

立法會
Legislative Council

Ref : CB2/BC/2/07

LC Paper No. CB(2)1641/07-08
(These minutes have been seen
by the Administration)

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

**Minutes of the fifth meeting
held on Wednesday, 26 March 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Vincent FANG Kang, JP (Chairman)
Hon Margaret NG
Hon Andrew CHENG Kar-foo
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon KWOK Ka-ki

Members absent : Dr Hon Joseph LEE Kok-long, JP (Deputy Chairman)
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yung-kan, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon LI Kwok-ying, MH, JP
Hon Alan LEONG Kah-kit, SC

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 Sandy HAU
Legislative Assistant (2)5

Action

I. Confirmation of minutes of meeting
(*LC Paper No. CB(2)1420/07-08*)

The minutes of meeting held on 11 March 2008 were confirmed.

II. Meeting with the Administration

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

3. At the request of the Bills Committee, the Administration undertook to provide a response to the following issues raised at the meeting -

(a) safeguards should be provided for persons placed under isolation/quarantine other than judicial means such as judicial review;

(b) definition of "requisition";

- (c) justifications for not providing in the Bill that the Chief Executive in Council would declare a state of public health emergency and review the situation from time to time to decide whether the public health emergency still existed as in the Patents Ordinance (Cap. 514);
- (d) whether it was appropriate for the Legislative Council to vet the Public Health Emergency Regulation through a negative vetting procedure given its impact on the public; and
- (e) whether consideration would be given to providing compensation to people isolated/quarantined for the financial loss they suffered during the period of isolation/quarantine, having regard to the practice in other jurisdictions.

4. Assistant Legal Adviser 4 requested the Administration to refer to section 125 of the Victoria Health Act and section 122 of the Australian Capital Territory Public Health Act quoted in LC Paper No. CB(2)1170/07-08(01) prepared by the Administration for the meeting on 28 February 2008, as these provisions seemed to imply that compensation would be provided to persons placed under isolation. The Administration undertook to study the provisions and revert in writing.

III. Date of next meeting

- 5. The Chairman reminded members that the next meeting had been scheduled for 8 April 2008 at 10:45 am.
- 6. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 2
Legislative Council Secretariat
16 April 2008

**Proceedings of the meeting of
Bills Committee on Prevention and Control of Disease Bill
on Wednesday, 26 March 2008, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000026	Chairman	Confirmation of minutes of meeting held on 11 March 2008	
000027 - 000145	Chairman	Opening remarks	
000146 - 000304	Admin	Introduction of the Administration's paper (LC Paper No. CB(2)1419/07-08(01)) on its response to issues raised by members at the meeting on 11 March 2008	
000305 - 000410	Chairman ALA4 Admin	The Administration undertook to provide a definition of "requisition" after studying the definition of the term in other local legislation and consulting the Legal Service Division of the Legislative Council (LegCo) Secretariat	✓ (Admin to provide a written response)
000411 - 001801	Miss Margaret NG Admin	Safeguards should be provided for persons placed under isolation/quarantine other than judicial means	✓ (Admin to provide a written response)
001802 - 003513	Ms Audrey EU Admin ALA4 Chairman	Whether it was appropriate for LegCo to vet the Public Health Emergency (PHE) Regulation through a negative vetting procedure, given its impact on the public	
003514 - 004526	Miss Margaret NG Admin Chairman	Justifications for not providing in the Bill that the Chief Executive in Council would declare a state of public health emergency and review the situation from time to time to decide whether the public health emergency still existed as in the Patents Ordinance (Cap. 514)	✓ (Admin to provide a written response)
004527 - 011559	Dr KWOK Ka-ki Admin ALA4 Chairman	Whether consideration would be given to providing compensation to people isolated/quarantined for the financial loss they suffered during the period of isolation/quarantine, having regard to the practice in other jurisdictions	✓ (Admin to provide a written response)
011600 - 011724	Chairman Ms Audrey EU Admin	The Administration would provide a definition of "requisition" in the Bill and a compensation scheme in the PHE Regulation to be made under clause 8 of the Bill	
011725 - 012553	ALA4 Chairman Ms Audrey EU Admin	The Administration undertook to provide a response in writing as to whether it was appropriate for LegCo to vet the PHE Regulation through a negative vetting procedure given its impact on the public	✓ (Admin to provide a written response)
012554 - 013045	Chairman Admin Ms Audrey EU ALA4	Clause 12(2) of the Bill would not bind the parties to resolve any dispute over compensation claims by way of arbitration. The parties would, however, be barred from seeking determination from the court if they had chosen to resolve the dispute through arbitration Feedback from the Law Society of Hong Kong should be sought on the Administration's response to its submission on the Bill	

Time marker	Speaker	Subject	Action required
013046 - 013222	Chairman	Date of next meeting	

Council Business Division 2
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