

立法會
Legislative Council

LC Paper No. CB(2)1792/12-13
(These minutes have been seen by
the Administration)

Ref : CB2/BC/1/12

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

**Minutes of the eighth meeting
held on Monday, 24 June 2013, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon SIN Chung-kai, SBS, JP (Chairman)
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon Albert CHAN Wai-yip
Hon Steven HO Chun-yin
Dr Hon Helena WONG Pik-wan

Public Officers attending : Agenda item I

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

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

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

Action

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)1415/12-13(01), CB(2)1430/12-13(01), CB(3)328/12-13, CB(2)689/12-13(02), 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 English version of the revised draft Committee stage amendments ("CSAs") proposed by the Administration as set out in the Appendix to the Administration's paper for the meeting [LC Paper No. CB(2)1430/12-13(01)]. The Bills Committee agreed to the proposed CSAs. The legal adviser to the Bills Committee was requested to review the Chinese version of the draft CSAs.

3. The Bills Committee completed its scrutiny work and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 17 July 2013.

4. Members noted that the Bills Committee would report to the House Committee on 5 July 2013, and the deadline for giving notice of moving CSAs was Monday, 8 July 2013.

(Post-meeting note: Subsequent to the meeting, the Administration provided a further revised set of draft CSAs to the Bills Committee incorporating a further consequential and technical amendment, which was circulated to members vide LC Paper No. CB(2) 1491/12-13(01) on 28 June 2013.)

Action

II. Any other business

5. There being no other business, the meeting ended at 6:10 pm.

Council Business Division 2
Legislative Council Secretariat
19 September 2013

**Proceedings of the eighth meeting of the
Bills Committee on Pesticides (Amendment) Bill 2013
on Monday, 24 June 2013, at 4:30 pm
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000148 – 000426	Chairman	Opening remarks	
000427 – 001900	Chairman Admin Mr Tommy CHEUNG Mr Albert CHAN ALA4	Briefing by the Administration on its response [LC Paper No. CB(2)1430/12-13(01)] to issues raised at the meeting on 18 June 2013 and in ALA4's letter dated 18 June 2013 to the Administration [LC Paper No. CB(2)1415/12-13(01)]	
001901 – 002033	Chairman Admin	Revised draft Committee stage amendments ("CSAs") proposed by the Administration [Appendix to LC Paper No. CB(2)1430/12-13(01)] <u>Draft CSA to section 2</u>	
002034 – 002244	Chairman Admin	<u>Draft CSAs to the proposed section 3A</u>	
002245 – 011425	Chairman Admin ALA4 Mr Alan LEONG Mr Tommy CHEUNG	<u>Draft CSAs to section 7 and the proposed section 8</u> Referring to paragraph 9 of the Administration's paper [LC Paper No. CB(2)1430/12-13(01)], ALA4 suggested an alternative approach by adding the expression "without lawful authority" to section 7 and the proposed section 8 of the Ordinance. Mr Alan LEONG expressed concern that the approach proposed by the Administration might be less all-embracing than the suggested alternative approach by adding "without lawful authority". The Administration explained that it considered its proposed approach more preferable, as the "without lawful authority" approach might not cover public officers of the Government Laboratory ("GL") and Government Logistics Department ("GLD") who were assisting the Agriculture, Fisheries and Conservation Department ("AFCD") in carrying out the provisions of the Ordinance.	
011426 – 011628	Chairman Admin ALA4	In response to ALA4's enquiry, the Administration explained that "authorized officer" in the proposed sections 7(3) and 8(8) was intended to cover officers from AFCD, GL, GLD or any other departments who were	

Time marker	Speaker	Subject(s)	Action required
		directly involved in carrying out the provisions of the Pesticides Ordinance (Cap. 133) ("the Ordinance"). Given the large number of public officers of the Customs and Excise Department involved in carrying out the provisions of the Ordinance, they were specifically referred to in the proposed sections 7(3) and 8(8), rather than covered under "authorized officer", so as to obviate the need to appoint each of them as "authorized officer" under section 14 of the Ordinance.	
011629 – 011759	Chairman Admin ALA4	In response to ALA4's enquiry, the Administration explained that the phrase "performing a function or purporting to perform a function" was not included in the proposed sections 7(4) and 8(9) to make it clear that only public officers playing the regulatory role in carrying out the provisions of the Ordinance or other relevant Ordinances would not be subject to the licensing and permit requirements, whereas public officers in their role as users of pesticides should still be subject to such requirements.	
011800 – 012715	Chairman ALA4 Admin Mr Alan LEONG Mr Tommy CHEUNG	Discussion on the drafting of the proposed sections 7(4)(a) and 8(9)(a)	
012716 – 013918	Chairman Admin ALA4 Mr Alan LEONG	<u>Draft CSAs to the proposed items 7, 8, 13 and 14 of the Schedule to the Pesticides Regulations (Cap. 133 sub. leg. A)</u>	
013919 – 014148	Chairman Admin Mr Albert CHAN	Completion of scrutiny work Date of reporting to the House Committee Date of resumption of Second Reading debate on the Bill	