

**Bills Committee on
Genetically Modified Organisms (Control of Release) Bill**

**List of follow-up actions arising from the discussion
at the meeting on 21 December 2009**

- (1) To review and amend Parts 5 and 6 of the Bill since the matters to be regulated by the Bill may be different from those covered by the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586), the basis from which the relevant provisions are modelled after. To also respond to the following concerns on individual clauses –
 - (a) clause 26(3) as drafted may pre-empt future amendments to the confidentiality of information. Consideration may be given to deleting the clause and if not, there may be a need to include in the clause the different time frames for various requests, and the condition that not entering the information would not be contrary to the public interest;
 - (b) the criterion of “critical condition” should be expressly provided in clauses 28 and 29 to justify the power to search without warrant;
 - (c) consideration should be given to replacing the word “exclusively” under clause 29(2)(b) with “mainly” as it may be difficult to identify premises used exclusively as a dwelling house;
 - (d) “reasonable grounds” or phrases to this effect should be used to replace the word “reason” in clauses 28, 29, 32 and 33 to more accurately reflect the legislative intention, and to ensure consistency with clause 30(1);
 - (e) clause 30(2) as drafted has pre-empted the magistrate to specify the duration of, time and/or date for the execution of a search warrant. Consideration should be given to amending the clause these matters to the magistrate who issue the warrant;
 - (f) clause 31(1) may have conferred an authorized officer extensive power to seize, remove and detain any thing that appears to be or to contain evidence of the commission of an offence. To advise whether similar provisions could also be found in other ordinances, apart from Cap. 586;
 - (g) the scope of clause 33 should be confined to an offence under section 5, 7 or 23. Consideration should also be given to combining clauses 28 and 33;

- (h) the rationale for empowering the Director to sell certain things immediately after seizure under clause 34, which may run contrary to the objective of the Bill to control release of genetically modified organisms into the environment.
- (2) To review clause 39 to clarify the Administration's intention on the identity of an aggrieved person, other than an applicant, who would have the right to appeal to the Administrative Appeal Board.
- (3) To provide the wordings of the undertakings which the Secretary for the Environment will deliver at the resumption of the Second Reading debate on the Bill.

Council Business Division 1
Legislative Council Secretariat
5 January 2010