

立法會
Legislative Council

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Tel : 3919 3307

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council


Council meeting of 17 July 2013

Pesticides (Amendment) Bill 2013

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 17 July 2013. Subject to the Bill receiving a Second Reading, the President has given permission for the Secretary for Food and Health to move proposed amendments to the Bill at its Committee stage.

2. As directed by the President, the proposed amendments are attached for Members' consideration.



(Ms Jessica CHAN)
for Clerk to the Legislative Council

Encl.

Pesticides (Amendment) Bill 2013

Committee Stage

Amendments to be moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	By deleting “routine”.
3	By adding— “(6A) Section 2(1), Chinese text, definition of 署長 Repeal the full stop Substitute a semicolon.”.
3(8)	By adding in alphabetical order to the proposed definitions— “ <i>authorized officer</i> (獲授權人員) means a public officer appointed to be an authorized officer under section 14: <i>function</i> (職能) includes duty;”.
5	By deleting the proposed section 3A and substituting— “3A. Ordinance applies to Government etc. (1) This Ordinance applies to the Government. (2) Despite subsection (1), the Government— (a) is not liable to be prosecuted for an offence under this Ordinance; and (b) is not required to pay any prescribed fee. (3) If the Director has reasonable grounds to believe that there has been or is a contravention by the Government of this Ordinance, the Director must report the matter to the Secretary for Food and

Health.

- (4) The report must contain the advice of the Director on—
 - (a) whether the contravention has been terminated; and
 - (b) if the contravention has been terminated, whether it has been terminated to the Director's satisfaction.
- (5) On receiving the report from the Director, the Secretary for Food and Health must enquire into the matter to which the report relates.
- (6) If the enquiry shows that there has been a contravention referred to in subsection (3) and the contravention is likely to be repeated, the Secretary for Food and Health must take the best practicable steps to avoid the recurrence of a like contravention.
- (7) If the enquiry shows that there is a contravention referred to in subsection (3) and the contravention is continuing, the Secretary for Food and Health must take the best practicable steps to stop the contravention.”.

New

By adding—

“7A. Section 7 amended (control of registered pesticides)

After section 7(2)—

Add

- “(3) Subsection (1) does not apply to an authorized officer or a member of the Customs and Excise Service who is—
- (a) exercising a power or purporting to exercise a power under this Ordinance or doing anything in connection with or incidental to the exercise or purported exercise of the power; or

- (b) performing a function or purporting to perform a function under this Ordinance or doing anything in connection with or incidental to the performance or purported performance of the function.
- (4) Subsection (1) does not apply to a public officer who is—
- (a) exercising a power or purporting to exercise a power under—
 - (i) the Import and Export Ordinance (Cap. 60);
 - (ii) the Public Health and Municipal Services Ordinance (Cap. 132);
 - (iii) the Dangerous Goods Ordinance (Cap. 295); or
 - (iv) any Ordinance other than this Ordinance; or
 - (b) doing anything in connection with or incidental to the exercise or purported exercise of the power.”.

8

In the proposed section 8, by adding—

- “(8) Subsections (1) and (2) do not apply to an authorized officer or a member of the Customs and Excise Service who is—
- (a) exercising a power or purporting to exercise a power under this Ordinance or doing anything in connection with or incidental to the exercise or purported exercise of the power; or
 - (b) performing a function or purporting to perform a function under this Ordinance or doing anything in connection with or incidental to the performance or purported performance of the function.

- (9) Subsection (1) does not apply to a public officer who is—
- (a) exercising a power or purporting to exercise a power under—
 - (i) the Import and Export Ordinance (Cap. 60);
 - (ii) the Public Health and Municipal Services Ordinance (Cap. 132);
 - (iii) the Dangerous Goods Ordinance (Cap. 295); or
 - (iv) any Ordinance other than this Ordinance; or
 - (b) doing anything in connection with or incidental to the exercise or purported exercise of the power.”.

New

By adding—

“10A. Section 14 substituted

Section 14—

Repeal the section

Substitute

“14. Appointment of inspectors and authorized officers

The Director may appoint in writing a public officer to be an inspector or authorized officer (or both) for the purposes of this Ordinance.”.

12

In the proposed section 15A, in the heading, by deleting “**for routine inspection**” and substituting “**without warrant**”.

12

In the proposed section 15A(3)(c), in the Chinese text, by adding “及” after the semicolon.

- 14 In the proposed section 16A(1)(a), by deleting “section 5(3)” and substituting “section 5(3)(b)”.
- 14 In the proposed section 16A(1)(d), by deleting “section 9(2)” and substituting “section 9(2)(b)”.
- 18 In the proposed section 19A(1)(a), in the English text, by deleting “CAS” and substituting “Chemical Abstracts Service (*CAS*)”.
- 18 By deleting the proposed section 19B(3).
- 20 In the proposed Schedule 2, in Part 1, by adding—
 “4A. Azinphos-methyl 86-50-0”.
- 25(1) By deleting the proposed item 7 and substituting—
 “7. For issue of a permit under regulation
 7(1) for the purpose of importing or
 possessing a scheduled pesticide or any
 other unregistered pesticide only for
 re-export without re-packaging
 (including transshipment of a scheduled
 pesticide in Hong Kong) 700”.
- 25(2) In the proposed item 8, by deleting paragraph (a) and substituting—
 “(a) for any purposes not specified in item 7; or”.
- 25(3) By deleting the proposed item 13 and substituting—
 “13. For extension of a permit under

regulation 7(3) for the purpose of importing or possessing a scheduled pesticide or any other unregistered pesticide only for re-export without re-packaging (including transshipment of a scheduled pesticide in Hong Kong)..... 395”.

25(4) In the proposed item 14, by deleting paragraph (a) and substituting—

“(a) for any purposes not specified in item 13; or”.

26 In the proposed item 73, in paragraph (a), by deleting “section 5(3)” and substituting “section 5(3)(b)”.

26 In the proposed item 73, in paragraph (d), by deleting “section 9(2)” and substituting “section 9(2)(b)”.