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Secretary for the Environment, Transport and Works
(Attn: Mrs Teresa WONG, Principal Assistant
Secretary (Environment and Transport)E2)
Environment Branch
Environment, Transport and Works Bureau
10/F Citibank Tower
3 Garden Road Central
Hong Kong

17 June 2004

BY FAX

Fax No. : 2136 3347
Total No. of pages : (2)

Dear Mrs WONG,

Waste Disposal (Amendment) (No. 2) Bill 2003

Thank you for your letter of 16 June 2004.

We are well aware of and do not dispute the general legal principles set out in your letter. The point at issue is that you rely on a rule of construction of statute to attain the legislative intent, while we are of the view that the legislative intent should best be reflected by express statutory provisions. To that extent, we regret that we are unable to persuade you to accept our view.

Nevertheless, having considered the Administration's policy intent in relation to new sections 16A, 18A and 23EA and their application upon enactment as explained in your letter, we appreciate that from a practical point of view, cases affected in the transitional period may be rare and under such rare circumstances, the Administration would handle those cases in a fair and equitable manner. We would recommend to the Chairman of the Bills Committee to include the various considerations of the material provisions, which are reflected in recent correspondence

between the Administration and us, in the Bills Committee's Report so that they may form part of the public record.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

c.c. DoJ
(Attn: Miss Shandy LIU, SGC)
(Fax No. 2869 1302)

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