

立法會
Legislative Council

LC Paper No. CB(1) 737/10-11
(These minutes have been seen
by the Administration)

Ref : CB1/SS/11/09

**Subcommittee on Genetically Modified Organisms
(Documentation for Import and Export) Regulation**

**Minutes of first meeting
held on Tuesday, 26 October 2010, at 10:45 am
in Conference Room B of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon WONG Ting-kwong, BBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan

**Public officers
attending** : **For item II**

Environmental Protection Department

Mr Albert LAM
Deputy Director of Environmental Protection

Mr Vincent TANG
Assistant Director (Nature Conservation &
Infrastructure Planning)

Dr Jackie YIP
Acting Senior Administration Officer (Nature
Conservation)

Agriculture, Fisheries and Conservation Department

Mr C C LAY
Assistant Director (Conservation)

Mr Simon CHAN
Senior Conservation Officer (Biodiversity)

Department of Justice

Ms Mabel CHEUNG
Senior Government Counsel

Mr Peter SZE
Government Counsel

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Bonny LOO
Assistant Legal Adviser 3

Mrs Mary TANG
Senior Council Secretary (1)2

I. Election of Chairman

Ms Audrey EU, the member who had the highest precedence among those who joined the Subcommittee, presided at the election of Chairman of the Subcommittee. Ms Audrey EU invited nominations for the chairmanship of the Subcommittee.

2. Ms Cyd HO nominated Ms Audrey EU, and the nomination was seconded by Mr CHAN Hak-kan. Ms Audrey EU accepted the nomination.

3. There being no other nominations, Ms Audrey EU was declared Chairman of the Subcommittee.

4. The Chairman informed members that Miss Tanya CHAN had withdrawn from the Subcommittee.

II. Meeting with the Administration

- (LC Paper No. CB(1) 166/10-11(01) — Background brief on Genetically Modified Organisms (Documentation for Import and Export) Regulation
- LC Paper No. CB(1) 166/10-11(02) — Assistant Legal Adviser's letter dated 27 July 2010 to the Administration
- LC Paper No. CB(1) 166/10-11(03) — Administration's response to CB(1) 166/10-11(02)
- LC Paper No. CB(1) 166/10-11(04) — Decisions by the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol on Biodiversity relevant to the Regulation)

Relevant papers

Genetically Modified Organisms (Documentation for Import and Export) Regulation (L.N.96 of 2010)

Ref: EPD CR 9/15/26 Pt.5

— The Legislative Council Brief

LC Paper No. LS98/09-10

— Legal Service Division Report

5. The Committee deliberated (Index of proceedings attached at **Annex A**).
6. Members requested the Administration to provide, before 3 November 2010, bilingual sample forms setting out the information requirements and guidelines for completion to facilitate compliance by exporters and importers of genetically modified organisms. It should also endeavour to integrate all information requirements under relevant international instruments in the sample forms to minimize the need for cross-referencing.
7. The Administration and the Subcommittee would not propose any amendment to the Regulation.

III. Any other business

8. There being no other business, the meeting ended at 12:10 pm.

**Subcommittee on Genetically Modified Organisms
(Documentation for Import and Export) Regulation**

**Proceedings of the first meeting
on Tuesday, 26 October 2010, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda item I - Election of Chairman</i>			
000152 - 000233	Ms Audrey EU Ms Cyd HO Mr CHAN Hak-kan	Election of Chairman Ms Audrey EU was elected Chairman of the Subcommittee.	
000234 - 000244	Chairman	Members' acknowledgment of Miss Tanya CHAN's withdrawal from the Subcommittee.	
<i>Agenda Item II - Meeting with the Administration</i>			
000245 - 000507	Chairman Ms Cyd HO	Members' agreement to invite written views from deputations.	
000508 - 000712	Chairman Administration	Administration's explanation on the progress of consultation and provisions of the Genetically Modified Organisms (Documentation for Import and Export) Regulation (the Regulation).	
000713 - 001126	Chairman Administration	Administration's explanation on the definition of "safety requirement".	
001127 - 001550	Chairman Administration Ms Cyd HO	Ms Cyd HO's request for provision of specified forms to facilitate compliance by importers and exporters of genetically modified organisms (GMOs) Administration's response- (a) specified form for documentation was not mandatory under the Cartagena Protocol on Biosafety (the Protocol); (b) exporters and importers of GMOs were only required to produce any document, say an invoice, which contained the information specified in the Regulation in relation to GMOs intended to be used for different purposes; and	

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		(c) sample forms integrating the requirements under Article 18(2) of the Protocol would be designed to facilitate compliance by importers and exporters of GMOs.	
001551 - 002115	Chairman Administration	Discussion on the documentation requirements under Article 18(2) of the Protocol (Annex C to the LegCo Brief).	
002116 - 002416	Chairman Administration	Examination of sample forms set out in LC Paper No. CB(1) 166/10-11(04).	
002417 - 002634	Chairman Mr WONG Ting-kwong Administration	Mr WONG Ting-kwong's request for provision of bilingual sample forms to facilitate compliance by exporters and importers of GMOs.	The Administration to provide bilingual sample forms setting out the information requirements and guidelines for completion to facilitate compliance by exporters and importers of GMOs.
002635 - 003045	Chairman Administration Mr WONG Ting-kwong ALA3 Ms Cyd HO	<p>Chairman and ALA3's request/enquiry -</p> <p>(a) clarification on the meaning of "applicable international agreement" under the definition of "safety requirement"; and</p> <p>(b) whether examples of relevant international agreements could be included in the Regulation.</p> <p>Administration's response -</p> <p>(a) examples of relevant international instruments would include the International Plant Protection Convention by the World Health Organization, and the United Nations Recommendations on the Transport of Dangerous Goods;</p> <p>(b) given the wide range of applicable international instruments, and the fact that the Conference to the Parties to the Convention on Biological Diversity Serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety might develop relevant</p>	

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		<p>rules and standards in accordance with Article 18(3) of the Protocol in future, it was considered appropriate to make a general reference to “any applicable existing international instrument” in the Regulation, rather than to any specific international instrument;</p> <p>(c) administrative guidelines would be prepared for the documentation requirements and examples of international instruments would be given for reference by exporters and importers of GMOs; and</p> <p>(d) the guidelines would be uploaded to the online GMO Register for public viewing.</p>	
003046 - 003418	Ms Cyd HO Chairman Administration	Ms Cyd HO's request that all information requirements under relevant international instruments be integrated in the sample forms.	The Administration to integrate all information requirements under relevant international instruments in the sample forms to minimize the need for cross-referencing.
003419 - 003527	Chairman Administration	Administration's explanation on the definitions of "importer", "exporter", "transformation event code" and "unique identifier code".	
003528 - 004913	Chairman Administration Mr WONG Ting-kwong Ms Cyd HO	<p>Section 3 - Documentation required for GMOs intended for direct consumption as food or feed or for processing (GMO-FFP)</p> <p>Discussion on the definition of "designated authority" in section 3(4).</p> <p>Ms Cyd HO's enquiry on the need for defence provisions in relation to the adventitious presence of GMOs.</p> <p>Administration's explanation that importers and exporters of GMO-FFP were not required to comply with documentation requirements if the adventitious presence did not exceed 5%.</p>	

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004914 - 011014	Chairman Administration Ms Cyd HO ALA3	<p>Section 4 - Documentation required for GMOs intended for contained use</p> <p>Ms Cyd HO's concern about the import of GMOs by mail/courier service.</p> <p>Administration's explanation -</p> <p>(a) declaration was also required for mails;</p> <p>(b) illegal smuggling (including by mail) was usually tipped off by informants; and</p> <p>(c) publicity would be stepped up to promote public awareness on the regulation of GMOs.</p> <p>ALA3's enquiry on the reason for separate provisions on details required of the importer/exporter on the Hong Kong side and the importer/exporter on the foreign side of GMOs intended for contained use under section 4(2)(b) and (c) respectively.</p> <p>Administration's explanation that details on the importer/exporter of GMOs intended for contained use on the Hong Kong side were required as a "must" while those on the foreign side were required only if the details were available; and that the requirements were consistent with the Protocol.</p>	
011015 - 011310	Chairman Administration	Section 5 - Documentation required for GMOs intended for release into environment	
011311 - 011416	Chairman Administration Mr WONG Ting-kwong	Section 6 - Prescribed percentage	
011417 - 011625	Chairman Administration	<p>Discussion on the legislative time-table</p> <p>Administration's explanation on its plan to bring the Genetically Modified Organisms (Control of Release) Ordinance and the Regulation into operation upon the extension of the Convention and the Protocol to Hong</p>	

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		Kong, which will be by March 2011.	
011626 - 011829	Ms Cyd HO Chairman Administration Mr WONG Ting-kwong	Ms Cyd HO's enquiry on the rationale for not including specified forms in the Regulation. Administration's reiteration that specified form on documentation was not mandatory under the Protocol.	
011830 - 012049	Chairman Administration Ms Cyd HO Mr WONG Ting-kwong	Chairman's request for provision of the draft sample forms on documentation for members' reference before 3 November 2010, which was the deadline for giving notice to amend the Regulation. The forms should also be made available to the affected trades and uploaded to the online GMO Register. Administration's agreement to provide draft sample forms before 3 November 2010. The draft forms could be amended even after the Regulation came into operation as these did not form part of the Regulation.	The Administration to provide draft sample forms for members' reference before 3 November 2010.
012050 - 012126	Chairman Mr WONG Ting-kwong Ms Cyd HO	Members' acknowledgement that the Administration and the Subcommittee would not propose any amendment to the Regulation.	