

**Waste Disposal (Amendment) Bill 2005
Administration's Response to Members' Requests**

Clause 18 (b) – to consider whether the Chinese rendition for “authorization” in Section 23D(e) and other sections of the Ordinance could be standardised in the context of the provisions

In the Chinese text of the proposed amendment to Section 23D(e) of the Waste Disposal Ordinance (WDO), the corresponding expression for “authorization” is “授權或批准”, since we observe that “授權” or “批准” appear in the Chinese text of various existing provisions of the WDO to accord with the meaning of “authorization” as used in the English text of those provisions.

2. The term “批准” was used in sections 16(2)(b), 22(1) and (2) and section 33(3)(a) of the WDO (“the relevant provisions”). According to the New Shorter Oxford English Dictionary, an extract of which is shown in Annex 1, “authorize” has various meanings. When used in those provisions, “authorize” means¹ “give formal approval to” or “give legal or formal warrant to (a person or body) to do; empower, permit authoritatively”, and “批准” in Chinese accords with the meaning in the English text. It is therefore appropriate to retain the Chinese term “批准” in the relevant provisions.

3. Since Members have expressed preference at the 12th meeting to delete from the Chinese text of Section 23D(e) “或批准”, we agree to delete “或批准” after examining the scenarios covered by the relevant provisions –

- (a) Section 22(1) and (2) relates to authorizations (授權) given by way of licences issued under the WDO, and if “或批准” is deleted, the scenario under the subsections will still be covered by section 23D(e), which contains the phrase of “根據本條例發出的任何牌照”;
- (b) Section 16(2)(b) exempts the use of land for tipping from the requirement for a waste disposal licence, and we do not anticipate the need to invoke the power under section 23D(e) for authorised officers to examine or make copies of any authorization given in relation to the exemption; and

¹ In the Penguin's Modern Guide to synonyms & related words, “authorize” is described as a stronger and more formal word than “permit” and has the meaning of “imply positive approval of a proposed course of action by an authority empowered either to permit or to forbid it”.

- (c) Section 33(3)(a) enables regulation to be made to provide for the Director of Environmental Protection to authorize the deferral of payment of any charge payable under the WDO, and we do not anticipate the need to invoke the power under section 23D(e) for authorised officers to examine or make copies of such authorization.

Clause 24(a) – to reconsider the Chinese translation for the newly added entry AA1180 in the Seventh Schedule

4. We will propose textual changes to the newly added entry.

Clause 25 – to consider if the phrase “or party to the Basel Convention” in the CSA to Schedule 9 is necessary

5. It was suggested at the 12th meeting that the phrase “or party to the Basel Convention” could be deleted if the words “any other state...that is a member of OECD or EU” are sufficient to include any “party to the Basel Convention that is a member of OECD or EU”.

6. We observe that the phrase “any other state” may not be able to cover all entities that are parties to the Basel Convention, since parties to the Basel Convention can be either states or political or economic integration organizations. Hence, on literal construction, the phrase “or party to the Basel Convention” has to be retained in order to cover any political or economic integration organization which is not a state.

7. The wording of the proposed CSA is modeled along Annex VII of the Basel Convention, which was adopted at the Third Meeting of the Conference of the Parties (COP-3) to describe the entities that are subject to the Basel Ban. We observe that it was a conscious decision of the COP-3 to add a reference to “party to the Basel Convention”, as the formulation prior to the COP-3 only referred to the OECD countries.

8. Based on the above considerations set out in paragraphs 6 & 7, it would be preferable to retain the phrase “or party to the Basel Convention” as proposed in the CSA to accurately reflect the policy intention of Annex VII of the Basel Convention.

authorize /'ɔ:θraɪz/ v.2 Also -ise. LME.

[(O)Fr. *autoriser* f. med.L *auctorizare*, f. *auctor*: see AUTHOR, -IZE.] †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.