

Mr AU Nok-hin 區諾軒†

Membership in Environmental-related Committees:

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

Voting Record:

12 April 2018: Motion Moved by Hon Frankie Yick on "Promoting the Popularization of Electric Vehicles" as Amended by Hon Kenneth Leung, Hon Charles Peter Mok, Ir Dr Hon Lo Wai-Kwok, Hon Yung Hoi-Yan, Hon Chan Hak-Kan and Hon Tanya Chan	Yes
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Panel on Environmental Affairs Attendance:

As Non-Member

2016-17	2017-18	2018-19	2019-20
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Comments Made in Environmental-related Committees:

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

20181205	<ol style="list-style-type: none">1. As certain groups of people with special needs (such as the elderly and people suffering from chronic illnesses) generated larger amount of unavoidable waste compared to the general population, Mr AU opined that the proposed increases of around \$10 per person per month to CSSA standard rates and payment rate of the Higher Old Age Living Allowance would not be enough to mitigate the financial impact of the proposed charging scheme on those people. He urged the Administration to offer more assistance to people with financial hardship.2. Mr AU also expressed concern that MSW charging might give rise to free-riding behaviours and abuse of litter containers ("LCs") in public places to evade the use of DBs.
20190218	<ol style="list-style-type: none">3. Mr AU noted from paragraph 25 of the Administration's reply to ALA's letter dated 4 December 2018 (LC Paper No. CB(1)396/18-19(01)) that cleansing staff employed by the property management company of a building would have a duty to check whether the MSW they collected or delivered was non-compliant waste (if the Bill was passed). He expressed concerns that such

	<p>staff might inadvertently commit an offence under the proposed section 20M(1) of the Waste Disposal Ordinance (Cap. 354) when handling non-compliant waste (if the Bill was passed). In particular, they might have merely followed the instructions of their supervisors/employers on how to handle such waste; or have limited understanding of what they would be expected to do in order to fulfil the conditions for establishing a defence under the proposed section 20Q of Cap. 354. He also asked how the enforcement officers would trace the sources of non-compliant waste in a building.</p> <p>4. Referring to paragraph 41 of the Administration's reply to ALA's letter dated 4 December 2018 (LC Paper No. CB(1)396/18-19(01)), Mr AU considered that the Bill, if passed, would create undue administrative burdens on property management companies and/or the cleaning staff they employed, as they might need to maintain documentation to prove that they had taken all steps reasonably open to them to avoid the commission of an offence related to non-compliant waste, in order for them to rely on the statutory defence under the proposed section 20Q of Cap. 354. In addition, he suggested that the enforcement guidelines related to the proposed charging scheme should be made available to the general public, so that residents and frontline cleaning staff would better understand their respective responsibilities.</p>
20190415	<p>5. Mr AU suggested that the Administration should consider introducing the following amendments to the Bill to enhance the protection for PMCs and frontline cleaning workers who provided waste collection/removal services in buildings: (a) adding a defence clause to the effect that PMCs/frontline cleaning workers would not commit an offence related to the depositing or delivery of NCW if they had maintained documentation to prove that the NCW concerned had first been deposited in the premises by another party, and (b) providing that PMCs would have the right to recover from a waste producer any loss or expenditure suffered when handling NCW deposited in the premises by the waste producer.</p>
20190430	<p>6. Regarding the administrative arrangements for B/Ds to pay the proposed MSW charge (if the Bill was passed), Mr AU suggested that:</p>

	<p>(a) each B/D should report the amount of MSW charge it paid annually for public scrutiny; and</p> <p>(b) to demonstrate the Administration's commitment to reducing its waste generation, it should set an annual limit on the MSW charge incurred by each B/D.</p>
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† **AU Nok-hin** was declared to be returned as a member of LegCo at the LegCo by-election held on 11 March 2018, and took the oath to assume office at the Council meeting of 21 March 2018.

According to the Judgment of the Court of First Instance of the High Court handed down on 2 September 2019, AU Nok-hin was not duly elected as a member of LegCo at the LegCo by-election held on 11 March 2018 and no other person was duly elected instead. According to the decision of the Appeal Committee of the Court of Final Appeal of 17 December 2019 refusing Mr AU's application for leave to appeal, AU Nok-hin, by virtue of section 72(5)(b) of the Legislative Council Ordinance (Cap. 542), has ceased to be a member of LegCo since 17 December 2019.