

Panel on Administration of Justice and Legal Services

Information Paper on Document Design of Draft Legislation

Introduction

As a good document design will aid in clearer communication, the Law Drafting Division of the Department of Justice have been reviewing the format and visual aspects of our legislation. We have examined the design of legislation in other common law jurisdictions and also considered the possibilities now available to us with new word processing and printing technology. The outcome is that we propose to make changes to the format and visual design of our legislation to make it more user-friendly and attractive. Samples of a mock-up copy of a Gazette version of a bill for a new Ordinance and of an amending bill, printed in the proposed new format, are attached for Members' information.

Some Features of the Changes Proposed

2. Font size of alphabets – a larger font size (11 point) will be used for the main texts. The font sizes for other parts of draft legislation will be adjusted. In particular, to reflect the organizational hierarchy of a draft, the font size of Part headings will be larger than that of Division headings, which will be larger than that of Subdivision headings.
3. Line spacing – line spacing between paragraphs will be increased slightly.
4. Indentation – the current out-denting of the text of sections will be discontinued. The text will be indented to align with the section headings. This will leave all section numbers in section headings and subsection numbers (if any) standing out from the general text.
5. The amending provisions will be restructured so that the reader can spot the amendments more readily. There will be an operative provision (please see clause 2 of the Air Pollution Control (Amendment) Bill 2008 in the Attachment), and the relevant amendments are set out more distinctly as shown, for example, in clause 3 of the bill.
6. The headers of pages will be separated from the main text by a

continuous line. The title of the document will be shown on every page, and so will be the number of the first clause starting in that page. The number of the relevant Part, Division, Subdivision or Schedule will also be shown in the header where appropriate. This may help the reader to identify the location of the text in question, particularly in long bills having a few layers of organization.

7. There will be a separator (a line in the centre of a page) immediately following the end of a bill (before its explanatory memorandum), Part or Schedule. Every Part (except Part 1), Schedule and explanatory memorandum will start on a fresh page.

8. Definitions – defined terms in definition sections will no longer be set in double quotes; instead, they will be italicized and set in bold type. The existing practice of them being followed by their equivalents in the other official language will not be changed.

9. Corresponding changes will be made to the Chinese text.

10. The proposed changes will assist the reader to identify the location of and relationship between provisions more easily. The changes also aim at reducing eye strain by a better deployment of blank space and the use of a larger font. There may be further fine tuning and it is expected that the new document design and the style changes associated with it will play a key role in modernizing the appearance of our legislation.

Law Drafting Division
Department of Justice
December 2009

本條例草案

A BILL

旨在

To

推行措施，將若干種類產品對環境的影響盡量減低；並就相關事宜訂定條文。

Introduce measures to minimize the environmental impact of certain types of products; and to provide for related matters.

由立法會制定。

Enacted by the Legislative Council.

第 1 部

Part 1

導言

Preliminary

1. 簡稱及生效日期

- (1) 本條例可引稱為《產品環保責任條例》。
- (2) 本條例自環境局局長以憲報公告指定的日期起實施。

1. Short title and commencement

- (1) This Ordinance may be cited as the Product Eco-responsibility Ordinance.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

2. 本條例的目的

- (1) 本條例的目的是—
 - (a) 將不同種類產品對環境的影響盡量減低，有關產品的種類可包括塑膠購物袋、車輛輪胎、電器及電子設備、包裝物料、飲品容器及可重複充電式電池；及
 - (b) 為達致上述目標而推行生產者責任計劃或其他措施，規定製造商、進口商、批發商、零售商、消費者或任何其他分擔減少使用該等產品的責任，以

2. Purposes of this Ordinance

- (1) The purposes of this Ordinance are—
 - (a) to minimize the environmental impact of various types of products, which may include plastic shopping bags, vehicle tyres, electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries; and
 - (b) to that end, to introduce producer responsibility schemes or other measures that may require manufacturers, importers, wholesalers, retailers, consumers or any other parties to share the responsibility for the reduction in the

及分擔回收、循環再造及妥善處置該等產品的責任。

- (2) 上述計劃或措施可包括(但不限於)以下各項—
- (a) 推行產品回收計劃，規定製造商、進口商、批發商或零售商回收若干產品，以作妥善的廢物處理；
 - (b) 推行按金退還計劃，規定消費者繳付按金，而該按金須於將若干產品交回指明回收點時退還；
 - (c) 徵收循環再造費用，為對若干產品實行妥善的廢物處理提供資金；
 - (d) 徵收環保徵費，以降低使用若干產品的動機；及
 - (e) 限制於《廢物處置(指定廢物處置設施)規例》(第 354 章，附屬法例 L)第 2 條所界定的指定廢物處置設施處置若干產品。

3. 釋義

(1) 在本條例中，除文意另有所指外—

局長(Secretary) 指環境局局長；

訂明產品(prescribed product)指第 4 條所述的任何產品；

產品(product)包括任何物品、物料及物質；

塑膠購物袋(plastic shopping bag)指本條例按照第 18 條所適用的塑膠購物袋；

署長(Director)指環境保護署署長；

獲授權人員(authorized officer)指根據第 6 條獲授權的公職人員。

use, and the recovery, recycling and proper disposal, of those products.

- (2) Such schemes or measures may include (but are not limited to) the following—
- (a) a product take-back scheme under which a manufacturer, importer, wholesaler or retailer is required to collect certain products for proper waste management;
 - (b) a deposit-refund scheme under which a consumer is required to pay a deposit to be refunded on the return of certain products to a specified collection point;
 - (c) the imposition of a recycling fee to finance the proper waste management of certain products;
 - (d) the imposition of an environmental levy to discourage the use of certain products; and
 - (e) the restriction on the disposal of certain products at any designated waste disposal facility as defined in section 2 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L).

3. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

authorized officer (獲授權人員) means a public officer authorized under section 6;

Director (署長) means the Director of Environmental Protection;

plastic shopping bag (塑膠購物袋) means a plastic shopping bag to which this Ordinance applies according to section 18;

prescribed product (訂明產品) means any product mentioned in section 4;

product (產品) includes any article, material and substance;

Secretary (局長) means the Secretary for the Environment.

- (2) 在本條例中，除文意另有所指外—
- (a) 凡提述任何產品，即包括提述該產品的任何部分；
 - (b) 凡提述職能，即包括提述權力及責任；及
 - (c) 凡提述執行職能，即包括提述行使權力及履行責任。
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- (2) In this Ordinance, unless the context otherwise requires—
- (a) a reference to any product includes a reference to any part of the product;
 - (b) a reference to a function includes a reference to a power and a duty; and
 - (c) a reference to the performance of a function includes a reference to the exercise of a power and the discharge of a duty.
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第 2 部

訂明產品：一般條文

第 1 分部

適用範圍

4. 第 2 部所適用的訂明產品
本部就以下任何產品而適用：塑膠購物袋。

第 2 分部

規例：一般權力

5. 關於根據本條例訂立的規例的一般條文
- (1) 根據本條例任何條文訂立的規例，可具有以下所有或任何效力—
 - (a) 一般地適用，或參照指明的例外情況或因素而在適用範圍方面受到限制；
 - (b) 就不同情況訂立不同條文，及就個別個案或個別類別的個案作出規定；
 - (c) 賦權局長或署長，在一般情況下或個別個案中授予豁免，使獲豁免者無須遵從任何規定；
 - (d) 就署長或獲授權人員執行在該規例下的職能，訂定條文；
 - (e) 授權將任何事宜或事情交由指明的人或一組人士決定、施行或管理；

Part 2

Prescribed Products: General Provisions

Division 1

Application

4. **Prescribed products to which Part 2 applies**
This Part applies in relation to any of the following products, namely, plastic shopping bags.

Division 2

Regulations: General Powers

5. **General provisions as to any regulation made under this Ordinance**
- (1) A regulation made under any provision of this Ordinance may do all or any of the following—
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors;
 - (b) make different provisions for different circumstances and provide for a particular case or class of cases;
 - (c) empower the Secretary or Director to grant exemptions from any requirement, either generally or in a particular case;
 - (d) provide for the performance by the Director or an authorized officer of any function under the regulation;
 - (e) authorize any matter or thing to be determined, applied or administered by a specified person or group of persons;

摘要說明

本條例草案的目的是一

- (a) 設立基本的法定框架以推行措施將若干種類產品對環境的影響盡量減低；及
- (b) 為該目的而實施首個規管計劃，向若干零售商就提供塑膠購物袋而徵收徵費。

第 1 部 — 導言

2. 除有關生效及釋義的條文(草案第 1 及 3 條)外，第 1 部載有關於本條例草案目的的條文，解釋本條例草案旨在藉推行生產者責任計劃或其他措施，要求不同方面的人分擔減少使用、回收、循環再造及妥善處置若干種類產品的責任，從而將該等產品對環境的影響盡量減低(草案第 2 條)。

第 2 部 — 訂明產品：一般條文

3. 第 2 部列出適用於本條例草案所規管的所有產品的一般條文。
4. 在第 1 分部中，草案第 4 條列明第 2 部所適用的訂明產品。現時，只有塑膠購物袋由該條指明。
5. 第 2 分部列出適用於任何根據本條例草案訂立的規例的一般條文(草案第 5 條)。
6. 根據第 3 分部，環境保護署署長(“署長”)可授權公職人員執行署長指明的本條例草案之下的任何法定職能(草案第 6 條)。獲授權人員被賦權取得資料及樣本，以及進入及搜查，以執行本條例草案(草案第 7 及 8 條)。

Explanatory Memorandum

The objects of this Bill are—

- (a) to lay down a statutory framework for introducing measures to minimize the environmental impact of certain types of products; and
- (b) as the first regulatory scheme to be implemented for that purpose, to provide for the imposition of a levy on certain retailers for the provision of plastic shopping bags.

Part 1—Preliminary

2. Apart from the commencement and interpretation provisions (clauses 1 and 3), Part 1 contains a purpose clause, which explains that this Bill aims at minimizing the environment impact of various types of products by introducing producer responsibility schemes or other measures that may require different parties to share the responsibility for the reduction in the use, and the recovery, recycling and proper disposal, of the products (clause 2).

Part 2—Prescribed products: general provisions

3. Part 2 sets out the general provisions that are applicable to all products to be regulated by this Bill.
4. In Division 1, clause 4 lists out the prescribed products to which Part 2 applies. Currently, only plastic shopping bags are specified in that clause.
5. Division 2 sets out the general provisions that are applicable to any regulation to be made under this Bill (clause 5).
6. Under Division 3, the Director of Environmental Protection (“the Director”) may authorize a public officer to perform any such statutory functions under this Bill as the Director may specify (clause 6). An authorized officer is given the power to obtain

本條例草案

旨在

修訂《空氣污染管制條例》，藉以——

- (a) 藉着包括以下各項的措施，規管因進行若干電力工程而產生的二氧化硫、氮氧化物及可吸入懸浮粒子的排放——
 - (i) 將可從用於進行該等電力工程的處所排放該等污染物的權利，分配予指明牌照持有人；
 - (ii) 對指明牌照施加有關條款及條件；及
 - (iii) 指明遵從該等條款及條件的方式；
- (b) 刪除根據該條例第 35 條將根據該條例第 VI 部組成的上訴委員會的決定轉交覆核的權力；
- (c) 禁止公職人員獲委任為或出任為根據該條例第 VI 部組成的上訴委員會的主席，或獲委任為有資格獲委任為任何該等上訴委員會的委員的備選委員小組的成員；
- (d) 澄清該條例及其附屬法例中“牌照”的涵義；以及
- (e) 就附帶事宜訂定條文。

由立法會制定。

A BILL

To

Amend the Air Pollution Control Ordinance to—

- (a) regulate the emission of sulphur dioxide, nitrogen oxides and respirable suspended particulates as a result of the conduct of certain electricity works by measures including—
 - (i) the allocation to specified licence holders of the entitlement to emit those pollutants from premises used for the conduct of such electricity works;
 - (ii) the imposition of relevant terms and conditions on the specified licences; and
 - (iii) the specification of the manner in which such terms and conditions may be complied with;
- (b) remove the right of referring for review under section 35 of the Ordinance a decision of any Appeal Board constituted under Part VI of the Ordinance;
- (c) prohibit a public officer from being appointed as or to act as Chairman of any Appeal Board constituted under Part VI of the Ordinance, or from being appointed as a member of a panel of persons eligible for appointment as members of any such Appeal Board;
- (d) clarify the meaning of “licence” in the Ordinance and its subsidiary legislation; and
- (e) provide for incidental matters.

Enacted by the Legislative Council.

第1條

2

1. **簡稱**
本條例可引稱為《2008年空氣污染管制(修訂)條例》。
2. **修訂《空氣污染管制條例》**
第3至16條列出對《空氣污染管制條例》(第311章)的修訂。
3. **修訂第2條(釋義)**
 - (1) 第2條,“牌照”的定義,在“批給的牌照”之後——
加入
“、根據第16條獲續期的牌照、根據第17或18條被更改的牌照、或根據第18A條而轉讓的牌照(視何者屬適當而定)”。
 - (2) 第2條,“技術備忘錄”的定義——
廢除
“或9”
代以
“、9或26G”。
 - (3) 第2條——
加入
“**可排放量**(allowed emission)就某類別指明污染物而言,指可在某排放年度從某牌照所涉處所排放的該類別污染物的數量,而該數量是藉參照以下數量而確定的:就該排放年度而適用於有關的指明牌照的該類別污染物的獲配限額的數量;
指明污染物(specified pollutant)指屬下列任何類別的空氣污染物——

Clause 1

2

1. **Short title**
This Ordinance may be cited as the Air Pollution Control (Amendment) Ordinance 2008.
2. **Air Pollution Control Ordinance amended**
The Air Pollution Control Ordinance (Cap. 311) is amended as set out in sections 3 to 16.
3. **Section 2 amended (Interpretation)**
 - (1) Section 2, definition of “licence”, after “section 15”—
Add
“, a licence renewed under section 16, a licence varied under section 17 or 18 or a licence transferred under section 18A, as may be appropriate”.
 - (2) Section 2, definition of “technical memorandum”—
Repeal
“or 9”
Substitute
“, 9 or 26G”.
 - (3) Section 2—
Add
“**actual emission** (實際排放量), in relation to a type of specified pollutant, means the quantity, as ascertained by such method as specified in a specified licence, of that type of pollutant that has been emitted from the licensed premises;
allocated allowances (獲配限額), in relation to a type of specified pollutant, means the emission allowances allocated under section 26G(1) for that type of pollutant in respect of a specified licence in relation to an emission year;