

## **Product Eco-responsibility Bill**

### **The Administration's Response to Views and Questions Raised at the Bills Committee Meeting on 5 June 2008**

#### **Routine inspection**

Routine inspection is necessary to ascertain that the environmental levy scheme is fully complied with. As some Members have already pointed out, advanced notice for routine inspection could undermine the effectiveness of the enforcement action. It is, therefore, a general practice in routine inspection operations not to give advance notice.

#### **Defence of due diligence**

2. As stated in LC Paper No. CB(1) 1801/07-08(01), the Administration agrees to propose a committee stage amendment to *delete* the reference to “neglect” in clause 11(b). In other words, if a body corporate commits an offence under the Bill, a director of the body corporate may be held criminally liable only if the prosecution proves that the offence was committed with the director’s consent or connivance. It is unnecessary to include a defence of due diligence under clause 11 in such circumstances.

#### **Penalty for provision of false information**

3. As stated in LC Paper No. CB(1)1789/07-08(01), the penalty of an offence should be commensurate with the nature of the offence. In the light of Members’ views, the Administration agrees to review the penalty provisions under the Bill in a holistic manner, and to propose committee stage amendments (CSAs) for this purpose.

#### **Clause 17(2) and 17(2)(c)**

4. The Administration agrees to review the Chinese rendition of clauses 17(2) and 17(2)(c), and will propose CSAs for this purpose.

**Vetting for regulations made under clause 27 and future amendments to Schedule 1 to 4**

5. In the light of Members' views, the Administration agrees that the positive vetting procedure should be adopted for regulations made under clause 27, as well as for future amendments to Schedules 1, 2 and 4.

Environmental Protection Department  
June 2008