

**Bills Committee on
Conservation of Antarctic Marine Living Resources Bill**

**List of follow-up actions arising from the discussion
at the meeting on 8 October 2018**

The Administration was requested to provide a written response to address the following issues raised by members of and the legal adviser to the Bills Committee:

- (a) in relation to clauses 9 and 10, whether the Administration would consider the Bills Committee's suggestion to clearly provide for in the Bill the minimum rank(s) of the public officers to be appointed as authorized officers under clause 9(1) and to be delegated with the functions of the Director of Agriculture, Fisheries and Conservation under clause 10(1), drawing reference to legislation as referred to by the legal adviser to the Bills Committee (e.g. section 29 of the Genetically Modified Organisms (Control of Release) Ordinance (Cap. 607));
- (b) whether the Administration would consider the Bills Committee's suggestion to state expressly in the Bill that the term "necessary force" in clause 15(3)(b) must be "reasonable force" in order to achieve consistency in the use of expression with a similar reference in clause 19(3). If the answer is in the positive, please provide the Bills Committee, before its next meeting, with the wording of the proposed amendment to clause 15(3)(b) for members' consideration;
- (c) in relation to a thing to be sold under clause 20 or 23 and the proceeds from the sale and to be paid into the general revenue or a Commission Fund, the Administration was requested to consider the Bills Committee's suggestion to draw a clear line in respect of the amount of proceeds of sale for determining the whereto of the net proceeds (i.e. when the proceeds would be transferred to the general revenue or the Commission Fund); and
- (d) in relation to clause 22(1), whether the Administration would consider the Bills Committee's suggestion to make it clear in the Bill that an advance notice and/or an opportunity to be heard would be given to the owner of the thing seized before applying to the court or magistrate for an order under the same subclause, drawing reference to section 70 of the Trade Marks Ordinance (Cap. 559).

2. The Administration was also requested to provide a map showing the exact location/boundary of the Convention Area as defined under clause 2 of the Bill and Article I of the Convention on the Conservation of Antarctic Marine Living Resources.

3. As the Administration has indicated in its reply letter dated 5 October 2018 (LC Paper No. CB(2)2058/17-18(02)) its intention to consider proposing amendments to clauses 31(4) and 32 to expressly make it clear that only evidential burden is required, the Administration was requested to provide before the next meeting the draft amendments to clauses 31(4) and 32 of the Bill for members' consideration at the next meeting.

Council Business Division 2
Legislative Council Secretariat
11 October 2018