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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
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Hong Kong

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BY FAX

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Dear Mrs WONG,

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

Thank you for your today's letter to the Clerk to the Bills Committee.
We have the following points for your clarification—

- (1) In relation to new section 23EA(1)(a), does the Administration intend to cover an offence committed under the repealed section 16A? If yes, does the drafting of the provision clearly reflect the intent? If yes, why? If new section 23EA(1)(a) applies to an offence committed under the repealed section 16A, would an owner of a domestic premises be prejudiced under new section 23EA(3) and (4) and new section 42(b) (because he would not be subject to such search warrant or payment before the enactment of the Amendment Ordinance)?
- (2) In relation to new section 18A, does the Government intend to cover an offence committed under the repealed section 16A? Would you explain your answer? If the Administration's intent is different from that in new section 23EA(1)(a), how does the drafting reflect such intent?

- (3) In relation to the defences under new section 16A, could a person charged with an offence under the repealed section 16A rely on the defences (which are otherwise not available under the repealed section 16A), if the charge is brought after commencement of the Amendment Ordinance? Would you explain your answer?

Your earliest response in both languages is appreciated.

Yours sincerely,

(Stephen LAM)
Assistant Legal Adviser

c.c. DoJ
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