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4 September 2009

(By Fax: 2877 5029)

Legal Service Division
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central, Hong Kong
(Attn. Mr. Timothy TSO, Assistant Legal Adviser)

Dear Mr. TSO,

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

We refer to your letter of 30 June 2009 on the captioned.

It is not our policy intention to hold a retailer or a purchaser of a regulated product liable as an importer if he is in possession of the product after the time of importation unless the retailer or purchaser himself is the importer of the regulated product.

The definition of “importer” in the captioned Amendment Regulation might imply that retailers and purchasers are liable as importers. This is not consistent with the policy intent. We would thus replace the definition of “importer” with the following:

““importer” (進口商) means a person by or for whom a regulated product is or was brought, or caused to be brought into Hong Kong, and includes a person who, at or immediately after the time a regulated product is or was brought or caused to be brought into Hong Kong, is or was in possession or entitled to the custody or control of the product, whether as owner, consignee, agent or broker;”

Please contact the undersigned if you want further information.

Yours sincerely,

(Joe Fong)

for Director of Environmental Protection

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