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2877 5029

Secretary for Health, Welfare and Food
10/F, Citibank Tower
3 Garden Road
Central
Hong Kong

4 January 2003

BY FAX
Fax No. : 2136 3281

(Attn : Mr Edward Law,
Principal Assistant Secretary (2))

Dear Mr Law,

**Appeal Board on Closure Orders
(Immediate Health Hazard) Rules (L.N. 200 of 2002)**

At the Subcommittee meeting yesterday, the Administration clarified that any person (other than the appellant) who is bound by the Authority's decision or order referred to in section 4(b) of the captioned Rules may appeal to the Appeal Board if he is aggrieved by the closure order. Otherwise, he would only attend the appeal to make representations (as a witness) under section 8 of the Rules.

I note that the Municipal Services Appeals Board Ordinance (Cap. 220) is different in that the parties to the appeal include any other person who is bound by the decision appealed against, whereas section 128D of the Public Health and Municipal Services Ordinance specifies that the parties to an appeal are the appellant and the Authority. Since an appeal may be made under either section 128C(5) or (18), please consider whether there is any need to provide for consolidation of proceedings if more than one applications are made in respect of a closure order.

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

c.c. D of J (Attn : Ms Marie Siu, SGC)
LA
SALA1
CAS(2)5