

**For information  
on 11 April 2008**

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

**Definition of “requisition”**

In response to Members’ request, the Administration has undertaken to provide a definition of “requisition” in the Bill.

2. Having studied the definition of the term in other local legislation, we propose to add a new subsection (5) under clause 8 of the Bill:

(5) *For the purposes of the regulation providing for matters specified in subsection (2)(c), property may be requisitioned by –*

- (a) *requiring a person to place it either temporarily or permanently at the disposal of the person requisitioning it; or*
- (b) *taking possession of it by the person requisitioning it either temporarily or permanently.*

3. The words “either permanently or temporarily” reflect the policy intent that requisition includes both de facto deprivation of property and interference with property rights. The two concepts have been explained in LC Paper No. CB(2)1170/07-08(02) prepared by the Administration and LC Paper No. LS55/07-08 prepared by the Legal Service Division of the LegCo Secretariat and discussed at the meeting on 28 February 2008. We have also explained in the aforementioned paper prepared by the Administration that it is our policy that such compensation as is just and equitable in the circumstances of the case will be paid where there is any requisition of property under the Public Health Emergency Regulation made under clause 8 of the Bill, whether such requisition amounts to de facto deprivation of property or mere interference with property rights.

**Food and Health Bureau  
April 2008**