

WASTE DISPOSAL (APPEAL BOARD) REGULATION
- CHAPTER 354B

LONG TITLE

Empowering section VerDate:30/06/1997

(Cap 354 section 33)

[7 February 1992]

(L.N. 19 of 1992)

SECT 1

Citation VerDate:30/06/1997

This Regulation may be cited as the Waste Disposal (Appeal Board) Regulation.
(Enacted 1992)

SECT 2

Interpretation VerDate:01/12/2005

In this Regulation, unless the context otherwise requires-

"appellant" means any person who may appeal to the Appeal Board under section 24 of the Ordinance and who has given notice of appeal to the Chairman; (17 of 2004 s. 13)

"authority" means the public officer, collection authority, waste disposal authority or the Director referred to in section 24 of the Ordinance from whose decision or direction an appeal is made; (17 of 2004 s. 13)

"Board" means an Appeal Board constituted under section 25 of the Ordinance;

"Chairman" means the Chairman of the Board appointed under section 25(2) of the Ordinance.
(Enacted 1992)

SECT 3

Commencement of an appeal VerDate:01/12/2005

Any person who has a right of appeal under section 24 of the Ordinance may commence an appeal under this Regulation by lodging with the Chairman a notice of appeal which shall be in accordance with Form 1 in the Schedule. (Enacted 1992. 17 of 2004 s. 14)

SECT 4

Appellant to serve copy of notice of appeal and statement of particulars VerDate:30/06/1997

When lodging a notice of appeal under section 3, the appellant shall at the same time serve a copy of such notice on the authority and shall furnish to the authority and the Chairman a statement specifying the grounds of the appeal and including such particulars of the evidence to be adduced, documents to be produced, names of witnesses to be called as may suffice to ensure that the Board and the authority are fully and fairly informed of the grounds of the appeal.
(Enacted 1992)

SECT 5

Further particulars VerDate:30/06/1997

If any party to an appeal requires further particulars from the other party relating to the appeal, he may within 7 days after the service on the authority of a copy of the notice of appeal under section 4 or such longer period as the Chairman, on application, may allow in any particular case, serve notice on the other party specifying the further particulars required, and the other party shall within 7 days after notice is served under this section or such longer period as the Chairman, on application, may allow in any particular case, furnish such particulars to the other party and lodge a copy of such particulars with the Chairman.

(Enacted 1992)

SECT 6

Inspection of documents VerDate:30/06/1997

(1) Any party to an appeal may at any time serve notice on the other party to produce, within 7 days after the notice is served, any document relating to the appeal for the inspection of the party serving the notice and to permit him to take copies thereof.

(2) Any party who fails to comply with a notice under subsection (1) shall not afterwards be allowed to put any such document in evidence unless he satisfies the Board that he had a reason for his failure to comply which the Board deems sufficient. (Enacted 1992)

SECT 7

Date, time and place of hearing VerDate:30/06/1997

Where notice of appeal is lodged, the Chairman shall fix the date, time and place of the hearing of appeal so as to enable the hearing to commence as soon as is reasonably practicable and shall, not less than 28 days before the date so fixed, serve on the appellant and on the authority notice of the date, time and place in Form 2 in the Schedule.

(Enacted 1992)

SECT 8

Summons to witness VerDate:30/06/1997

Upon application by any party to an appeal in Form 3 in the Schedule, the Chairman may issue a witness summons in Form 4 in the Schedule to any person named in the application requiring him to appear before the Board to produce any document relating to the appeal and to give evidence.

(Enacted 1992)

SECT 9

Appeal to be conducted in public VerDate:30/06/1997

The hearing of the appeal shall be conducted in public unless the Chairman of his own motion, or at the request of the appellant or the authority, orders that all or any persons should be excluded from the whole or any part of the hearing.

(Enacted 1992)

SECT 10

Representation VerDate:30/06/1997

At the hearing of the appeal-

(a) the appellant may be represented by a barrister or solicitor;
and

(b) the authority may be represented by a barrister or solicitor, including a barrister or solicitor who is a legal officer.
(Enacted 1992)

SECT 11

Abandonment of appeal VerDate:30/06/1997

(1) The appellant may abandon the whole or any part of the appeal by notice in writing lodged with the Chairman.

(2) When lodging a notice under subsection (1), the appellant shall at the same time serve a copy of such notice on the authority. (Enacted 1992)

SECT 12

Failure of appellant to attend hearing VerDate:30/06/1997

(1) If on the date and time fixed for the hearing of the appeal the appellant fails to attend the hearing either in person or by a barrister or solicitor, the Board may-

(a) if satisfied that the appellant's failure to attend was due to sickness or other reasonable cause, postpone or adjourn the hearing for such period as it thinks fit;

(b) proceed to hear the appeal; or

(c) dismiss the appeal.

(2) Where the appeal is dismissed by the Board under subsection (1)(c) the appellant may, within 30 days after the making of the order for dismissal, by notice in writing lodged with the Chairman, apply to the Board to review its order and the Board may, if satisfied that the appellant's failure to attend the hearing was due to sickness or any other reasonable cause, set aside the order for dismissal.

(3) When lodging a notice under subsection (2), the appellant shall at the same time serve a copy of such notice on the authority.

(4) Where the Board sets aside an order for dismissal under subsection (2), the Chairman shall fix the date, time and place for the hearing of the appeal so as to enable the hearing to commence as soon as is reasonably practicable and shall, not less than 14 days before the date so fixed, serve on the appellant and on the authority notice of the date, time and place in Form 2 in the Schedule.
(Enacted 1992)

SECT 13

Failure of appellant to serve notice of appeal on the authority or to furnish particulars
VerDate:30/06/1997

Where a Board is satisfied that the appellant has failed-

(a) to serve a copy of the notice of appeal on the authority under section 4; or

(b) to furnish a statement of particulars to the authority and the Chairman under section 4; or

(c) to furnish further particulars without reasonable cause to the authority under section 5, the Board may dismiss the appeal.

(Enacted 1992)

SECT 14

Record of proceedings VerDate:30/06/1997

The Chairman shall take or cause to be taken in writing a full minute, so far as circumstances permit, of the following matters in respect of every appeal heard by the Board-

(a) the grounds of the appeal;

(b) the name of the appellant;

(c) the name of any person who appears as a witness for the appellant;

(d) the name of any person who appears as a witness for the authority;

(e) the name of any person summoned as a witness before the Board;

(f) the evidence of any person who gives evidence; and

(g) the decision of the Board.

(Enacted 1992)

SECT 15

Service of notices by Chairman or appellant VerDate:30/06/1997

Any notice required to be served under this Regulation-

(a) by the Chairman or the authority on the appellant; or

(b) by the appellant on the authority, may be served by serving a copy personally or by registered post addressed to the last known address of the appellant or of the authority, as the case may be.

(Enacted 1992)

SCHEDULE VerDate:30/06/1997

[sections 3, 7, 8 & 12]

FORM 1

WASTE DISPOSAL ORDINANCE

(Chapter 354)

(Section 3 of the Waste Disposal (Appeal Board) Regulation)

NOTICE OF APPEAL

To: The Chairman, Waste Disposal Appeal Board

- 1. Full name of Appellant:
- 2. Address of Appellant:
Telephone No.:
- 3. Address of Appellant or name and address of duly authorized representative for service if different from the above:
- 4. Details of notice appealed against:
(Attach a copy of the decision and indicate the particular aspect being the subject of the appeal)
.....
.....
.....

Dated this day of 19

Appellant.
(L.N 471 of 1995)

FORM 2

WASTE DISPOSAL ORDINANCE

(Chapter 354)

(Sections 7 and 12 of the Waste Disposal (Appeal Board) Regulation)

NOTICE OF DATE, TIME AND PLACE FIXED

FOR HEARING OF AN APPEAL

Appeal No.: of 19

In the matter of the Appeal lodged by

..
(Appellant) against the decision or direction contained in a notification issued under the Waste Disposal Ordinance on the day of 19

To (Appellant)

TAKE NOTICE that the above appeal will be heard at

.....
on the day of 19 at a.m./p.m.

AND TAKE NOTICE that if you do not attend at the time and place mentioned, either in person or by a barrister or solicitor duly authorized to appear on your behalf, the appeal may be postponed or adjourned for reasonable cause or be dismissed or be heard in your absence.

Dated this day of 19

.....
Chairman of the Appeal Board.

This notice was served by me on
.....
at on the day of 19

.....
Recipient of notice Process server.

(L.N 471 of 1995)

FORM 3

WASTE DISPOSAL ORDINANCE

(Chapter 354)

(Section 8 of the Waste Disposal (Appeal Board) Regulation)

APPLICATION FOR SUMMONS TO A WITNESS

Appeal No.: of 19

To: Chairman of the Appeal Board

Whereas of

.....
is likely to give material evidence in respect of the above appeal, I
hereby apply for a summons to be issued to the said requiring him to
attend the hearing of the appeal for that purpose./*and to bring with him and produce the several
documents hereunder specified:

Documents required to be produced:

.....
.....
.....
.....
.....

Dated this day of 19

.....
*Appellant/Authority
(L.N 471 of 1995)
*Delete as necessary.

FORM 4

WASTE DISPOSAL ORDINANCE

(Chapter 354)

(Section 8 of the Waste Disposal (Appeal Board) Regulation)

SUMMONS TO WITNESS

Appeal No.: of 19

In the matter of the Appeal lodged by
.. (Appellant) against the decision or direction contained in a notice issued under the Waste Disposal Ordinance on the day of 19

To (a)

YOU ARE HEREBY SUMMONED to attend at
..... on the day of 19 at
..... *a.m./p.m., and so from day to day, until the proceedings are heard, to give evidence in the above appeal and also to bring with you and produce the several documents hereunder specified:

Documents required to be produced:

.....
.....
.....
.....
.....

Dated this day of 19

.....
Chairman of the Appeal Board.

Note: (a) Insert name of person to be served.
* Delete as necessary.

This summons was served by me onat
.....on the
day of 19

.....
.....
Recipient of summons Process server.
(L.N 471 of 1995)