



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

本函檔號 **Our ref.:**
來函檔號 **Your ref.:** LS/S/25/07-08

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20 January 2009

Mr Stephen Lam
Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Hong Kong
(Fax : 2877 5029)

Dear Mr Lam,

Public Health and Municipal Services (Amendment) Bill 2008

Thank you for your letter of 9 January 2009. Please find below our response to the questions raised.

The new section 78G(1A)

Where there is an appeal against the original section 78B order made by the Director of Food and Environmental Hygiene (DFEH) as well as an appeal against the order as varied, the Municipal Services Appeals Board (MSAB) would be required under section 78G(1) and 78G(1A) to determine both appeals.

The new section 78G(1B) and (1C)

The proposed addition of new section 78G(1B) and (1C) is no longer necessary given that we have proposed to delete section 78H(1)(a).

The new section 78H(1B)(a)

It is not necessary to refer to revocation in this section because the market value of the food immediately before the day of revocation is irrelevant to the setting of the maximum recoverable amount.

The new section 78J(4)(b)

Please refer to the latest mark-up version of the Amendment Bill.

The new section 78K(6)(a)

The new section 78K(2)(a) and 78K(6)(a) provides that the Authority must, by notice published in the Gazette, identify the code of practice. This is in line with the provision in section 42 of the Energy Efficiency (Labelling of Products) Ordinance (Cap 598). I attach the Gazette notice for the Code of Practice on Energy Labelling of Products for your reference.

Please let us know if you have further questions.

Yours sincerely,



(Mrs Angelina Cheung)
for Secretary for Food and Health

G.N. 3327

ENERGY EFFICIENCY (LABELLING OF PRODUCTS) ORDINANCE

CODE OF PRACTICE ON ENERGY LABELLING OF PRODUCTS

I, HO Kwong-wai, Director of Electrical and Mechanical Services, having approved and issued a code of practice under section 42(1) of the Energy Efficiency (Labelling of Products) Ordinance (Chapter 598), hereby, pursuant to section 42(2) of that Ordinance:—

- (a) identify the code as being that code:—
 - (i) entitled:—
 - (A) in English:—‘Code of Practice on Energy Labelling of Products’
 - (B) in Chinese:—「產品能源標籤實務守則」
 - (ii) a copy of which may be inspected at the Energy Efficiency Office, Electrical and Mechanical Services Department, 7th Floor, 3 Kai Shing Street, Kowloon, Hong Kong during normal office hours or downloaded from the Department’s website (www.emsd.gov.hk);
- (b) specify 23 May 2008 as the date on which the approval of the code is to take effect; and
- (c) specify:—

the requirements under sections 4, 5, 6, 7, 9, 10, 11, 13, 18, 20, 28, 33, 56, Schedule 1 and Schedule 2 of the Energy Efficiency (Labelling of Products) Ordinance (Chapter 598) as the requirements under that Ordinance for which the code is so approved.

23 May 2008

HO Kwong-wai *Director of Electrical and Mechanical Services*