

**For discussion  
on 16 January 2003**

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

At the first meeting of the LegCo Sub-Committee on Appeal Board on Closure Orders (Immediate Health Hazard) Rules held on 3 January 2003, the Administration agreed to provide a written response to a number of issues raised by Members. Our response to these issues is tabulated as follows.

<b>Para. no. in minutes of meeting of 3<sup>rd</sup> January</b>	<b>Issue raised by Members which the Administration agreed to follow up</b>	<b>The Administration's response</b>
3(a)	To explain the meaning of "clear working days" and to consider the need for so providing.	<p>As explained at the first Sub-Committee meeting, the term "working day" has been clearly defined in Section 2 of the Appeal Rules.</p> <p>The meaning of "clear days" is elucidated in Order 3 rule 2(4) of the Rules of the High Court (Cap. 4 sub. leg.). That section provides that where an act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.</p> <p>Taking into account discussions at Sub-Committee meeting and in the interest of an expeditious appeal process, we are prepared to remove the word "clear" (整) in</p>

		relevant sections of the Rules.
3(b)	To amend section 4(b) by replacing “bound” with “affected”.	Taking into account discussions at the Sub-Committee meeting, we are prepared to amend section 4(b) of the Rules by substituting “affected” for “bound”. Please refer to item (b) of the draft LegCo resolution at Annex for details.
3(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 a hearing for conducting the hearing in Chinese, English or both.	We are prepared to take on board this suggestion. For details, please refer to item (g) of the draft LegCo resolution at Annex.
3(d)	To advise whether the Dutiable Commodities (Liquor) Regulations specify the time limit for the Liquor Licensing Board to make known its decision on an appeal.	We have researched into the Dutiable Commodities (Liquor) Regulations. There is no provision in the Regulations specifying a time limit for the Liquor Licensing Board to make known its decision on an appeal.
3(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 possible.	To address Members’ concern, we are prepared to amend the Rules to provide that the Appeal Board shall, as soon as practicable and in any event not later than one month after the hearing of an appeal, deliver its decision. Please refer to item (i) of the draft LegCo resolution at Annex for details.

## INTERPRETATION AND GENERAL CLAUSES ORDINANCE

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**DRAFT RESOLUTION**

(Under section 34(2) of the Interpretation and  
General Clauses Ordinance (Cap. 1))

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APPEAL BOARD ON CLOSURE ORDERS (IMMEDIATE  
HEALTH HAZARD) RULES

- RESOLVED that the Appeal Board on Closure Orders  
(Immediate Health Hazard) Rules, published in the  
Gazette as Legal Notice No. 200 of 2002 and laid on  
the table of the Legislative Council on 11 December  
2002, be amended -
- (a) in section 2, in the definition of "working day",  
by repealing "日" and substituting "天";
  - (b) in section 4 -
    - (i) by repealing "clear";
    - (ii) in paragraph (b), by repealing  
"bound" and substituting  
"affected";
  - (c) in section 5, by repealing "clear";

- (d) in section 6(1), by repealing "clear";
- (e) in section 7 -
  - (i) in subsection (1), by repealing "clear";
  - (ii) in subsection (2)(a), by repealing "clear";
- (f) in section 8(a), by repealing "clear";
- (g) in section 10, by adding -
  - "(3) An appellant may apply to the person who is to preside at the hearing of the appeal to conduct the hearing in Chinese or English or both.";
- (h) in section 12(2), by repealing "clear";
- (i) in section 13 -
  - (i) by renumbering it as section 13(2);
  - (ii) by adding -
    - "(1) The Appeal Board shall, as soon as practicable and in any event not later than one month after the completion of the hearing of an appeal, deliver its decision on the appeal.";
- (j) in section 15(3), by repealing "clear".