

立法會
Legislative Council

LC Paper No. CB(2)1791/12-13
(These minutes have been seen by
the Administration)

Ref : CB2/BC/1/12

**Bills Committee on
Pesticides (Amendment) Bill 2013**

**Minutes of the seventh meeting
held on Tuesday, 18 June 2013, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon SIN Chung-kai, SBS, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Dr Hon Helena WONG Pik-wan

Members absent : Hon Alan LEONG Kah-kit, SC
Hon Steven HO Chun-yin

Public Officers attending : Agenda item I

Mr Philip CHAN, JP
Deputy Secretary for Food and Health (Food)2

Ms Hinny LAM
Principal Assistant Secretary for Food and Health
(Food)3

Ms Jeanne CHENG
Assistant Secretary for Food and Health (Food)1

Mr Clive LAU Siu-ki
Acting Assistant Director (Inspection & Quarantine)
Agriculture, Fisheries and Conservation Department

Action

Ms Carmen CHU Ying-hung
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Amy YU
Chief Council Secretary (2)6

Staff in attendance : Miss Carrie WONG
Assistant Legal Adviser 4

Mr Jove CHAN
Senior Council Secretary (2)6

Miss Meisy KWOK
Legislative Assistant (2)6

I. Meeting with the Administration

[LC Paper Nos. CB(2)1375/12-13(01) to (04), CB(3)328/12-13, CB(2)689/12-13(02), FH CR2/3231/03, CB(2)1147/12-13(01) and CB(2)1262/12-13(01)]

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

2. The Bills Committee considered the draft Committee stage amendments proposed by the Administration as set out in LC Paper No. CB(2)1375/12-13(04).

3. The Administration was requested to -

- (a) narrow down the scope of coverage of the proposed amendments to section 7 and the proposed new section 8 with more specificity; and
- (b) consider amending items 7, 8, 13 and 14 of the proposed Schedule to the Pesticides Regulations (Cap. 133 sub. leg. A) and the Chinese text of the proposed section 3A(4)(b) to enhance the clarity of the provisions.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(2)1430/12-13(01) on 24 June 2013.)

Action

II. Any other business

Date of next meeting

4. Members agreed that the next meeting be held on 24 June 2013 at 4:30 pm.
5. There being no other business, the meeting ended at 12:31 pm.

Council Business Division 2
Legislative Council Secretariat
19 September 2013

**Proceedings of the seventh meeting of the
Bills Committee on Pesticides (Amendment) Bill 2013
on Tuesday, 18 June 2013, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000445 – 000545	Chairman	Opening remarks	
000546 – 001310	Chairman Admin Mr Albert CHAN	Briefing by the Administration on its response to issues raised at the meeting on 7 June 2013 [LC Paper No. CB(2)1375/12-13(01)]	
001311 – 001524	Chairman ALA4 Mr Albert CHAN	ALA4's letter dated 1 June 2013 to the Administration regarding the proposed section 15A and the Administration's reply [LC Paper Nos. CB(2)1375/12-13(02) and (03)]	
001525 – 002227	Chairman Admin Mr Tommy CHEUNG Mr Albert CHAN ALA4	Draft Committee stage amendments ("CSAs") proposed by the Administration [LC Paper No. CB(2)1375/12-13(04)] <u>Draft CSA to the proposed section 2(4)</u> The Administration advised that it would withdraw the proposed textual amendment to the proposed section 2(4), having regard to the view of ALA4.	
002228 – 003705	Chairman Admin Mr Tommy CHEUNG ALA4 Mr Albert CHAN	<u>Draft CSAs to the proposed section 3A</u> ALA4 suggested that "該違例事項是否在令署長滿意的情況下終止。" in the proposed section 3A(4)(b) be replaced by "署長對違例事項的終止，是否滿意。".	Admin consider to the suggestion
003706 – 012709	Chairman Admin Mr Tommy CHEUNG Mr Albert CHAN Dr Helena WONG ALA4	<u>Draft CSAs to section 7 and the proposed section 8</u> The Administration explained that according to the legal advice of the Department of Justice, as the proposed exemption of public officers acting in their official capacity would be removed from the proposed section 3A(2), the proposed amendments to section 7 and the proposed section 8 were needed to make it clear that public officers engaged in, and persons assisting them in, carrying out the provisions of the Pesticides Ordinance (Cap. 133) ("the Ordinance") were not subject to the licence and permit requirements under the Ordinance. Mr Tommy CHEUNG and Mr Albert CHAN queried the need for such provisions. Citing the Dangerous Drugs Ordinance (Cap. 134) as an example, they considered it absurd to	

Time marker	Speaker	Subject(s)	Action required
		<p>conceive that a police officer was to be prosecuted for possession of dangerous drugs seized under lawful authority during an enforcement action.</p> <p>Members expressed concern about the implication of the widely drafted provisions proposed by the Administration and requested the Administration to narrow down the scope of coverage of the proposed provisions with more specificity.</p>	<p>Admin consider members' request to</p>
012710 – 012742	Chairman Admin	<u>Draft CSA to the heading of the proposed section 15A</u>	
012743 – 012800	Chairman Admin	<u>Draft CSA to the proposed section 15A(3)(c)</u>	
012801 – 012830	Chairman Admin	<u>Draft CSAs to the proposed section 16A(1)(a) and (d)</u>	
012831 – 012900	Chairman Admin	<u>Draft CSA to the proposed section 19A(1)(a)</u>	
012901 – 013022	Chairman Admin	<p><u>Draft CSA to the proposed Schedule 2</u></p> <p>The Administration advised that –</p> <p>(a) at the Conference of the Parties to the Rotterdam Convention held in Geneva on 10 May 2013, it was agreed that the pesticide "Azinphos-methyl" be added to Annex III to the Rotterdam Convention. The relevant resolution would take effect from 10 August 2013; and</p> <p>(b) as the change would also apply to Hong Kong, the Administration would move a CSA to add "Azinphos-methyl" to Part 1 of Schedule 2 to the Bill so that the pesticide would be covered under the amended Ordinance, if enacted, when it came into operation.</p>	
013023 – 013800	Chairman Admin ALA4	<p><u>Draft CSAs to the proposed items 8 and 14 of the Schedule to the Pesticides Regulations (Cap. 133 sub. leg. A)</u></p> <p>ALA4's suggestion that the proposed items 7 and 8 of the Schedule to the Pesticides Regulations (also the proposed items 13 and 14) be amended to enhance their clarity.</p>	<p>Admin consider the suggestion to</p>

Time marker	Speaker	Subject(s)	Action required
013801 – 013814	Chairman Admin	<u>Draft CSAs to the proposed item 73(a) and (d) in the Schedule to the Administrative Appeals Board Ordinance (Cap. 442)</u>	
013815 – 014350	Chairman ALA4 Admin	<p>ALA4 remarked that there were specific offence provisions on false or inaccurate information and liability of employers in sections 40 and 41 of the Hazardous Chemicals Control Ordinance (Cap. 595). She enquired why similar provisions had not been proposed in the Bill.</p> <p>The Administration replied that –</p> <p>(a) the Ordinance which was enacted in 1977 had been generally effective in governing the safe and proper use of pesticides. So far, the Agriculture, Fisheries and Conservation Department had not encountered any operational problem as a result of the absence of a specific offence provision on false or inaccurate information in the Ordinance; and</p> <p>(b) the Administration therefore did not see a strong need to create a specific offence on the provision of false or inaccurate information in the Bill.</p>	
014351 – 014741	Chairman Admin Clerk Mr Tommy CHEUNG Dr Helena WONG	Date of next meeting	