

立法會
Legislative Council

Ref : CB2/BC/2/07

LC Paper No. CB(2)1420/07-08
(These minutes have been seen
by the Administration)

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

**Minutes of the fourth meeting
held on Tuesday, 11 March 2008, at 4:30 pm
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 Margaret NG
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** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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 Allen LAI
Senior 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 Camy YOONG
Clerical Assistant (2)1

Action

I. Confirmation of minutes of meeting
(*LC Paper No. CB(2)1303/07-08*)

The minutes of meeting held on 28 February 2008 were confirmed.

II. Meeting with the Administration

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

3. Ms Margaret NG said that she did not doubt that the Administration would exercise the powers provided in clause 5 and clause 6 of the Bill in a responsible manner. Ms NG was however of the view that sufficient safeguard should be provided in the Bill to ensure that the rights of individuals would not be unduly compromised as a result of acts taken against them under clause 5 and clause 6. The Administration agreed to provide a response in writing.

4. Mr Andrew CHENG requested the Administration to provide a requisition of private property provision in the Bill to enable the Government to carry out such act under extreme urgency, but was less serious than a public health emergency situation, for the purpose of preventing and controlling the spread of diseases, as well as to provide a definition for "requisition" in the Bill. The Administration agreed to consider and revert in writing.

5. Assistant Legal Adviser 4 advised that there should be no problem from the drafting standpoint to implement Mr CHENG's suggestions, albeit it would be a policy decision for the Administration. He however pointed out that unlike the requisitioning of private property during a public health emergency situation which would be effected by way of making the Public Health Emergency Regulation under clause 8 of the Bill and which would be subject to negative vetting by the Legislative Council (LegCo), requisition power provided for in the principal ordinance, upon enactment of the Bill, was not required by subsidiary legislation and hence not subject to negative vetting by LegCo.

6. The Chairman pointed out that no compensation was provided to households affected by the implementation of the backyard poultry keeping ban in 2006. The Chairman asked whether the same households would be compensated if the Bill were enacted. The Administration undertook to provide a response in writing.

7. The Administration also undertook to provide a response in writing to the submission from the Law Society of Hong Kong on the requisition of private property in a public health emergency and matters related to compensation tabled at the meeting.

8. Members noted the Administration's intention to resume Second Reading debate on the Bill in mid-May 2008, so as to allow time for LegCo to scrutinise, where necessary, the Prevention and Control of Disease Regulation to be made under clause 7 of the Bill after gazettal.

III. Date of next meeting

9. The Chairman reminded members that the next meeting had been scheduled for 26 March 2008 at 4:30 pm.

10. There being no other business, the meeting ended at 6:00 pm.

**Proceedings of the meeting of
Bills Committee on Prevention and Control of Disease Bill
on Tuesday, 11 March 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000257	Chairman	Confirmation of minutes of meeting held on 28 February 2008	
000258 - 000906	Admin	Introduction of the Administration's paper (LC Paper No. CB(2)1170/07-08 (03)) on scheduled infectious diseases and scheduled infectious agents	
000907 - 001206	Admin	Introduction of the Administration's paper (LC Paper No. CB(2)1304/07-08 (01)) on its responses to issues raised by members at the meeting on 28 February 2008	
001207 - 001707	Hon LI Fung-ying Admin	Concern about the capability of health officers to make arrest as provided in clause 5 of the Bill	
001708 - 002947	Hon Margaret NG Admin Chairman	Whether there was sufficient safeguard to ensure that the rights of individuals would not be unduly compromised as a result of acts taken against them under clause 5 and clause 6 of the Bill	✓ (Admin to provide a written response)
002948 - 010933	Hon Andrew CHENG Admin Chairman ALA4	The Administration was requested to provide a requisition of private property provision in the Bill to enable the Government to carry out such act under extreme urgency, but less serious than a public health emergency situation, for the purpose of preventing and controlling the spread of diseases, as well as to provide a definition for "requisition" in the Bill The Administration was also requested to confirm whether households affected by the implementation of the backyard poultry keeping ban in 2006 would be compensated if the Bill were enacted	✓ (Admin to provide a written response) ✓ (Admin to provide a written response)
010934 - 011813	Hon Andrew CHENG Chairman Admin	Reason for providing any member of the staff of the hospital, the reception place or the place of isolation or quarantine; and any member of the Auxiliary Medical Service or Civil Aid Service with the power to arrest any person who was detained under the Bill	
011814 - 011903	Hon Andrew CHENG Admin	The Administration undertook to provide a response to the submission from the Law Society of Hong Kong	✓ (Admin to provide a written response)
011904 - 013058	Chairman Admin Hon Andrew CHENG	The Administration's plan to resume Second Reading debate on the Bill in mid-May 2008, so as to allow time for the Legislative Council to scrutinise, where necessary, the Prevention and Control of Disease Regulation to be made under clause 7 of the Bill after gazettal Date of next meeting	