

CB(1) 816/09-10(03)

LS/B/16/08-09
2869 9457
2877 5029

By Fax (2136 3304)

22 December 2009

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

It seems that the Administration holds the view that under clause 39 of the Bill, as it now stands, only certain persons (including the applicant) are eligible to lodge an appeal to the Administrative Appeals Boards (para. 5 of the Administration's paper no. CB(1)726/09-10(02)). I wonder if you could provide for the Bills Committee's reference (preferably in table form) a list of the following-

- (a) all eligible appellants under clause 39;
- (b) the subject matter of their respective appeals; and
- (c) the provisions under which the appeals arise.

Please also advise that, as a matter of law, whether a person other than the eligible appellants under clause 39 may apply for judicial review if he has sufficient interest in the subject matter.

I look forward to your reply in bilingual form before 4 January 2010.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

cc. Legal Adviser
CCS(1)1