only stand in as Chairman and would not act as members of the Appeal Board;
 - (h) To improve the drafting of section 128D(11);
 - (i) To specify in section 128D(12) a time limit for giving reasons of a decision made by the Appeal Board, and requiring the decision to be served in person under section 128D(13); and
 - (j) To specify in section 128D(13) that the Court of First Instance could only confirm or reverse the decision of the Appeal Board.
3. The Committee agreed to hold the next meeting on 2 November 2001 at 8:30 am to continue clause-by-clause examination and to study the Administration's proposed Committee Stage amendments.
4. There being no other business, the meeting ended at 12:58 pm.

Council Business Division 2
Legislative Council Secretariat
24 December 2001

**Proceedings of the meeting of the Bills Committee on
Public Health and Municipal Services (Amendment) Bill 2001
on Tuesday, 16 October 2001, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0250	Chairman	Section 128D(1) to (4)	
0251 - 0332	Admin	Section 128D(4)	
0333 - 0415	Chairman	Section 128D(5) and (6)	
0416 - 0441	ALA4	Honoraria for Appeal Board members	
0442 - 0455	Chairman	- ditto -	
0456 - 0511	ALA4	- ditto -	
0512 - 0543	Admin	- ditto -	
0544 - 0616	Chairman	- ditto -	
0617 - 0656	Mr WONG Yung-kan	- ditto -	
0657 - 0824	Mr Tommy CHEUNG	Honoraria for Liquor Licensing Board members	
0825 - 0840	Admin	- ditto -	
0841 - 0929	Mr Tommy CHEUNG	- ditto -	
0930 - 1000	Chairman	Honoraria for Appeal Board members	
1001 - 1032	Ms Audrey EU	Section 128D(4)	
1033 - 1141	Admin	- ditto -	
1142 - 1149	Chairman	- ditto -	
1150 - 1338	Ms Audrey EU	- ditto -	
1339 - 1412	Admin	- ditto -	
1413 - 1452	Chairman	- ditto -	
1453 - 1525	Ms Audrey EU	- ditto -	
1526 - 1535	Admin	- ditto -	
1536 - 1559	Chairman	- ditto -	
1600 - 1623	Admin	- ditto -	
1624 - 1644	Chairman	- ditto -	
1645 - 1735	Ms Audrey EU	- ditto -	
1736 - 1740	Chairman	- ditto -	
1741 - 1900	Mr Tommy CHEUNG	- ditto -	
1901 - 1918	Chairman	- ditto -	
1919 - 2104	Admin	- ditto -	
2105 - 2301	Mr Andrew CHENG	- ditto -	
2302 - 2316	Chairman	- ditto -	

2317 - 2421	Dr LO Wing-lok	- ditto -	
2422 - 2456	Chairman	- ditto -	
2457 - 2630	Mr Andrew CHENG	- ditto -	
2631 - 2848	Mr Tommy CHEUNG	- ditto -	
2849 - 3004	Mr WONG Yung-kan	- ditto -	
3005 - 3017	Chairman	- ditto -	
3018 - 3211	Admin	- ditto -	
3212 - 3401	Chairman	- ditto -	
3402 - 3450	Mr WONG Yung-kan	- ditto -	
3451 - 3515	Chairman	- ditto -	
3516 - 3655	Mr Tommy CHEUNG	- ditto -	
3656 - 3710	Chairman	- ditto -	
3711 - 4027	Ms Audrey EU	Section 128D(4) and (9B)	
4028 - 4135	Chairman	- ditto -	
4136 - 4326	Mr Andrew CHENG	Section 128D(4) and (16)	
4327 - 4346	Chairman	Section 128D(4)	
4347 - 4453	Ms Cyd HO Sau-lan	Section 128D(4) and (9B)	
4454 - 4528	Chairman	- ditto -	
4529 - 4557	Ms Cyd HO Sau-lan	Section 128D(4)	
4558 - 4602	Chairman	- ditto -	
4603 - 4615	Ms Cyd HO Sau-lan	- ditto -	
4616 - 4633	Chairman	- ditto -	
4634 - 4649	Ms Cyd HO Sau-lan	- ditto -	
4650 - 4742	Ms Audrey EU	- ditto -	
4743 - 5159	Admin	- ditto -	
5200 - 5431	Mr Michael MAK	- ditto -	
5432 - 5659	Dr LO Wing -lok	Section 128D(4) and (8)(b)	
5700 - 5909	Mr Tommy CHEUNG	- ditto -	
5910 - 5949	Chairman	Section 128D(4)	
5950 - 010030	Ms Audrey EU	- ditto -	
010031 - 010148	Chairman	- ditto -	
010149 - 010200	Mr Tommy CHEUNG	Section 128D(8)	
010201 - 010242	Chairman	Section 128D(4) to (8)	
010243 - 010255	Ms Audrey EU	Section 128D(8)(b)	
010256 - 010320	Chairman	Section 128D(8)(b) and (9B)	
010321 - 010406	Mr Michael MAK	Section 128D(8)(b)	
010407 - 010442	Mr Tommy CHEUNG	- ditto -	
010443 - 010519	Chairman	- ditto -	
010520 - 010540	Mr Michael MAK	- ditto -	

010541 - 010620	Mr Tommy CHEUNG	- ditto -	
010621 - 010735	Admin	- ditto -	
010736 - 010849	Chairman	Section 128D(8)(b), (9) and (9A)	√ Admin to provide response
010850 - 010915	Ms Audrey EU	Section 128D(9) and (9A)	
010916 - 011015	Admin	- ditto -	
011016 - 011105	Ms Audrey EU	- ditto -	
011106 - 011224	Mr Tommy CHEUNG	- ditto -	
011225 - 011233	Chairman	- ditto -	
011234 - 011426	Admin	- ditto -	
011427 - 011437	Chairman	- ditto -	
011438 - 011512	Admin	- ditto -	
011513 - 011531	Chairman	- ditto -	
011532 - 011550	Dr LO Wing-lok	- ditto -	
011551 - 011702	Ms Audrey EU	- ditto -	
011703 - 011753	Mr Andrew CHENG	- ditto -	
011754 - 011851	Chairman	- ditto -	
011852 - 011901	Ms Audrey EU	- ditto -	
011902 - 011921	Mr Andrew CHENG	- ditto -	
011922 - 012013	Ms Audrey EU	- ditto -	
012014 - 012100	Chairman	- ditto -	
012101 - 012131	Mr Tommy CHEUNG	- ditto -	
012132 - 012223	Admin	- ditto -	
012224 - 012240	Chairman	- ditto -	
012241 - 012319	Admin	- ditto -	
012320 - 012332	Chairman	- ditto -	
012333 - 012409	Dr LO Wing-lok	- ditto -	
012410 - 012509	Admin	- ditto -	
012510 - 012542	ALA4	- ditto -	
012543 - 012559	Chairman	- ditto -	
012600 - 012706	Mr Tommy CHEUNG	- ditto -	
012707 - 012730	Chairman	- ditto -	
012731 - 012734	Mr WONG Yung-kan	- ditto -	
012735 - 012823	Chairman	Section 128D(9), (9A), (9B) and (9C)	√ Admin to provide response

012824 - 012926	Ms Audrey EU	Section 128D(9C)	
012927 - 013003	Admin	- ditto -	
013004 - 013028	Chairman	Section 128D(9C), (10) and (11)	
013029 - 013116	Ms Audrey EU	Section 128D(11)	
013117 - 013125	Admin	- ditto -	
013126 - 013133	Ms Audrey EU	- ditto -	
013134 - 013225	Admin	- ditto -	
013226 - 013301	Chairman	- ditto -	
013302 - 013326	Ms Audrey EU	- ditto -	
013327 - 013420	Ms Cyd HO Sau-lan	Section 128D(10)(b) and (11)	
013421 - 013432	Chairman	Section 128D(11)	
013433 - 013526	Admin	- ditto -	
013527 - 013809	Ms Audrey EU	- ditto -	
013810 - 014031	Mr Andrew CHENG	- ditto -	
014032 - 014053	Admin	- ditto -	
014054 - 014106	Chairman	Section 128D(11) and (12)	
014107 - 014120	Admin	- ditto -	
014121 - 014144	Mr Andrew CHENG	- ditto -	
014145 - 014159	Mr Tommy CHEUNG	Section 128D(11)	
014200 - 014235	Mr Michael MAK	- ditto -	
014236 - 014353	Dr LO Wing-lok	- ditto -	
014354 - 014442	Ms Audrey EU	- ditto -	
014443 - 014452	Chairman	- ditto -	
014453 - 014459	Admin	- ditto -	
014500 - 014615	Mr Andrew CHENG	- ditto -	
014616 - 014620	Admin	- ditto -	√
014621 - 014639	Chairman	Section 128D(11) and (12)	
014640 - 014740	Mr Tommy CHEUNG	Section 128D(12)	
014741 - 014803	Admin	- ditto -	√
014804 - 014815	Chairman	- ditto -	
014816 - 014839	Mr Tommy CHEUNG	- ditto -	
014840 - 014853	Chairman	Section 128D(12) and (13)	
014854 - 014940	Ms Audrey EU	Section 128D(13)	
014941 - 015018	Admin	- ditto -	
015019 - 015036	Ms Audrey EU	- ditto -	
015037 - 015043	Admin	- ditto -	
015044 - 015052	Chairman	- ditto -	
015053 - 015120	Mr Michael MAK	- ditto -	
015121 - 015141	Admin	- ditto -	

015142 - 015152	Chairman	- ditto -	
015153 - 015230	Mr Tommy CHEUNG	- ditto -	
015231 - 015246	Chairman	- ditto -	
015247 - 015252	Mr Michael MAK	- ditto -	
015253 - 015339	ALA4	- ditto -	
015340 - 015411	Admin	- ditto -	√
015412 - 015432	Mr Tommy CHEUNG	- ditto -	
015433 - 015512	Admin	- ditto -	
015513 - 015521	Mr Tommy CHEUNG	- ditto -	
015522 - 015602	ALA4	- ditto -	
015603 - 015655	Mr Tommy CHEUNG	- ditto -	
015656 - 015925	Admin	- ditto -	
015926 - 015959	Mr Andrew CHENG	- ditto -	
020000 - 020104	Mr Tommy CHEUNG	- ditto -	
020105 - 020123	Admin	- ditto -	√
020124 - 020138	Chairman	Arrangement of next meeting	
020139 - 020203	Mr LO Wing-lok	Section 128D(9C)	
020204 - 020436	Chairman	Arrangement of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Council Business Division 2
Legislative Council Secretariat
24 December 2001