

立法會
Legislative Council

Ref : CB2/BC/2/07

LC Paper No. CB(2)1303/07-08
(These minutes have been seen
by the Administration)

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

**Minutes of the third meeting
held on Thursday, 28 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Vincent FANG Kang, JP (Chairman)
Hon Margaret NG
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
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** : Dr Hon Joseph LEE Kok-long, JP (Deputy Chairman)
Hon WONG Yung-kan, SBS, 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 Paul TSANG
Senior Assistant Solicitor General
Department of Justice

Mr Allen LAI
Senior Government Counsel
Department of Justice

Miss Rebecca HO
Government Counsel
Department of Justice

Miss Angie LI
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)1169/07-08*)

The minutes of meeting held on 1 February 2008 were confirmed.

Action

II. Meeting with the Administration

2. The Bills Committee deliberated (index of proceedings at **Annex**).
3. Ms Audrey EU requested the Administration to provide a paper setting out the circumstances under which the powers proposed in the Bill would be exercised and by which authorities. The Administration undertook to provide the paper.
4. Dr KWOK Ka-ki noted that the Chief Executive (CE) in Council was proposed to make a public health emergency regulation on an occasion of public health emergency. Dr KWOK queried why the Director of Health was not specified in the Bill for the making of such regulation, as had been done in the United States.
5. The Administration explained that the reason for only empowering CE in Council to make a public health emergency regulation on an occasion of public health emergency was because the whole Government would need to be mobilised to combat and control the emergency situation and to which the Government would be held wholly accountable. Although the Director of Health was not mentioned in the making of a public health emergency regulation under clause 8, CE in Council would certainly seek the professional advice of the Director before deciding on making the regulation.
6. At the request of Mr Andrew CHENG, the Administration agreed to consider the following and revert in writing -
 - (a) to define the term "requisition" in the Bill, so as to clearly reflect that the term embraced deprivation of and interference with property; and
 - (b) to include a compensation scheme in a public health emergency regulation to be made under clause 8.

The Administration also agreed to consider providing in writing a framework of a public health emergency regulation to be made under clause 8.

7. At the request of Mr LI Kwok-ying, the Administration agreed to provide an explanation in writing on why the words "mail of any kind" referred to in paragraph (c) of the definition for the term "article" in clause 2 were placed outside the brackets of that paragraph.

III. Date of next meeting

8. The Chairman reminded members that the next meeting had been scheduled for 11 March 2008 at 4:30 pm.

Action

9. There being no other business, the meeting ended at 10:30 am.

Council Business Division 2
Legislative Council Secretariat
4 March 2008

**Proceedings of the meeting of
Bills Committee on Prevention and Control of Disease Bill
on Thursday, 28 February 2008, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000218	Chairman	Confirmation of minutes of meeting held on 1 February 2008	
000219 - 000514	Chairman	Opening remarks	
000515 - 000848	Admin	Introduction of the Administration's papers (LC Paper Nos. CB(2)1170/0708 (01) to (04))	
000849 - 001627	Ms Audrey EU Admin ALA4 Chairman	The Administration was requested to provide a paper setting out the circumstances under which the powers proposed in the Bill would be exercised and by which authorities	✓ (Admin to provide a written response)
001628 - 001746	Mr LI Kwok-ying Admin	Administrative means were in place to enable a health officer to engage the assistance of other Government departments for the prevention and control of infectious diseases	
001747 - 003132	Dr KWOK Ka-ki Admin ALA4	The Chief Executive (CE) in Council should seek the professional advice of the Director of Health in making a public health emergency regulation under clause 8 Director of Health would be empowered under the public health emergency regulation to appoint any unregistered but qualified health care personnel during an emergency	
003133 - 003951	Ms LI Fung-ying Admin	Circumstances under which a state of public health emergency would be made in Hong Kong Concern about the lack of coordination between CE in Council, the Department of Health and the Hospital Authority during a public health emergency	
003952 - 013327	Mr Andrew CHENG Admin	Briefing by the Administration on LC Paper No. CB(2) 1170/07-08(02) concerning requisition of private properties in a public health emergency and matters related to compensation The Administration was requested - (a) to define the term "requisition" in the Bill, so as to clearly reflect that the term embraced deprivation of and interference with property; (b) to include a compensation scheme in a public health emergency regulation to be made under clause 8; and (c) to provide the framework of a public health emergency regulation to be made under clause 8 Views of the Hong Kong Bar Association and the Law Society of Hong Kong should be sought on requisition of private properties during a public health emergency	✓ (Admin to provide a written response) ✓ (Clerk to write to the two law professional bodies)

Time marker	Speaker	Subject	Action required
013328 - 013725	ALA4 Chairman	The term "requisition" should best be provided in the Bill to clearly reflect that the term embraced deprivation of and interference with property. Reference could be drawn from the Model State Emergency Health Powers Act of the US which required the State to pay just compensation to the owner of any facilities or materials that were lawfully taken by a public health authority for its temporary or permanent use during a state of public health emergency	
013726 - 014233	Mr LI Kwok-ying Admin Chairman	The Administration agreed to provide an explanation in writing on why the words "mail of any kind" referred to in paragraph (c) of the definition for the term "article" in clause 2 were placed outside the brackets of that paragraph	✓ (Admin to provide a written response)
014234 - 015321	Ms LI Fung-ying Admin Chairman	Absence of compensation to owners of premises and conveyances ordered to be isolated, as well as people ordered to be isolated or quarantined	
015322 - 015700	Mrs Sophie LEUNG Admin	Notwithstanding the need to pay compensation to parties affected in a just and equitable manner, primary concern of the Bill should be to combat and control major disease outbreaks	
015701 - 015756	Ms LI Fung-ying Chairman Admin	Discussion on LC Paper No. CB(2) 1170/07-08(03) on scheduled infectious diseases and scheduled infectious agents deferred to the next meeting to be held on 11 March 2008	
015757 - 015902	Mrs Sophie LEUNG Admin	Addition of a new disease to the list of statutorily notifiable disease by way of a notice in the Gazette	
015903 - 015954	Chairman Admin	Closing remarks	

Council Business Division 2
Legislative Council Secretariat
 10 March 2008