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By Fax (2136 3304)

23 February 2010

Miss Vivien Li
Senior Administrative Officer (Nature Conservation)
Environmental Protection Department
46/F, Revenue Tower
5 Gloucester Road
Wan Chai
Hong Kong

Dear Miss Li,

Genetically Modified Organisms (Control of Release) Bill

I refer to the formal version of Committee Stage Amendments ("formal CSAs") to the Bill attached to your email of today and would be grateful for your clarifications with respect to the following matters -

- (a) The formal CSAs seek to introduce an amendment to clause 30(1)(a) of the Bill by adding "about" before "[an offence ... is] to be committed". It was noted that where an offence "*is about to be committed*", as compared to where an offence "*is to be committed*", the accused person was more than just ready to commit the offence in question. Such amendment has been proposed to other similar provisions of the Bill (e.g. clauses 28 and 33), and was endorsed by the Bills Committee at the meeting on 21 January 2010. Please kindly confirm whether the proposed amendment to clause 30(1)(a) is intended to bring clause 30(1)(a) in line with other similar provisions of the Bill such as clauses 28 and 33.
- (b) A marked-up draft version of CSAs was provided to the Bills Committee at the meeting on 21 January 2010 (Annex A to LC Paper No. CB(1)935/09-10(02)). Both the Chinese and English texts of the formal CSAs contain certain textual changes which do not appear to propose any change in terms of policy or legal operation. Nevertheless, I would be pleased if the Administration could confirm this is the position.

I look forward to your reply in bilingual form before 25 February 2010.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

c.c. CCS(1)1