

立法會
Legislative Council

Ref : CB2/BC/2/07

LC Paper No. CB(2)1169/07-08
(These minutes have been seen
by the Administration)

**Bills Committee on
Prevention and Control of Disease Bill**

**Minutes of the second meeting
held on Friday, 1 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Vincent FANG Kang, JP (Chairman)
Dr Hon Joseph LEE Kok-long, JP (Deputy Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH, JP
Hon Alan LEONG Kah-kit, SC
Dr Hon KWOK Ka-ki

Members absent : Hon Margaret NG
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP

Public Officers attending : Item II

Mr Patrick NIP, JP
Deputy Secretary for Food and Health(Health)1

Mr Bruno LUK
Principal Assistant Secretary for Food and Health(Health)3

Dr Thomas TSANG
Controller, Centre for Health Protection
Department of Health

Dr Sarah CHOI
Principal Medical and Health Officer(4)
Department of Health

Dr Henry KONG
Chief Port Health Officer
Department of Health

Mr Allen LAI
Senior Government Counsel
Department of Justice

Clerk in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Janet SHUM
Senior Council Secretary (2)8

Ms Sandy HAU
Legislative Assistant (2) 5

Action

I. Confirmation of minutes of meeting
(*LC Paper No. CB(2)971/07-08*)

The minutes of meeting held on 25 January 2008 were confirmed.

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. At the request of the Bills Committee, the Administration undertook to provide the following in writing -

- (a) practices adopted by other jurisdictions during a period of extreme urgency or a public health emergency with regard to the requisitioning of private property and providing compensation for such requisition;

Action

- (b) comparison of the list of notifiable diseases and of the list of infectious agents contained in the Bill with similar lists adopted in the Mainland, and justifications for not including those diseases and infectious agents listed in the Mainland in the Bill;
- (c) confirmation on whether the requisitioning of private property would include intellectual property, such as the patents of pharmaceutical products; and if so, whether providing compensation for such requisition was consistent with Article 105 of the Basic Law (BL); and
- (d) confirmation on whether compensation would be provided to owners of premises and conveyances, as well as people ordered to be quarantined or isolated for public health purposes, if they suffered financial loss as a result.

4. The Administration was also requested to consider and revert in writing the following suggestions made by members -

- (a) including a penalty provision in the Prevention and Control of Disease Regulation for knowingly making false health declarations, as proposed by Mr LI Kwok-ying; and
- (b) stipulating in the Public Health Emergency Regulation that unregistered health care personnel recruited to perform necessary tasks and duties during an emergency must possess recognised training and/or qualifications, as proposed by Dr Joseph LEE.

5. At the request of Dr KWOK Ka-ki, Assistant Legal Adviser 4 undertook to provide a paper on whether the requisitioning of private property, including patents of pharmaceutical products, during a public health emergency and providing compensation for such requisition was consistent with BL105.

6. Members noted the Administration's plan to submit the Prevention and Control of Disease Regulation to the Bills Committee for scrutiny.

III. Dates of next meetings

7. Members agreed to hold meetings on the following dates -

28 February 2008 (Thursday)	8:30 am to 10:30 am
11 March 2008 (Tuesday)	4:30 pm to 6:30 pm

Action

26 March 2008 (Wednesday)	4:30 pm to 6:30 pm
8 April 2008 (Tuesday)	10:45 am to 12:45 pm
22 April 2008 (Tuesday)	10:45 am to 12:45 pm

8. There being no other business, the meeting ended at 10:00 am.

Council Business Division 2
Legislative Council Secretariat
26 February 2008

**Proceedings of the meeting of
Bills Committee on Prevention and Control of Disease Bill
on Friday, 1 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000031	Chairman	Confirmation of minutes of meeting held on 25 January 2008	
000032 - 000204	Chairman	Opening remarks	
000205 - 002554	Admin	Powerpoint presentation on the Bill	
002555 - 004359	Mr LI Kwok-ying Admin Chairman	Obligation of States Parties to the International Health Regulations (IHR) (2005) to establish routine inspection and preventive measures at points of entry, such as granting of sanitation certificates and pratiques Control measures to prevent cross-boundary spread of diseases The Administration was requested to consider including a penalty provision in the Prevention and Control of Disease Regulation for knowingly making false health declarations	✓ (Admin to provide a written response)
004400 - 005920	Dr KWOK Ka-ki Admin Chairman	The Administration undertook to provide - (a) practices adopted by other jurisdictions during a period of extreme urgency with regard to requisitioning of private property and providing compensation for such requisition; and (b) comparison of the list of notifiable diseases and of the list of infectious agents contained in the Bill with similar lists adopted in the Mainland, and justifications for not including those diseases and infectious agents listed in the Mainland in the Bill ALA4 was requested to provide a paper on whether the requisitioning of private property, include patents of pharmaceutical products, during a public health emergency and providing compensation for such requisition was consistent with Article 105 of Basic Law (BL)	✓ (Admin to provide written responses) ✓ (ALA4 to provide the paper)
005921 - 011026	Dr Joseph LEE Admin	Communication with the Mainland on the implementation of the requirements of IHR (2005) Making of the Public Health Emergency Regulation Meaning of "a large number of deaths and serious disabilities" referred to in section 8(4) of the Bill The Administration was requested to consider stipulating in the Public Health Emergency Regulation that unregistered health care personnel recruited to perform necessary tasks and duties during an emergency must possess recognised training and/or qualifications	✓ (Admin to provide a written response)
011027 - 012124	Chairman Admin ALA4 Mr LI Kwok-ying	Mechanism for updating and expanding the lists of notifiable diseases and infectious agents	

Time marker	Speaker	Subject	Action required
		The Administration was requested to confirm - (a) whether the requisitioning of private property proposed in the Bill would include the requisitioning of intellectual property, such as the patents of pharmaceutical products; and if so, whether providing compensation for such requisition was consistent with BL105; and (b) whether compensation would be provided to owners of premises and conveyances, as well as people ordered to be quarantined or isolated for public health purposes, if they suffered financial loss as a result	✓ (Admin to provide written responses)
012125 - 012347	Chairman Admin	Legislative timetable	
012348 - 012519	Chairman Mr LI Kwok-ying Dr KWOK Ka-ki	Dates of next meetings	
012520 - 012910	Dr KWOK Ka-ki Chairman Admin ALA4	Requisition of private property, including intellectual property, by the Government.	
012911 - 013018	Chairman	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
26 February 2008