

立法會
Legislative Council

LC Paper No. CB(1) 1684/06-07
(These minutes have been seen
by the Administration)

Ref: CB1/BC/2/05/2

**Bills Committee on
Hazardous Chemicals Control Bill**

**Minutes of the eighth meeting
held on Thursday, 10 May 2007, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon CHOY So-yuk, JP (Chairman)
Hon SIN Chung-kai, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Member absent : Hon Audrey EU Yuet-mee, SC, JP

Public officers attending : Environmental Protection Department

Mr Carlson K S CHAN
Deputy Director of Environmental Protection

Dr Stephanie MA
Senior Environmental Protection Officer

Department of Justice

Ms S K LEE
Acting Deputy Principal Government Counsel

Ms Frances HUI
Senior Government Counsel

Ms Phyllis POON
Government Counsel

Clerk in attendance : Miss Becky EU
Chief Assistant Secretary (1)1

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Mrs Mary TANG
Senior Assistant Secretary (1)2

I Confirmation of minutes

(LC Paper No. CB(1) 1307/06-07 -- Minutes of the meeting held on 15 March 2007)

The minutes of the meeting held on 15 March 2007 were confirmed.

II Meeting with the Administration

(LC Paper No. CB(1) 1523/06-07(01) -- List of follow-up actions arising from the discussion on 13 April 2007
LC Paper No. CB(1) 1523/06-07(02) -- Administration's response to LC Paper No. CB(1) 1523/06-07(01)
LC Paper No. CB(1) 1566/06-07(01) -- Assistant Legal Adviser's letter dated 8 May 2007 to the Administration)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
3. The Administration was requested to-
 - (a) provide all the proposed Committee Stage amendments (CSAs) as far as practicable within one week or in good time before the next meeting scheduled for 25 May 2007;
 - (b) include an express provision on the immunity of the Government and public officers under clause 4. Reference should be made to the CSAs to the Unsolicited Electronic Messages Bill and to Section 15I(1) of the Smoking (Public Health) Ordinance (Cap. 371);
 - (c) review the English text and the Chinese text of clause 10(4) regarding the use of the expression "may not" and "不得" to ensure consistency. In the event that a decision was made on the appropriate wording, these should apply throughout the Bill for the sake of consistency;

- (d) advise other legislation which had provisions similar to clause 36 regarding search by the same sex;
- (e) consider the feasibility of incorporating the proposed CSA to clause 2 regarding incidental production of scheduled chemicals in the definition of "manufacture"; and
- (f) consider placing definitions which appeared only once in the Bill under the relevant clauses or putting all the definitions under clause 2 to ensure consistency.

4. Members agreed to continue discussion at the next meeting scheduled for Friday, 25 May 2007, at 11:00 am.

III Any other business

5. There being no other business, the meeting ended at 4:16 pm.

Council Business Division 1
Legislative Council Secretariat
21 May 2007

**Proceedings of the meeting of the
Bills Committee on Hazardous Chemicals Control Bill
Meeting on Thursday, 10 May 2007, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000146	Chairman	Confirmation of the minutes of meeting held on 15 March 2007 (LC Paper No. CB(1) 1307/06-07)	
000147 - 000616	Administration Chairman	Discussion on the Administration's response to the list of follow-up actions arising from the discussion at the meeting on 13 April 2007 (LC Paper No. CB(1) 1523/06-07(02))	
000617 - 001627	Mr SIN Chung-kai Chairman Administration ALA7	Discussion on the exemption of liability of public officers carrying out duties in the service of Government Members' views - (a) express provisions on the immunity of the Government and public officers were provided in the Committee Stage amendments (CSAs) to the Unsolicited Electronic Messages Bill; and (b) reference could be made to Section 15I(1) of the Smoking (Public Health) Ordinance as recommended by ALA7 to address concerns about deliberate contravention by public officers	The Administration to include an express provision on the immunity of the Government and public officers under clause 4. Reference should be made to the CSAs to the Unsolicited Electronic Messages Bill and to Section 15I(1) of the Smoking (Public Health) Ordinance (Cap. 371)

Time marker	Speaker	Subject(s)	Action required
001628 - 003831	Administration ALA7 Chairman Mr SIN Chung-kai	Continuation of clause-by-clause examination of the Bill Clause 10 ALA7's concerns that different Chinese renditions had been used for the phrase "may not" in the Bill, including "不可" and "不得". Should review the phrase to ensure consistency Administration's explanation - (a) "shall not" was used in clauses 6(1), 7(1), 8(1) and 9(1) which were prohibition provisions; it was appropriate to use "shall not" to impose prohibitions under those clauses; (b) it was appropriate to use "may not" in clause 10(4); the expression was used for the purpose of curtailing the discretionary powers conferred on the Director under clauses 10(1) and 10(2); and (c) "may not" could be translated as "不可" or "不得".	The Administration to review the English text and the Chinese text of clause 10(4) regarding the use of the expression "may not" and "不得" to ensure consistency. In the event that a decision was made on the appropriate wordings, these should apply throughout the Bill for the sake of consistency.
003232 - 010529	Administration Chairman Mr SIN Chung-kai ALA7	Clauses 11 to 35	The Administration to provide all the proposed CSAs as far as practicable within one week or in good time before the next meeting scheduled for 25 May 2007.
010530 - 010544	Administration Chairman Mr SIN Chung-kai	Clause 36 - Search by same sex	The Administration to advise other legislation which had provisions similar to clause 36 regarding search by the same sex.

Time marker	Speaker	Subject(s)	Action required
010545 - 011046	Administration Chairman	Clauses 37 to 51 and Schedules 1 and 2	
011047 - 011109	Chairman Administration ALA7	Examination of CSAs proposed by the Administration as set out in the Annex to LC Paper No. CB(1)1106/06-07(02)	
011527 - 012513	Chairman ALA7 Mr SIN Chung-kai Administration	CSAs to clause 2 ALA7's suggestion that clause 2(2) regarding the incidental production of scheduled chemicals be included in the definition of "manufacture"	The Administration to consider the feasibility of incorporating the proposed CSA to clause 2 regarding incidental production of scheduled chemicals in the definition of "manufacture".
012514 - 013447	Administration Chairman ALA7 Mr SIN Chung-kai	CSAs to clauses 10, 11, 12, 13, 19, 22, 27, 47, 50 Discussion on whether the definition for "relevant day" which appeared only once under clause 50(6) should be placed under clause 2 to ensure consistency	The Administration to consider placing definitions which appeared only once in the Bill under the relevant clauses or putting all the definitions under clause 2 to ensure consistency.
013448 - 014408	Chairman Administration Mr SIN Chung-kai ALA7	Arrangements for next meeting	