立法會 Legislative Council

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Bills Committee on Provision of Municipal Services (Reorganization) Bill

Minutes of Meeting held on Friday, 17 September 1999 at 8:30 am - 12:30 pm in Conference Room A of the Legislative Council Building

Members: Hon Andrew WONG Wang-fat, JP (Chairman)

Present Hon HO Sai-chu, SBS, JP

Hon LEE Wing-tat

Hon Fred LI Wah-ming, JP Hon Ronald ARCULLI, JP

Hon Ambrose CHEUNG Wing-sum, JP

Hon CHAN Wing-chan Hon CHAN Kam-lam

Hon Jasper TSANG Yok-sing, JP

Hon Howard YOUNG, JP

Hon CHOY So-yuk

Dr Hon TANG Siu-tong, JP

Members: Hon Kenneth TING Woo-shou, JP

Absent Hon Cyd HO Sau-lan

Hon James TO Kun-sun Hon YEUNG Yiu-chung Hon FUNG Chi-kin

Public Officers: Mrs Maureen CHAN

Attending Deputy Secretary for Constitutional Affairs

Mr John LEUNG

Principal Assistant Secretary for Constitutional Affairs

Mr Paul CHEUNG

Senior Staff Officer (Leisure Policy)

Urban Services Department

Mr Tony MA

Assistant Director of Regional Services (Culture & Entertainment)

Regional Services Department

Mr K T LAI

Assistant Director of Regional Services

(Environmental Health Policy)

Mrs N DISSANAYAKE

Senior Assistant Law Draftsman (Department of Justice)

Miss Selina LAU

Government Counsel (Department of Justice)

Clerk in : Mrs Constance LI

Attendance Chief Assistant Secretary (2) 2

Staff in : Miss Connie FUNG

Attendance Assistant Legal Adviser 3

Miss Flora TAI

Senior Assistant Secretary (2) 2

I. Clause-by-clause examination

(from paragraph 169 of Schedule 3 onwards)

The Bills Committee continued clause-by-clause examination of the Bill from paragraph 169 of Schedule 3 onwards. At the invitation of the Chairman, Deputy Secretary for Constitutional Affairs (DS(CA)) briefed members on the proposed amendments to various Regulations under the Public Health and Municipal Services Ordinance (Cap. 132) (the Ordinance). The gist of discussion is summarised below.

Paragraphs 169-178 (Civic Centres Regulation)

- 2. <u>Mr LI Wah-ming</u> asked about the reasons for adopting the Regional Council By-laws instead of the Urban Council By-laws as the future Civic Centres Regulation. <u>DS(CA)</u> responded that the two sets of By-laws were similar but that the Regional Council By-laws contained more comprehensive provisions in respect of the management of civic centres, e.g. prohibitions on bringing in conveyance, and recording and photographing in a civic centre.
- 3. In reply to Mr LI Wah-ming, <u>Assistant Director of Regional Services</u> (<u>Culture & Entertainment</u>) (<u>AD/RS(C&E)</u>) said that section 11(1)(a) was an existing provision empowering a manager to direct a person to leave a civic centre if the manager had reason to believe that the person was going to commit an offence. He added that the provision had never been invoked. <u>Mr LI Wahming</u> remarked that the provision might be against the common law. He asked whether the Administration would consider repealing the provision. In response to the Chairman, <u>Assistant Legal Adviser (ALA)</u> advised that similar provision could be found in other legislation which sought to prevent an unlawful act from happening. <u>ALA</u> added that exercise of such power would be subject to the test of reasonableness. <u>Senior Assistant Law Draftsman (SALD)</u> said that she agreed with the ALA. She added that it was the conduct, not the intent, which constituted the ground of reasonable belief that the person was going to commit an offence.
- 4. <u>DS(CA)</u> said that in view of the complicated and voluminous provisions in the Bill, it might not be possible for the Bills Committee to review the policy for each and every existing provision in the By-laws under Cap. 132. She said that the new Department would conduct a review of these subsidiary legislation after a period of operation. <u>Mr Howard YOUNG</u> agreed with the Administration, pointing out that the Bill only provided for the reconciliation of differences between the subsidiary legislation made by the Provisional Municipal Councils (PMCs). Other minor amendments required of the existing subsidiary legislation could be dealt with by the new Department in due course. However, <u>Mr LI Wah-ming</u> was of the view that the Bills Committee should discuss the need to amend or repeal certain provisions of the subsidiary legislation if they were clearly obsolete or problematic.
- 5. At Mr LI's suggestion, the Administration agreed to consider deleting section 11(1)(b) which empowered the manager to direct a person to leave a civic centre if that person was indecently or insufficiently dressed.
- 6. <u>The Chairman</u> asked whether the Administration would consider transferring the responsibility for the management of community halls and community centres from the Home Affairs Department to the future Department of Leisure and Cultural Services. <u>DS(CA)</u> replied that these two departments

would come under the same policy bureau i.e. the Home Affairs Bureau after reorganization. There would be a review on the management and use of community hall and community centres which were not limited to organization of leisure and cultural activities. The Chairman suggested that the management of community halls and community centres could be decentralised or designated to some organizations. In this regard, DS(CA) informed members that the independent Consultant engaged by the Government to advise on the provision of art, recreation and sport services had recommended contracting out the management of civic centres and other recreational venues. The Administration had accepted the recommendation in principle.

Paragraph 179 (Colouring Matter in Food Regulations)

7. <u>Members</u> noted that all regulations in relation to colouring matters in food would be made by the future Director of Food and Environmental Hygiene (DFEH).

Paragraphs 180-194 (Commercial Bathhouses Regulation)

- 8. <u>Members</u> noted that the Administration proposed to adopt the Commercial Bathhouses (Urban Council) By-laws as the Commercial Bathhouses Regulation because the Provisional Regional Council (ProRC) did not have similar by-law for the regulation of commercial bathhouses.
- 9. <u>DS(CA)</u> drew members' attention to the new transitional provision (proposed section 21) which sought to exempt commercial bathhouses existing immediately before 1 January 2000 in the Regional Council area until 1 January 2002. As operators of existing commercial bathhouses in the Regional Council area were at present not subject to any licensing control, <u>Mr Howard YOUNG</u> expressed concern whether the proposed two-year grace period was adequate for the operators to comply with the new regulatory requirement.
- 10. In response to Mr Howard YOUNG, <u>Assistant Director of Regional Services (Environmental Hygiene Policy) AD/RS(EHP)</u> said that according to the records, there were four commercial bathhouses in the ProRC area. The ProRC had considered whether a framework should be put in place to regulate premises used as commercial bathhouses, but found that it was difficult to define the scope of regulation in view of the emergence of new facilities in such premises. No regulatory framework for commercial bathhouses in the New Territories had been established so far. <u>DS(CA)</u> added that the new Bureau and Departments were expected to complete the review to re-align the existing By-laws of the PMCs in two years' time. A grace period of two years would therefore be adequate for the trade to comply with the new requirements.

- 11. Mr LEE Wing-tat said that if the safety condition of existing commercial bathhouses (including those for sauna and massage purposes) in the ProRC area was far from satisfactory, they should also be brought under licensing control as soon as possible. The Chairman commented that a grace period might not be necessary if these commercial bathhouses had no difficulty in complying with the new requirements. The Chairman suggested that the Administration should inspect these commercial bathhouses in order to ascertain the existing conditions. AD/RS(C&E) noted the suggestion. He said that staff of RSD possessed general powers of entry into these premises under section 126 of the Ordinance, and if there were doubts on the safety conditions, the case would be referred to the relevant departments for follow up actions.
- 12. Responding to Mr LI Wah-ming, <u>Principal Assistant Secretary for Constitutional Affairs (PAS(CA))</u> informed members that there were 93 licensed commercial bathhouses in the Urban Council area, and that commercial sauna bathhouses were also subject to the same licensing control. He added that licences to massage establishments were issued by the Police under the Massage Establishments Ordinance (Cap. 266).
- 13. The Chairman was of the view that the scope of the commercial Bathhouses Regulation was unclear, for example, whether bathhouses in private clubhouses providing sauna and massage facilities were also subject to the same licensing control. At the Chairman's request, <u>DS(CA)</u> undertook to provide a paper on the licensing policy, standards and procedures for bathhouses in private clubhouses, fitness centres in large private residential estates.

<u>Paragraphs 195-222</u> (Cremation and Gardens of Remembrance Regulation)

- 14. <u>Members</u> noted that the Administration proposed to adopt the Urban Council By-laws as the new Regulation.
- 15. Mr LI Wah-ming referred to sections 15 and 22 that a person would be guilty of an offence for holding a public meeting or was improperly or inadequately clad in government crematoria and gardens of remembrance. He suggested that the Administration should consider deleting these provisions governing public meetings and clothings as they were outdated and redundant. DS(CA) undertook to review the need for retaining these provisions.
- 16. Mr CHAN Kam-lam asked why there was a residency requirement for disposal of ashes at a crematorium under section 13(3). AD/RS(EHP) replied that this was to ensure that the limited public crematorium facilities were made available for use by local residents in view of the limited facilities at the time of enactment. He undertook to provide a response on the need to retain the provision. Mr Howard YOUNG also drew members' attention to section 13(4)

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which allowed use of public crematorium facilities for disposal of ashes of the human remains of a person who failed to meet the residency requirement.

- 17. Responding to Dr TANG Siu-tong and Mr CHAN Wing-chan, AD/RS(EHP) said that various restrictions on coffins under section 11(1)(b) were imposed for safety and operational reasons, in order to avoid any obstacles to the cremation process.
- 18. Mr LI Wah-ming asked about the monitoring of the operation of private crematoria. AD/RS(EHP) responded that the facility at a private crematorium could only be used for the cremation of the encoffined dead body or exhumed human remains of members or resident inmates of the monastery or nunnery. Private crematoria normally were not for use by members of the public. The manager of the private crematorium should apply for a cremation permit and strictly follow the procedures laid down in the published guidelines. DS(CA) added that the six registered private crematoria were all located within temples and monasteries in the Regional Council area as listed under Part VI of the Fifth Schedule to the Ordinance. In reply to the Chairman, AD/RS(C&E) said that a registered private crematorium was required to apply for a cremation permit each time from the Authority 48 hours in advance.
- 19. In reply to Mr LEE Wing-tat, <u>AD/RS(EHP)</u> confirmed that there was no provision prohibiting the use of these private crematoria by a member of the public. <u>Mr LEE Wing-tat</u> remarked that the facilities should comply with certain health and safety standards if they could be used by the public. <u>AD/RS(EHP)</u> responded that members of the public would normally make use of the facilities at public crematoria where the charges were substantially subsidized. In view of members' concern, <u>AD/RS(EHP)</u> agreed to provide further information on the registration policy, procedures and monitoring of private crematoria, and whether private crematoria were open for use by members of the public.
- 20. The Chairman noted that the cremation service for pets would cease due to closure of the Kennedy Town Abattoir. He suggested that the Administration should provide a private animal carcass crematorium, as it was unacceptable to pet owners to dispose the dead bodies of their pets as rubbish. The Chairman asked the Administration to provide further information on the proposed arrangement for cremation of the dead bodies of pets and incineration of animal carcasses. DS(CA) said that the Administration noted the Chairman's concern but it would be a policy matter for the new Secretary for the Environment and Food to consider. Mr Ambrose CHEUNG and Mr LEE Wing-tat supported the Chairman's suggestion and urged the Administration to make early preparation in anticipation of the cessation of the pet cremation service. Mr Ambrose CHEUNG added that the Administration should also provide information on the proposed arrangement for incineration of clinical waste. DS(CA) undertook to provide a consolidated response.

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Paragraphs 223-224 (Designation of Libraries Order)

21. Members did not raise any queries.

Paragraph 225 (Dried Milk Regulations)

- 22. <u>Members</u> noted that the current Dried Milk Regulations were applicable to both the Urban Council and Regional Council areas. <u>The Chairman</u> asked why the Director of Health, instead of the two municipal councils, were empowered to make regulations relating to food under this Regulation. <u>DS(CA)</u> responded that the scope of the Ordinance was very broad and the Director of Health had been given the power to make certain regulations in respect of food which were applicable to the whole territory.
- 23. <u>Mr LEE Wing-tat</u> then asked about the reasons for designating the Director of Food and Environmental Hygiene instead of the Director of Health to bring proceedings against offences under these provisions. <u>AD/RS(EHP)</u> replied that following reorganization, the proposed Food and Environmental Hygiene Department would deal with regulation of food while the Department of Health should be responsible for regulation of drugs.

Paragraph 226 (Food Adulteration (Artificial Sweeteners) Regulations)

24. Members raised no queries on the Regulations.

<u>Paragraphs 227-228</u> (Food Adulteration (Metallic Contamination) Regulations)

25. Members did not raise any queries on the Regulations.

Paragraphs 229-230 (Food and Drugs (Composition and Labelling) Regulations)

26. Mr LEE Wing-tat asked why the DFEH was designated as the Authority under these Regulations which were related to both food and drugs. DS(CA) clarified that where the offence was committed under the Regulations in respect of drugs, proceedings would still be brought in the name of the Director of Health under section 6(a). The Administration would review in future whether provisions on drugs should be grouped under one single piece of legislation with the Director of Health designated as the authority.

Paragraphs 231-266 (Food Business Regulations)

27. <u>Members</u> noted that the Administration proposed to adopt the Food Business (Regional Council) By-laws as the new Regulation.

Section 3

- 28. Mr LI Wah-ming asked why raw beef was not included in the definition of "sashimi" in section 3. AD/RS(EHP) replied that raw beef had been classified as "meat to be eaten in raw state" under Schedule 2 of the Food Business (Urban Council) By-laws and Food Business (Regional Council) By-laws. Sale of those restricted foods in Schedule 2 was subject to stringent conditions requiring specific permission by the PUC or ProRC as specified in a licence.
- 29. Mr Ambrose CHEUNG suggested that a separate licence should be issued for sale of these restricted foods to facilitate effective enforcement. Mr CHAN Wing-chan held a different view, indicating a preference for one composite food business licence including the sale of restricted foods. Mr HO Sai-chu also expressed support for a streamlined licensing system to facilitate the trade. The Chairman remarked that Mr Ambrose CHEUNG's suggestion would go against the proposal of streamlining the food business licensing system. Mr CHEUNG considered that a composite licence for sale of raw food could be issued instead. In view of members' comments, the Chairman suggested the Administration to review the licensing policy and requirements for the sale of various types of restricted food in restaurants e.g. sashimi shops. DS(CA) said that the Administration would consider rationalisation of licensing procedure for food business under the new structure.

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Section 4

- 30. On the interpretation of "food business", <u>AD/RS(EHP)</u> explained that any canteen in any school or work place for the exclusive use of the pupils of the school or persons employed in the work place was not classified as food business under section 4, and a food business licence was not required. However, there was a grey area because some canteens also served outsiders and they should be regarded as restaurants and brought under licensing control. The Urban Services Department (USD) and RSD were following up on the necessary licensing arrangements in respect of these canteens. In response to Mr CHAN Wing-chan, <u>AD/RS(EHP)</u> confirmed that a food business licence would not be required if the canteen was exclusively for the staff. However, it still had to observe relevant safety and hygiene requirements in relevant legislation.
- 31. Mr LEE Wing-tat expressed concern that it was difficult to prevent members of the public from making use of the service at those canteens provided in government departments which were currently exempt from licensing. AD/RS(EHP) pointed out that these canteens were subject to inspection by staff of the USD/RSD. If these canteens were found serving members of the public, they would be required to apply for a food business licence. The Chairman said there were practical difficulties in enforcing the exemption requirements. He

was therefore of the view that all canteens should be subject to licensing control for the sake of public health.

Sections 5 and 13

- 32. <u>Mr LI Wah-ming</u> expressed concern that the Administration appeared to have adopted the more stringent version of the two By-laws as the new Regulation. He cited the following in support of his observation-
 - (a) under section 5(5) of the Food Business (Regional Council) By-laws, non-compliance with the provisions on cleanliness and repair of food business was an offence, but the Urban Council By-laws only required recovery of the expenses from the proprietor; and
 - (b) section 13 of the Food Business (Regional Council) By-laws imposed restriction such as drainage requirements on the use of open space for food business, whereas the Urban Council By-laws did not have such requirement.
- 33. <u>DS(CA)</u> explained that most of the subsidiary legislation of the ProRC were made after 1986 and the Administration tended to adopt the updated version. However, she noted Mr LI's concern and undertook to consider whether section 5 and section 13 would pose difficulties to the trade.

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Section 28

- 34. Mr Ambrose CHEUNG sought clarification from the Administration on the purpose and legal effects of the proposed amendment to section 28 concerning prohibitions against collection of shell fish in certain areas. PAS(CA) replied that this was an existing provision in the By-laws of the Urban Council and Regional Council prohibiting the collection of shell fish in areas where water was polluted. AD/RS(EHP) added that the proposed amendment only sought to exclude the area in Tsuen Wan which had been reclaimed already.
- 35. In response to the Chairman, <u>SALD</u> said that "harbour" under section 28 was defined in General Clauses and Interpretation Ordinance (Cap. 1).
- 36. Mr Ambrose CHEUNG opined that the Administration should consult the trade on the proposed amendment. DS(CA) said that the provision was amended in 1974 and the trade had not expressed great difficulties in this respect. She suggested that any policy review could be conducted after the reorganization. Mr CHEUNG maintained the view that the trade should be consulted as to whether the relaxation was adequate. At Mr CHEUNG's request, DS(CA) agreed to provide further information on the effect of the proposed amendment.

Section 30

37. Mr LI Wah-ming noted that under section 31(3) of the Food Business (Urban Council) By-laws, "accidentally defaced" and "required amendment" were included as the grounds for application of issue of duplicate licence, but such provisions were now excluded under section 30(3) of the new Regulation. DS(CA) responded that the Administration had only adopted the simpler version, and she had no strong views about re-inserting the missing phrases if members considered it necessary.

Section 31

38. Mr LI Wah-ming asked about the reason for excluding milk factory and frozen confection factory from the scope of food business licensing under section 31(1)(a). AD/RS(EHP) responded that milk factories and frozen confection factories were already covered by other Regulations. ALA advised that milk factory and frozen confection factory were also excluded from the definition of "food factory" in the Food Business (Urban Council) By-laws.

Section 34

39. Mr Ambrose CHEUNG asked why "deviation" instead of "material deviation" was used in section 34(a) in respect of prohibition against a licensee to make alteration or addition without the permission of the Authority. AD/RS(EHP) said that in enforcing this provision, the licensee would only be required to make an application for the alteration or addition and no prosecution action would be taken against the licensee unless it was a material deviation. Mr Ambrose CHEUNG pointed out that the legal effect would be different if "deviation" was used instead of "material deviation". SALD and ALA agreed with Mr CHEUNG. ALA added that the proposed provision would impose more stringent licensing conditions. DS(CA) agreed to re-consider and provide a response.

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<u>Paragraphs 267-268</u> (Food Business Regulation (Exemption from Section 31(1)) Notice)

40. Members did not raise any queries.

Paragraphs 269-299 (Frozen Confections Regulation)

41. In response to Mr LI Wah-ming on the requirement under section 16 that hawkers of frozen confections should wear uniform and display numbers, <u>AD/RS(EHP)</u> said that the ProRC did not allocate numbers to these hawkers as they were licensed as itinerant hawkers. Normally, the frozen confections

companies would apply for the licences on behalf of these hawkers who would wear the company's uniforms and display the hawker licences (with the licence number) when selling frozen confections. Mr LI Wah-ming then asked about the arrangements for self-employed hawkers selling frozen confections. AD/RS(EHP) undertook to provide a response to members.

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- 42. Mr Ambrose CHEUNG said that while PUC had adopted a Compulsory Deletion Policy in respect of itinerant hawkers, the ProRC did not have such policy. In this regard, <u>DS(CA)</u> said that in view of the complexity of hawker issues, it would not be possible to resolve all differences between the PUC and ProRC policies within a short time. She said that the Government would review the policy in due course.
- 43. Mr Ambrose CHEUNG expressed concern that the new bureau and departments should not implement changes without consulting the trade. He sought assurance from the Administration that the existing policies of the PUC and ProRC on itinerant hawkers would remain unchanged for, say, two years, after the reorganization. DS(CA) reiterated that the new bureau would follow existing policies after the reorganization for the time being and would consult the Legislative Council if a policy change was proposed. She said it would be difficult for her to give such an undertaking at the present stage since the new structure was yet to be set up. In response to the Chairman, DS(CA) undertook to provide a written response.

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44. Mr LEE Wing-tat pointed out that under section 18(1)(i) of the Frozen Confections (Regional Council) By-laws, it was a licensing condition that the manufacture and storage of frozen confections must not be near soil fitments or latrine fitments. He asked whether the Administration would consider reinserting such a provision to the new Regulation (which was based on the Urban Council By-laws) for the sake of public health. <u>PAS(CA)</u> responded that the plan of the premises for making frozen confections would require approval of the Authority, and any such plan should meet the hygiene standards set by the Authority. Mr LEE Wing-tat was of the view that the requirements should be stipulated in the legislation instead of giving the discretion to the Authority. Mr HO Sai-chu agreed with Mr LEE. Mr Ambrose CHEUNG pointed out that if the requirement was not stipulated in law, the Authority might have difficulty in taking legal action against the manufacture and storage of frozen confections near soil fitments or latrine fitments. At the request of the Chairman, DS(CA) undertook to consider members' suggestion.

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Paragraphs 300-311 (Funeral Parlours Regulation)

45. <u>Members</u> noted that the Urban Council By-laws would be adopted as the new Regulation.

46. Mr LI Wah-ming asked about the reason for refusing the grant of a licence to persons below 21 years of age under section 5 of the Regulation. He said that the Urban Council By-laws did not contain a similar provision. AD/RS(EHP) replied that the Administration considered that a minimum age should be stipulated for the grant of a licence. Mr LEE Wing-tat considered that the minimum age should be 18 years in accordance with the recent amendment to the Companies Ordinance (Cap. 32) which permitted a person at the age of 18 years or above to be a director of a listed company. At the request of the Chairman, DS(CA) agreed to consider the suggestion.

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47. <u>Mr LEE Wing-tat</u> also sought clarification on the meaning of "public interest" under section 5. <u>AD/RS(C&E)</u> explained that section 5 empowered the Authority to refuse to grant or renew a licence or to revoke a licence in the public interest, for example, in view of the objection from the community.

Paragraphs 312-313 (Harmful Substances in Food Regulations)

48. Members did not raise any queries.

Paragraph 314 (Hawker (Permitted Places) Declaration)

49. In response to the Chairman, <u>DS(CA)</u> said that the amendment only sought to repeal the citation in the Declaration and did not have any effect on the specification of hawker permitted places.

Paragraphs 315-368 (Hawker Regulation)

- 50. <u>Members</u> noted that the Urban Council By-laws were adopted as the new Regulation.
- 51. Mr LEE Wing-tat referred to the interpretation of "wall stall" and asked whether a wall stall erected against an external wall of a private property without the owner's consent would be an offence under the Regulation. AD/RS(EHP) responded that RSD had not issued licences to wall stalls in the New Territories for a long time in view of the enforcement difficulties. The existing wall stall licences in the urban areas were only a legacy of the past. As far as he was aware, the wall stall operator must seek the consent of the owner of the private property concerned before making an application for a fixed pitch licence at the location. The Chairman pointed out that there were still many wall stalls which operated within private land without the owner's consent. Mr LEE wing-tat asked whether the owner of the private property could take any action against wall stalls operating within his property. In response, <u>SALD</u> advised that the wall stall operator could be accused of trespassing the private property. ALA added that the owner of the private property could also apply for an injunction from the court prohibiting operation of the wall stall within his property. The Chairman

commented that the legal position of the regulation of wall stalls was very complicated and it would be very difficult for an owner to protect his interest if a wall stall was erected within his private property without his consent. He suggested the Administration to consider improvements to the relevant legislation.

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- 52. <u>Mr LI Wah-ming</u> asked whether the section 2 of the Regulation should include the definitions of "market area" and "open food" as in the existing Hawker (Regional Council) By-laws. <u>DS(CA)</u> undertook to provide a written response.
- 53. Mr LI Wah-ming expressed concern that the more stringent provisions of the two By-laws had been adopted. Mr LEE Wing-tat held similar views and cited the regulation of itinerant hawkers as an example. He said that an itinerant hawker in the New Territories could, subject to the consent of the ProRC, transfer his place of business from one District to another District, while an itinerant hawker in the UC area could only carry out his business in specified areas. AD/RS(EHP) informed members that when the Hawker (Urban Council) By-laws were amended in 1982-83, the then New Territories Services Department had decided not to adopt the amended version. As a result, hawkers in the ProRC area were subject to less stringent regulation. A review would be carried out to examine how the existing differences in policies for the urban area and the New Territories could be reconciled.
- 54. The Chairman asked why the Administration did not adopt the less stringent By-laws, pending an overall review of the hawker policy. DS(CA) responded that the Administration's position was to adopt the less stringent version. However, after consultation with USD and RSD, the Administration considered that more stringent provisions might be required under certain circumstances. The Chairman said he would prefer adopting the less stringent version, while relevant provisions in the existing Urban Council By-laws could be added at a later stage where necessary. Mr Ambrose CHEUNG expressed concern that the Administration did not have consistent standards for determining whether a more stringent or less stringent provision was to be adopted. Mr LEE Wing-tat opined that the Administration should consult the concerned parties as the new Regulation would have implications on the trade.

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55. At Mr LEE's request, <u>DS(CA)</u> agreed to provide a comparison table to illustrate the differences between the existing and proposed provisions, and to provide the reasons for adopting the proposed provisions. <u>Members</u> agreed to defer discussion on the Hawker Regulation until the comparison table was available.

II. Any other business

- 56. <u>The Chairman</u> reminded members that the next meeting would be held on Wednesday, 22 September 1999 at 2:30 pm to continue clause-by-clause examination.
- 57. The meeting ended at 12:40 pm.

<u>Legislative Council Secretariat</u> 9 May 2000