

**The Administration's Responses to Comments from
Assistant Legal Adviser in her Letter of
23 May 2007**

Clause 50A(1) (Chinese text)

We have further reviewed the draft of the Chinese text of clause 50A(1). We are of the view that the wording “該作為或不作為是本條例規定或授權的，” is the rendition for “the act or omission was required or authorized **by** this Ordinance”, whereas the wording “[該作為或不作為]是根據本條例須作出或不作出或獲授權作出或不作出的，” is the rendition for “the act or omission was required or authorized **under** this Ordinance.”. The Chinese text of clause 50A(1), as is drafted, conveys the same meaning as the English text. It is clearer to present the meaning in two parts of a sentence and the “comma” is needed. If the comma is removed, the sentence will become too long to read. Even there is a “comma” between “的” and “或”, the phrase “真誠地相信該作為或不作為” will qualify the second part that follows after the comma. We therefore do not consider it necessary to amend the Chinese text of clause 50A(1).

That said, to address your concern, we could consider an alternative Chinese rendition for clause 50A(1) to read as follows:

[50A. 對公職人員的保障

(1) 任何公職人員如在作出某作為或沒有作出某作為時，真誠地相信該作為或不作為是由本條例或根據本條例規定或授權的，則他無須就該作為或不作為，承擔任何個人民事法律責任或對任何民事申索負上個人法律責任。]

Clause 41

We propose to revise clause 41 as shown in the Administration's responses to the list of follow-up actions to meeting on 25 May 2007 issued on 6 June 2007.

**Environmental Protection Department
June 2007**