

**Bills Committee on Waste Disposal (Amendment) Bill 2013**

**Follow-up actions required of the Administration**

(as at 24 October 2013)

In response to the concerns raised by members at the meeting on 12 July 2013 and the matters raised by the Assistant Legal Adviser in the letter dated 8 July 2013, the Administration provided supplementary information to the Bills Committee, which was issued vide LC Paper No. CB(1)1853/12-13(01) on 2 October 2013. After discussion of these papers at the meeting on 15 October 2013, the Administration was required to provide the following information –

**Part One: Further questions on follow-ups of the first meeting**

1. *Point (a) 2 (ii)*

Information on the enforcement of the Town Planning Ordinance (Cap. 131) in combating fly-tipping activities by the Planning Department, including the number of prosecutions taken against fly-tippers in recent years.

**Part Two: Further questions on issues raised by Assistant Legal Adviser**

2. *Q3*

- (a) Whether the proposed new section 16B will apply to the circumstance that an abandoned site was fly-tipped by persons carrying out works in a construction site nearby;
- (b) Definitions of a building, house and structure that are built on a private lot, in particular for those which are partially collapsed; and
- (c) Justifications for the Administration's definition of a private lot.

3. *Q8*

An explanation of the elements that the prosecution would consider when deciding to charge a person with the existing section 16A(1) or the proposed new section 16B(3) who has done a single act possibly in breach of the Waste Disposal Ordinance, and to provide an illustration.

4. *Q9*

A person who deposits construction waste must display in a conspicuous place on the lot a copy of the acknowledged form for the depositing activity, the Administration to define "conspicuous place" in a lot, in particular that in a rural open ground.

**Others**

5. Procedures for enforcing the Waste Disposal Ordinance against fly-tipping activities in real situation (including the roles of the front-line staff of Environmental Protection Department and Police Force) and an explanation of the ordinances, apart from the Waste Disposal Ordinance, empowering the public officers to stop persons from obstructing them to carry out duties against fly-tipping activities.

Council Business Division 1  
Legislative Council Secretariat  
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