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Secretary for the Environment, Transport  
and Works

Environmental Protection Department  
(Attn: Mr Carlson CHAN,  
Dep Dir of Env Protection(4))  
46/F, Revenue Tower  
5 Gloucester Road  
Wan Chai, Hong Kong

By Fax (2511 6775) and By Post

8 May 2007

Dear Mr CHAN

**Hazardous Chemicals Control Bill (“the Bill”)**

I refer to the Administration’s Paper No. CB(1)1523/06-07(02).

Regarding the Administration’s propositions that “This is in line with the Government’s legal policy that in respect of regulatory offences, criminal liability is not imposed on the Government and public officers and that in the absence of an express provision, a public officer will be entitled to immunity if it can be established that compliance with the statute would prejudice the Government” and “With the adoption of the aforementioned government practice and the established disciplinary mechanism in the civil service to deal with acts of misconduct committed by civil servants, we do not consider it necessary to provide express provisions for (i) the exemption of criminal liability and (ii) the disciplinary mechanism in the Bill” as set out in paragraph 2 of your paper, I shall be grateful if you can let me have the relevant authority for the propositions.

It is appreciated that your reply in both Chinese and English could reach us by close of play, 9 May 2007.

Yours sincerely

(Monna LAI)  
Assistant Legal Adviser