

2005 年廢物處置(修訂)條例草案 當局對委員所提要求的回應

第 18(b)條 – 考慮可否劃一條例第 23D(e)條及其他條文中就「authorization」一詞所用的中文詞彙

在對《廢物處置條例》(下稱「條例」)建議修訂第 23D(e)條的中文文本中，「authorization」一詞所用的相應字眼是「授權或批准」，而在條例英文本各項條文中凡出現「authorization」一詞時，在現行條例中文文本中均使用「授權」或「批准」一詞。

2. 「批准」一詞用於條例第 16(2)(b)條、第 22(1)及(2)條及第 33(3)(a)條(下稱「相關條文」)。根據 *New Shorter Oxford English Dictionary*，「authorize」一詞有多個含義(見附件 1)。當用於上述條文時，「authorize」¹ 是指「給予正式批准」(*give formal approval to*)或「向(某人或某組織)給予法定或正式批准進行某項行動；授予權力、許可」。採用「批准」一詞是與英文文本一致。因此，相關條文宜保留中文「批准」一詞。

3. 議員在等 12 次會議中屬意要盡量考慮把「或批准」從第 23D(e)條中文文本中刪除。我們考慮下列相關條文所涵蓋的情況後，同意刪除「或批准」-

- (a) 第 22(1)及(2)條是關於根據條例發出牌照作出授權。第 23D(e)條的中文文本有「根據本條例發出的任何牌照」這提述。因此，即使刪除「或批准」的字眼，第 22(1)及(2)條所述的情況仍然受第 23D(e)條規管；
- (b) 第 16(2)(b)條豁免傾倒廢物須領有廢物處置牌照的要求。我們預期無須引用第 23D(e)條的權力就有關豁免所批予的授權文件進行檢查或副本複印；
- (c) 第 33(3)(a)條是賦予權力制定規例的條文，以使環

¹ *Penguin's Modern Guide*有關同義詞及相關詞一書指出，「授權」(*authorize*)一詞比「批准」(*permit*)更強、更正式，並具有「某項擬議行動獲授權批准進行，而給予授權者有權准許或禁止該項行動進行」此含意 (*imply positive approval of a proposed course of action by an authority empowered either to permit or to forbid it*)。

境保護署署長在規例有所訂定的情況下可授權延遲收取在條例下應付的費用。我們預期無須引用第 23D(e)條的權力就有關授權文件進行檢查或副本複印。

第 24(a)條 - 重新考慮附表 7 內新增項目 AA1180 的中文本

4. 我們會就新增項目中文本的改動提出建議。

第 25 條 - 考慮就附表 9 提出的委員會審議階段修正案是否有必要使用「或《巴塞爾公約》的締約方」句語

5. 在第 12 次會議上有建議，倘若「屬經合組織或歐盟成員的任何其他國家」(any other state...that is a member of OECD or EU)足以涵蓋「屬經合組織或歐盟成員的《巴塞爾公約》締約方」(party to the Basel Convention that is a member of OECD or EU)，則可刪除「或《巴塞爾公約》的締約方」(or party to the Basel Convention) 這句語。

6. 在分析有關語句後，我們認為「任何其他國家」這語句未必能涵蓋屬《巴塞爾公約》締約方的所有實體，因為《巴塞爾公約》中的締約方可以是國家，亦可以是政治或經濟整合組織。因此，就字面上的涵義而言，有需要保留有關語句，以便將任何政治或經濟整合組織也包括在內。

7. 建議的委員會審議階段修正案所用字眼是參照公約附件七擬訂的。在第三次締約方會議上通過公約附件七，載述受巴塞爾禁令所規管的實體。在上述第三次會議之前，有關內容只簡單提及經合組織成員國，由此可見，在該次會議上決定加入《巴塞爾公約》締約方的提述是特意如此的決定。

8. 基於以上第 6 及第 7 段的考慮，保留「或《巴塞爾公約》的締約方」這語句較為恰當，以準確地反映出公約附件七的政策原意。

環境保護署
二零零六年二月

authorize /'ɔːrɪzaɪz/ v.t. Also **-ise**. LME.

[(O)Fr. *autoriser* f. med.L. *autorizare*, f. *autor*; see **AUTHOR**, -IZŌ.] †1 Set up or acknowledge as having authority. LME-E17. †2 Make legally valid. LME-L17. ③ Give formal approval to; sanction, countenance. LME. †4 Vouch for, confirm. LME-M17. 5 Endow (a person, body, etc.) with authority; commission. LME. ⑥ Give legal or formal warrant to (a person or body) to do; empower, permit authoritatively. LME. 7 Of things: give grounds for, justify. E17. 8 Of things: give grounds to. L18.

3 ISAIAH BERLIN Why should any conduct be tolerated that is not authorized by appropriate experts? 4 SHAKES. *Macb.* A woman's story at a winter's fire, Authoriz'd by her grandam. 6 LD MACAULAY A royal message authorizing the Commons to elect another Speaker. 7 G. ANSON These reasons alone would authorize the insertion of those papers. 8 J. SULLIVAN Nothing which can authorise us to suppose it formed in the sea.

authorizable a. †(a) able to be entrusted with authority; †(b) having the power of authorizing; (c) able to be authorized: LME. **authorization** n. formal approval or warrant L15. **authorizer** n. a person who authorizes something or someone L16.

The Penguin Modern Guide to
Synonyms & related words

PERMIT allow authorize let

These words refer to the act of not preventing. *Permit*, *allow*, and *let* are loosely related, *permit* being the strongest of the three. To *permit* is to grant leave to or empower by express consent; the word suggests authority that could prevent, if it so chose: The chairman recognized the delegate and *permitted* him to speak. *Allow*, used positively, means to grant as a right or privilege: a teenager *allowed* to stay out until midnight and *permitted* to use the family car on occasion. *Allow* and *permit* are often used interchangeably; *allow*, however, is a less formal term and often carries the idea of simply not attempting to hinder. *Permit*, by contrast, implies a greater or lesser degree of approval and may indicate official sanction. [The nurse *allowed* the visitors to remain beyond the hospital visiting hours, though it was not *permitted*.] *Let*, the least formal of these words, may sometimes suggest permission or consent, but may imply no more than a failure to prevent or restrain. [She asked her boss to *let* her leave an hour early; Don't interrupt him—*let* him speak his mind.] A person may *let* things happen passively, either through choice or through indifference, carelessness, error, or inattention. [She decided to *let* her hair grow; He *let* his insurance policy lapse; They forgot to shut the windows and thereby *let* the rain in.] As opposed to *permit*, *let* may underline a lack of, or failure to exercise, preventive authority: a timid, unassertive little man, always *letting* people take advantage of him.

Authorize is stronger and more formal than *permit* and is more limited in application. It implies positive approval of a proposed course of action by an authority empowered either to *permit* or to forbid it. [The ministry *authorized* the building of a new comprehensive school; The firm *authorized* the use of a company car by the salesman after working hours.] *Authorize* may further imply the delegation of authority: a UN delegate *authorized* by his government to conduct formal negotiations. See **ENDORSE**, **LENIENT**.

antonyms: enjoin, forbid, interdict, prevent, prohibit.