

香港工業總會
**Federation of
Hong Kong Industries**

22 March 2002

Miss Polly Yeung
Clerk to the Bills Committee on
Noise Control (Amendment) Bill 2001
Legislative Council
3/F, Citibank Tower
3 Garden Road
Central
Hong Kong

Dear Miss Yeung,

Noise Control (Amendment) Bill 2001

Thank you for your letter 26 February 2002 inviting our views on the Noise Control (Amendment) Bill 2001.

Having studied the Government's proposals carefully, we have strong reservation as to the desirability of imposing a personal liability on company directors and officers if their company commits a repeated offence under the Noise Control Ordinance. The reasons are as follows:

First and foremost, we believe it is wrong in principle to confuse the criminal responsibility of a corporation with that of its directors or officers. It would set a very dangerous precedent in our law if the conviction of a company was automatically extended to its senior management. It is also in contravention of the common law spirit that a person is presumed innocent unless proved otherwise.

Second, hasty extension of criminal liabilities to company directors would cause unnecessary psychological unease among business investors. This is certainly not a good thing in terms of improving Hong Kong's general business environment. We would like to emphasize that the regulation on Hong Kong businesses is already too much. The addition of new ones would just make Hong Kong a less favourable place to do business and keep investment away from the local economy.

To sum up, we believe imposing personal liabilities on company directors and officers is too harsh a deterrent against noise pollution. Increasing the fine levels on a progressive scale for repeated offences might be a better option instead.

We hope the Bills Committee will duly consider views when deliberating the amendments.

Yours sincerely,

Victor Lo
Chairman

c.c. The Hon. Kenneth Ting