立法會 Legislative Council

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Paper for the House Committee Meeting of the Legislative Council on 29 June 2001

Legal Service Division Report on Subsidiary Legislation Gazetted on 22 June 2001

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Amendment to be made by : the second sitting (or the third sitting, if

extended by resolution) in the next session

Public Health (Animals and Birds) Ordinance (Cap. 139)

Public Health (Animals and Birds) (Chemical Residues) Regulation (L.N. 146)

Municipal Services Ordinance (Cap. 132)
Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148)

The Public Health (Animals and Birds) (Chemical Residues) Regulation (L.N. 146), made under the Public Health (Animals and Birds) Ordinance (Cap. 139)—

- (a) provides for regulatory control over the feeding of specified chemicals to animals and birds commonly kept for human consumption (food animals);
- (b) creates an offence for farmers and traders who possess or supply specified prohibited chemicals;
- (c) creates an offence for farmers and traders who keep food animals containing specified prohibited chemicals;
- (d) makes it unlawful for the supply of food animals and milk containing specified agricultural and veterinary chemicals in excessive concentrations;

- (e) requires the labelling and identification of certain food animals;
- (f) prohibits the importation of food animals without documents issued by exporting countries certifying the status of food animals with respect to the presence of chemicals in such animals;
- (g) requires traders operating in slaughterhouses to keep records of food animals being slaughtered;
- (h) empowers the Director of Agriculture, Fisheries and Conservation to make orders to suspend or recall the supply of food animals and fodders under certain circumstances; and
- (i) empowers the senior veterinary officer and Public Analyst to take samples for testing and to issue certificate of analysis for the better carrying out of this Regulation.
- 2. To ensure a consistent standard of chemical residues in the food chain, the Harmful Substances in Food (Amendment) Regulation 2001 (L.N. 148) is made to extend the scope of prohibition in respect of—
 - (a) the importation and sale of food containing certain chemicals in excessive concentrations; and
 - (b) the sale of food containing certain prohibited substances.
- 3. Members may refer to LegCo Brief File Ref. EFB 6/12/17 issued by the Environment and Food Bureau and the Agricultural, Fisheries and Conservation Department in June 2001 for background information on the two Regulations. According to the Administration, both Regulations will come into operation in two phases after the expiry of the period for scrutiny by the Legislative Council:-
 - (a) the first phase implementation will cover provisions in both Regulations relating to the seven prohibited chemicals;
 - (b) the second phase implementation will cover the remaining provisions in both Regulations relating to 27 agricultural and veterinary chemicals.
- 4. The LegCo Panel on Health Services discussed the control measures on clenbuterol poisoning and matters contained in L.N. 146 respectively at its meetings on 16 October 2000 and 13 November 2000. According to the Brief, the Advisory Council on Food Safety and Environmental Hygiene and the majority of the those responding to public consultation supported the proposals. The Legal Service Division is still scrutinizing the two Regulations and will make a further report to Members if necessary.

- * Estate Agents Ordinance (Cap. 511)
 Estate Agents (Licensing) (Amendment) Regulation 2001 (L.N. 147)
 - 5. This Amendment Regulation amends the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg.) to—
 - (a) facilitate former licensees in obtaining licences, and to facilitate estate agent's licensees in obtaining salesperson's licences and vice versa;
 - (b) reduce licence fees;
 - (c) increase the maximum validity period of licences from 12 months to 24 months;
 - (d) modify the requirement of licensed estate agents in stating information; and
 - (e) revise certain prescribed forms.
 - 6. Members may refer to LegCo Brief File Ref. HB 9/7/35 issued by the Housing Bureau in June 2001 for background information. Annexes II and III of the Brief set out respectively the projected income and expenditure of the Estate Agents Authority from 2001-02 to 2005-06 and the revised fee schedule.
 - 7. The Amendment Regulation will come into operation on 1 January 2002. The licence fees were last reduced in January 2000. The LegCo Panel on Housing has been briefed at the meeting on 7 May 2001. According to the Brief, the trade are generally supportive of the proposed measures to introduce more flexibility in the licensing system. They also welcome the reduction in licence fees although some prefer a larger reduction. The Legal Service Division is still scrutinizing the Amendment Regulation and will make a further report to Members if necessary.

Dangerous Drugs Ordinance (Cap. 134) Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2001 (L.N. 149)

8. This Order adds to Part I of the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) ("the Ordinance") two substances, namely, gammahydroxybutyric acid (GHB) and 4-methylthioamphetamine (4-MTA). The effect of the Order is that the import and export of either of the two substances will require a licence from the Director of Health and the illicit trafficking, manufacture, supply or possession of either substance is an offence under the Ordinance. Under the

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^{*} fee reduction

Ordinance, any person who traffics in or manufactures a dangerous drug is liable to a maximum penalty of a fine of \$5,000,000 and life imprisonment. The maximum penalty for possession of a dangerous drug is a fine of \$1,000,000 and imprisonment for 7 years.

- 9. Members may refer to LegCo Brief File Ref. NCR 2/1/8 Pt.18 dated 20 June 2001 issued by the Security Bureau for background information. At present, GHB is not controlled under the Ordinance or the Pharmacy and Poisons Ordinance (Cap. 138). 4-MTA is controlled under the Pharmacy and Poisons Regulations (Cap. 138 sub. leg.) such that it can only be sold on and in accordance with a prescription in premises duly registered under the Pharmacy and Poisons Ordinance in the presence and under the supervision of a registered pharmacist. A book should also be kept for monitoring purpose. According to the Brief, the Action Committee Against Narcotics and the Pharmacy and Poisons Board agreed with the proposed amendments.
- 10. This Order will come into operation on 1 October 2001. The legal and drafting aspects of the Order are in order.

Prepared by

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