

**Bills Committee on
Waste Disposal (Amendment)(No. 2) Bill 2003**

**List of follow-up actions arising from the discussion
at the meeting on 3 June 2004**

- (1) To review the threshold for depth of filling under the option to regulate land filling activities under the Environmental Impact Assessment (EIA) Ordinance (Cap. 499).
- (2) To step up publicity on the care which employers and employees should take to ensure proper disposal of construction waste in order to avoid contravention of proposed section 16A.
- (3) To provide the past court case regarding the interpretation of the phrase “lawful authority or excuse” under proposed section 16A(1).
- (4) To review the drafting of the part of proposed section 16A(4) on “and in either case that he took all steps reasonably open to him to ensure that an offence would not be committed”, which in members’ view is hard to comply with. Consideration should be given to rephrasing it as “and in either case that he had no reason to believe that an offence would be committed”.
- (5) To review the drafting of proposed section 23EA(1)(a) given that failure to establish an offence under proposed section 16A will render the entire section futile. The problem cannot be resolved by deleting proposed section 23EA(1)(a) as entrance of the place by the Director of Environmental Protection in the absence of such a provision may constitute an intrusion to privacy.