

**Paper for the Legislative Council Bills Committee  
on the Provision of Municipal Services (Reorganization) Bill**

**Municipal Services Appeals Board**

**Purpose**

This paper is to brief Members on the changes to the Municipal Services Appeals Boards as provided in Schedule 4 to the Provision of Municipal Services (Reorganization) Bill (the "Reorganization Bill").

**Background**

2. the Municipal Services Appeals Boards (MSABs) were established in 1990 under the MSAB Ordinance (Cap. 220) to consider appeals against decisions made by the Provisional Municipal Councils. The jurisdiction of the MSAB covers the following Ordinance/Regulations:

- Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.)
- Public Health & Municipal Services Ordinance (Cap. 132)
- Places of Public Entertainment Regulations (Cap. 172 sub. leg.)

2. At present, the MSABs are made up of the Urban Services Appeals Board and the Regional Services Appeals Board and these two Boards share the same Chairman, three Vice-chairmen and a panel of 21 members. The Chairman and Vice-chairman take turn to preside at the hearings. In addition, the Board for hearing consists of 2 other members nominated from the panel plus a member from the relevant Municipal Council (i.e. a total of 4). During 1998, the two MSABs handled a total of 18 cases.

[MSAB\Britf-902]

### **Consultant's recommendation**

3. The Consultant's report on 'Food Safety and Environmental Hygiene Services in Hong Kong' recommended that upon dissolution of the two Provisional Municipal Councils, the existing Urban Services Appeals Board and Regional Services Appeals Board should be merged to deal with appeals against decisions of the Liquor Licensing Board under Cap. 109 sub. leg., and Licensing Appeals Board under Cap. 132 and other decisions under Cap. 132 and Cap. 172 sub. leg.

### **Proposed legislative amendments**

4. Schedule 4 of the Reorganization Bill (page C1958-C1967) sets out the legislative amendments to the MSAB Ordinance (Cap. 220).

### **Membership of the board for hearing**

5. The law provides that the term of office of MSAB members will be for a period of 3 years. There will be no change in the board composition except that the attendance of a PMC member will cease in future. Thus, the new MSAB will consist of either the Chairman or a Vice-chairman plus 2 members (i.e. a total of 3 members) to hear an appeal. This composition is consistent with the arrangement which is being adopted by its counterpart, the Administrative Appeals Board which is established under the Administrative Appeals Board Ordinance (Cap. 442) for hearing appeals against non-municipal services administrative and licensing decisions.

6. The term of office of the existing members of the MSABs will cease upon the enactment of the Reorganization Bill. The Chief Executive will consider at an appropriate time the appointment of the Chairman, Vice-chairmen and panel members to the new MSAB.

7. The existing MSABs are serviced by the Director of Administration and this arrangement will continue after merging.

## Comparison

8. Except some relatively minor amendments arising from the establishment of the Licensing Appeals Board, the legal provisions for the new MSAB are nearly the same as before. A table of comparison between the existing MSABs and the new MSAB after merging is at **Annex I**.

Constitutional Affairs Bureau  
September 1999

**Comparison of the MSAB before and after merging**

<b>Features</b>	<b>Before merging</b>	<b>After merging</b>
No. of Boards	<ul style="list-style-type: none"><li>two in the names of Urban Services Appeals Board and Regional Services Appeals Board</li></ul>	one in the name of Municipal Services Appeals Board
Functions	<ul style="list-style-type: none"><li>to consider appeals against decisions of the LLB (Cap. 109 sub. leg.) and those made under Cap. 132 and Cap. 172 sub. leg.</li></ul>	to consider appeals against decision of the LLB and LAB and other decisions made under Cap. 132 and Cap. 172 sub. leg.
Jurisdiction	<ul style="list-style-type: none"><li>Dutiable Commodities (Liquor) Regulations (Cap. 109 sub. leg.)</li><li>Public Health &amp; Municipal Services Ordinance (Cap. 132)</li><li>Places of Public Entertainment Regulations (Cap. 172 sub. leg.)</li></ul>	no change
Board for hearing	<ul style="list-style-type: none"><li>Chairman or Vice-chairman to preside plus 2 members from the panel and 1 PMC member (a total of 4)</li></ul>	Chairman or Vice-chairman to preside plus 2 members from the panel (a total of 3)
Membership	<ul style="list-style-type: none"><li>Chairman + 1 or more Vice-chairman + a panel of members, the Chairman and Vice-chairmen should be legally qualified persons</li></ul>	no change
Appointment of members	<ul style="list-style-type: none"><li>appointment by CE</li></ul>	no change