

**Bills Committee on Waste Disposal
(Charging for Municipal Solid Waste) (Amendment) Bill 2018**

**List of follow-up actions arising from the discussion
at the meeting on 10 June 2020**

This note sets out our response to the follow-up actions arising from the discussion at the meeting of the Bills Committee held on 10 June 2020.

- (a) *if the Second Reading debate on the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") is resumed in the current legislative session, the Secretary for the Environment should consider stating in his speech at the debate with a view to assuring Members that the Administration will implement a pilot scheme on free collection service of food waste generated from some domestic and commercial and industrial sectors at selected areas by the end of 2020 and, subject to the result of the pilot scheme and with the development of more food waste treatment facilities in the long term, plan to extend the service to the whole territory at a later stage;*

If the Second Reading debate on the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 is resumed in the current legislative session, the Secretary for the Environment is pleased to undertake in his speech that the Government would launch the pilot scheme on food waste collection at selected areas by end 2020 to collect and deliver food waste from some domestic, commercial and industrial sectors to food waste treatment facilities. Subject to the effectiveness of this pilot scheme and with the gradual development of more food waste treatment facilities, the Government plans to expand the said service to the whole territory.

- (b) *consider amending the proposed section 20K(2)(a) of the Waste Disposal Ordinance (Cap. 354) to expressly state the scope of exemption from the proposed section 20K(1), such as to expressly specify the representative/deputy of and/or a person authorized by the Director of Food and Environmental Hygiene as exempted persons; and*

While the functions of Government departments must be discharged by departmental staff, the legislative drafting convention is to make reference to the heads of departments instead of the staff in the departments. According to the Carltona Principle¹ under common law, the acts of Government departmental staff are synonymous with the acts of the heads of departments in charge of the relevant departments.

¹ This principle was established in *Carltona Ltd. v Commissioner of Works* [1943] 2 All ER 560 (CA).

- (c) *consider amending the proposed section 20K(2) of Cap. 354 to enhance its comprehensibility, such as by considering suitably combining its paragraphs (a) and (b), or amending the Chinese text of paragraph (b).*

It is a general legislative drafting convention to use paragraphing where applicable in order to enhance comprehensibility of legislation. As explained at the last meeting, putting the two qualifiers in relation to “removal service” in brackets is an effort to present these key elements in a more comprehensible manner. We would continue to listen to the views of the Bills Committee and consider the scope for enhancing the legal language.

**Environmental Protection Department
June 2020**