

立法會
Legislative Council

Ref : CB2/SS/4/02

LC Paper No. CB(2) 892/02-03
(These minutes have been seen by
the Administration)

**Subcommittee on
Appeal Board on Closure Orders (Immediate Health Hazard) Rules**

**Minutes of meeting
held on Friday, 3 January 2003 at 3:25 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Fred LI Wah-ming, JP (Chairman)
Dr Hon TANG Siu-tong, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung

Members absent : Hon WONG Yung-kan
Dr Hon LO Wing-lok

Public Officers attending : Mrs Lily YEW
Chairman
Appeal Board on Closure Orders (Immediate Health Hazard)

Mr Edward LAW
Principal Assistant Secretary (Food and Environmental Hygiene) 2
Health, Welfare and Food Bureau

Mr HUNG Chi-pai
Assistant Director (Operations) 1
Food and Environmental Hygiene Department

Ms Marie SIU
Senior Government Counsel
Department of Justice

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

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Election of Chairman

[Appendix IV of the House Rules]

Mr Fred LI was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper No. CB(2)818/01-02, LS29/02-03 and CB(2)772/02-03(01)-(05)]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. The Subcommittee completed clause-by-clause examination of the Rules. The Administration agreed to provide response in writing to the following issues raised by members -
 - (a) to explain the meaning of "clear working days" and to consider the need for so providing;
 - (b) to amend section 4(b) by replacing "bound" with "affected";
 - (c) to consider revising section 10 to expressly provide that the appellant has the right to apply to the person who is to preside at the hearing for conducting the hearing in Chinese or English or both;
 - (d) to advise whether the Dutiable Commodities (Liquor) Regulations (Cap. 109 sub.leg.) specify the time limit for the Liquor Licensing Board to make known its decision on an appeal; and
 - (e) to consider providing in the Rules that the Appeal Board must give notice in writing to the parties to an appeal of its decision and the reasons for the decision within a specified time or as soon as practicable subject to a specified time.

III. Any other business

4. Members agreed to hold the next meeting on 9 January 2003 at 10:45 am to continue discussion with the Administration.

(Post-meeting note : At the request of the Administration, the meeting was subsequently re-scheduled to 16 January 2003 at 9:30 am.)

5. There being no other business, the meeting ended at 5:35 pm.

Council Business Division 2
Legislative Council Secretariat
14 January 2003

**Subcommittee on
Appeal Board on Closure Orders (Immediate Health Hazard) Rules
Meeting on Friday, 3 January 2003 at 3:25 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
0001-0219	Hon Fred LI Members	Election of Chairman	
0220-1910	ALA1 Chairman Hon Tommy CHEUNG Administration	Queries raised with the Administration by ALA1 and the Administration's response [LC Paper No. CB(2)772/02-03(02)]	
1911-3335	Hon Tommy CHEUNG Administration Chairman ALA1	Section 128C(3) of the Public Health and Municipal Services (Amendment) Ordinance Service of a closure order made under section 128C	
3336-4124	Hon Tommy CHEUNG Administration Chairman	Whether or not the Appeal Board should - (a) allow all the affected persons that an appellant had named in paragraph 6 of the notice of appeal to take part in the proceedings of an appeal; (b) serve on them the documents specified in section 5; and (c) inform them of the changes in the notice of date, time or place for hearing of the appeal.	

4125-4446	Chairman Administration Hon Tommy CHEUNG	Policy intent of making reference to Article 10 of the Hong Kong Bill of Rights in section 9(2) [LC Paper No. CB(2)772/02-03(05)]	
4447-010759	Administration Chairman Chairman of Appeal Board Hon Tommy CHEUNG Hon Michael MAK	Section 9(2) - Prerequisites for holding the hearing of an appeal in private	
010800-011915	Hon Tommy CHEUNG Chairman Administration ALA1 Chairman of Appeal Board	Meaning of "clear working days" in the Rules	Admin to review the meaning of "clear working days"
011916-012216	Hon Tommy CHEUNG Administration Chairman of Appeal Board Chairman	Section 10 - Language used for conducting the hearing of an appeal	Admin to consider Hon Tommy CHEUNG's suggestion
012217-012404	Hon Michael MAK Administration Chairman Chairman of Appeal Board Hon Tommy CHEUNG	No restriction in languages to be used for conducting the hearing of an appeal	
012405-012451	Hon Tommy CHEUNG	Setting of a time limit for the Appeal Board to deliver its written decision on an appeal	
012452-012630	Administration Chairman	Section 128D(13) of the Amendment Ordinance	
012631-013331	Hon Tommy CHEUNG Chairman Administration Chairman of Appeal Board	Reference to the experience of the Liquor Licensing Board as to the time required for making a decision	

013332-013653	Hon Michael MAK Administration Chairman Chairman of Appeal Board Hon Tommy CHEUNG	Section 14 - Mode of service	
013654-013923	ALA1 Chairman Administration	Suggestion of amending section 4(b) by substituting "bound" with "affected"	Admin to consider suggestion
013924-014437	ALA1 Chairman Administration Hon Tommy CHEUNG	Section 8 - Making representations at hearing	
014438-015359	Chairman of Appeal Board Administration Hon Tommy CHEUNG ALA1	Section 8(b) - the person who is to preside at the hearing of an appeal may invite any person affected by the closure order to make representations at a hearing	
015400-020608	Chairman Hon Tommy CHEUNG Administration Chairman of Appeal Board	The Administration to specify a time limit for the Appeal Board to make known its decision on an appeal [Paragraph 41 of the report of the Bills Committee on Public Health and Municipal Services (Amendment) Bill 2001 for the House Committee meeting on 11 January 2002]	Admin to advise whether there are similar provisions in the Rules for the Liquor Licensing Board Admin to consider providing in the Rules that the Appeal Board must give notice in writing to the parties to an appeal of its decision and the reasons for

			the decision within a specified time or as soon as practicable subject to a specified time
020609-020845	Hon Tommy CHEUNG Administration	Composition of the Appeal Board	
020846-021018	Chairman Administration Hon Tommy CHEUNG	Date of next meeting	

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

Council Business Division 2
Legislative Council Secretariat
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