



立法會秘書處 法律事務部
LEGISLATIVE COUNCIL SECRETARIAT
LEGAL SERVICE DIVISION

來函檔號 YOUR REF :
本函檔號 OUR REF : **LS/S/31/08-09**
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By Fax (2827 8040)

30 June 2009

Mr. Joe FONG
Senior Environmental Protection Officer (Air Policy) 2
Environmental Protection Department
33/F, Revenue Tower
5 Gloucester Road
Wan Chai
Hong Kong

Dear Mr. FONG,

**Air Pollution Control (Volatile Organic Compounds)
(Amendment) Regulation 2009 (L.N. 107 of 2009)**

Thank you for your letter dated 2 June 2009.

In paragraph 3 of your letter, you mentioned that the new definition of "importer" in section 2(2) of the Regulation provides clarification and makes no substantive change on the scope of control, i.e. to prohibit the importing of the non-compliant products.

However, under the new definition, "importer" is defined to mean, in relation to a regulated product that is or was imported, a person who at or after the time of the importation is or was in possession of or entitled to the custody or control of the product, whether as owner, consignee, agent or broker. In these circumstances, it appears that a retailer or even a purchaser of a regulated product would fall within the above definition of "importer" if he is in possession of the product after the time of importation. Please clarify whether this is the policy intent. If not, please consider whether the drafting of the above definition of "importer" should be amended.

I shall be most grateful if you could let me have your reply in both Chinese and English at your earliest convenience.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Timothy TSO', written in a cursive style.

(Timothy TSO)
Assistant Legal Adviser

c.c.DoJ (Attn.: Ms. Emma WONG, Acting SGC) (By Fax: 2869 1302)

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