

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance
(Chapter 354)

WASTE DISPOSAL (REFUSE TRANSFER STATION) (AMENDMENT) REGULATION 2002

WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY) (AMENDMENT) REGULATION 2002

INTRODUCTION

At the meeting of the Executive Council on 25 June 2002, the Council ADVISED and the Chief Executive ORDERED that -

A (a) the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2002, at Annex A, should be made under section 33 of the Waste Disposal Ordinance, to add the Northwest New Territories Transfer Station and the Ma Wan Station as refuse transfer stations to which the Regulation applies and prescribe the charges for the disposal of waste at the Stations; and

B (b) the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2002, at Annex B, should be made under section 33 of the Waste Disposal Ordinance, to add four refuse transfer stations to the Regulation.

BACKGROUND AND ARGUMENT

2. RTSs are intermediary waste reception facilities where wastes are collected and then compacted before they are shipped in bulk to landfills for final disposal. They help to balance the distribution of waste delivered to our three landfills and help reduce the traffic loading

and environmental problems associated with long haulage of waste collection vehicles. At present, we have seven RTSs. They are :

- (a) Island East Transfer Station (IETS);
- (b) Island West Transfer Station (IWTS);
- (c) West Kowloon Transfer Station (WKTS);
- (d) Kowloon Bay Transfer Station (KBTS);
- (e) Shatin Transfer Station (STTS);
- (f) North Lantau Transfer Station (NLTS); and
- (g) Outlying Islands Transfer Facilities (OITF) (which include six RTSs at Peng Chau, Hei Ling Chau, Mui Wo, Cheung Chau, Yung Shue Wan, and Sok Kwu Wan).

C A map showing the distribution of the RTSs is at the Annex C. All RTSs are operated and managed by contractors engaged by the Environmental Protection Department (EPD). Contractors are paid according to the waste intake at RTSs and the schedule of payment in the operation contracts, subject to a minimum fee payable as agreed in the contracts.

3. Before 1997, we only had three RTSs (namely IETS, KBTS and STTS). Because of their limited capacities, these RTSs could only cater for waste delivered by Government waste collection vehicles. Following the commissioning of IWTS, WKTS, OITF and NLTS in 1997 and 1998, the RTS network had spare capacities to absorb privately collected waste. Hence, five RTSs were opened to private waste collectors between 1998 and 2001.

RTS Charges

4. To avoid taxpayers subsidizing the private waste collection industry, private RTS users are subject to a charging scheme that has been put in place since 1998. The rates payable are stipulated in the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354). The rates are set at levels that would be commercially viable to the waste collection trade and at the same time enable the Government to recover at least the additional cost to Government for handling the waste delivered by private waste collectors.

5. When charging was first introduced, there were both peak hour and non-peak hour rates. The aim was to discourage private waste collectors from delivering their waste to RTSs during peak hours when they were heavily patronized by Government waste collection vehicles.

However, a review in 2001 concluded that the RTSs could cope with the waste loads from both the Government and private waste collection vehicles simultaneously during peak hours without difficulties. As a result, we have dispensed with the peak hour and non-peak hour differential and are charging one single rate for each RTS instead.

Designated Waste Disposal Facilities

6. The Waste Disposal (Designated Waste Disposal Facility) Regulation was enacted in April 1997. It empowers the Director of Environmental Protection to maintain order and counteract the evasion of charges payable, where applicable, in waste disposal facilities designated under the Schedule of the Regulation.

The Proposals

7. The eighth RTS - Northwest New Territories Transfer Station (NWNTTS) - was informally commissioned in September 2001, and will be formally opened in July 2002. It has been designed to handle about 1,100 tonnes of waste per day from both Government and private waste collection vehicles. During the initial phase of operation of the NWNTTS, it received only publicly collected waste. It is operating at about 60% of its capacity. Since we have now confirmed its waste handling capability and that it can operate smoothly at very high environmental standard, we consider it appropriate to open NWNTTS to private waste collectors.

8. The Ma Wan Station (MaWS), which will form part of OITF, is now under construction and is scheduled for completion in late 2002. With a design capacity of about 31 tonnes of waste per day, it would be able to cope with all the waste generated in Ma Wan. We plan to open MaWS to both public and private waste collectors in late 2002. This will tie in with the occupation programme of a major residential development in Ma Wan.

9. Adopting the basis for setting RTS charges as stated in paragraph 6 above, we propose to set the charges for disposal of waste by private waste collectors at NWNTTS and MaWS at \$38 and \$68 per tonne respectively.

10. In addition to MaWS which will be opened later this year, there are three RTSs that have been in operation in the last two years, but

have yet to be designated as waste disposal facilities. They are the Yung Shue Wan Station, Sok Kwu Wan Station and NWNTTS (the formal commissioning of which will take place in July 2002). We propose to include these three RTSs and MaWS as designated waste disposal facilities so that the Director of Environmental Protection could exercise statutory control over them.

11. A new address has been assigned to WKTS after the recent naming of the road leading to the facility. We propose to replace the present address of WKTS set out in the Schedule to the Waste Disposal (Designated Waste Disposal Facility) Regulation with the new address.

Implication on Landfill Charge

12. The RTS charge is a service charge for using the RTS service only. It does not cover any landfill disposal charge. Private RTS users will need to pay the landfill charge on top of the RTS charge if the landfill charging scheme is in place.

THE REGULATIONS

13. The proposed Waste Disposal (Refuse Transfer Station) (Amendment) Regulation adds the NWNTTS and MaWS as refuse transfer stations to which the Regulation applies and prescribes the charges for disposal of waste at the Stations.

14. The proposed Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation adds Yung Shue Wan Station, Sok Kwu Wan Station, NWNTTS and MaWS to the Schedule to the Regulation. This will give the Director of Environmental Protection power to maintain order and take measures to counteract evasion of charges, where applicable, in the Stations.

PUBLIC CONSULTATION

15. We consulted the then Yuen Long District Board (YLDB) and Tuen Mun District Board (TMDB) when we planned the NWNTTS project in 1993/94. While YLDB supported the project, TMDB raised concern about the possible environmental nuisance and traffic congestion problems associated with the operation of NWNTTS. In response to

TMDB's concerns, EPD had carried out a number of measures to ensure that NWNTTS would not bring about adverse impact to local residents¹. EPD arranged a site visit for the Tuen Mun District Council (TMDC) in late 2001 and received no further objection from the District Council.

16. In 1992, we consulted the then Tsuen Wan District Board and the Ma Wan Rural Committee on the provision of infrastructural facilities, including the MaWS, in Ma Wan and received no objection.

17. The Advisory Council on the Environment was consulted on 21 May 2002 and it endorsed the proposals. The Legislative Council Panel on Environmental Affairs was consulted on 27 May 2002 and it raised no objection to the proposals.

BASIC LAW IMPLICATIONS

18. The Department of Justice has advised that the proposed Amendment Regulations are consistent with the Basic Law.

HUMAN RIGHTS IMPLICATIONS

19. The Department of Justice has advised that the proposed Amendment Regulations have no human rights implications.

BINDING EFFECT OF THE LEGISLATION

20. The amendments will not affect the current binding effect of the Waste Disposal Ordinance, the Waste Disposal (Refuse Transfer Station) Regulation and the Waste Disposal (Designated Waste Disposal Facility) Regulation.

FINANCIAL AND STAFFING IMPLICATIONS

21. With the opening of NWNTTS and MaWS to private waste collectors, the overall utilisation of RTSs will increase. The additional costs for payment to contractors would be recovered from the revenue

¹ These measures include installation of a vehicle washing system to minimize environmental nuisance generated by vehicles leaving the NWNTTS; and traffic management measures to avoid congestion.

arising from the proposal. A statement of the estimated annual additional costs and revenue for providing service to private waste collectors at the two stations after implementation of the proposed charges is at Annex D. The additional costs and workload arising from the implementation of the proposal will be absorbed from within the existing provision of the Environmental Protection Department. The designation of RTSs as waste disposal facilities and the revision of WKTS's address have no financial and staffing implications.

ECONOMIC IMPLICATIONS

22. The proposed opening of NWNTTS and MaWS to private waste collectors is expected to be able to induce a higher patronage of the RTSs, and their waste handling capacity could be more efficiently utilized. The economy as a whole will benefit from improved environmental management in a broad sense.

ENVIRONMENTAL IMPLICATIONS

23. RTSs are used to transfer waste in bulk to the three landfills, and are designed and operated to very high environmental standards. Wider use of RTSs by private waste collectors will shorten haulages of waste collection vehicles, which in turn will help reduce environmental problems associated with these vehicles on roads. This would also help reduce cross-district traffic in the territory.

SUSTAINABILITY IMPLICATIONS

24. The proposal should not have major sustainability implications but will facilitate optimal use of the waste disposal facilities. Improved coverage of the RTS network should also help reduce environmental nuisances caused by waste collection vehicles and their cross-district traffic .

LEGISLATIVE TIMETABLE

25. The legislative timetable will be –

Publication in the Gazette	5 July 2002
Tabling at the Legislative Council	10 July 2002
Commencement	Late 2002

PUBLICITY

26. A press release will be issued today. A spokesperson will be available to answer media enquiries.

ENQUIRIES

27. For further enquiries, please contact Ms Annie Choi, Principal Assistant Secretary of the Environment and Food Bureau at 2136 3351.

Environment and Food Bureau
26 June 2002

**Waste Disposal Ordinance
(Chapter 354)**

**WASTE DISPOSAL (REFUSE TRANSFER STATION)
(AMENDMENT) REGULATION 2002**

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FACILITY) (AMENDMENT) REGULATION 2002**

ANNEXES

- Annex A - Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2002
- Annex B - Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2002
- Annex C - Distribution of the Refuse Transfer Stations
- Annex D - Statement of Estimated Annual Additional Costs and Revenue after Implementation of the Proposed Charges

WASTE DISPOSAL (REFUSE TRANSFER STATION) (AMENDMENT) REGULATION 2002

(Made by the Chief Executive in Council under section 33 of the Waste Disposal Ordinance (Cap. 354) after consultation with the Advisory Council on the Environment)

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Charges for disposal of waste at refuse transfer stations

The Schedule to the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354 sub. leg.) is amended by adding -

"5. Northwest New Territories Transfer Station at Shung Tat Street, Yuen Long, N.T. (Boundaries delineated in Plan number TM 3791-Db)	(a)	For each load of 1 tonne or less	\$38	\$38
	(b)	For each load of more than 1 tonne	\$0.38 per 0.01 tonne or part thereof	\$0.38 per 0.01 tonne or part thereof
	(c)	For each load of waste in respect of which the Director is of the opinion that -	\$38	\$38

- (i) it is impracticable to ascertain the actual weight of the load; or
- (ii) to ascertain the actual weight of the load will cause public health problems

6. Outlying Islands Transfer Facilities - Ma Wan Station at Pak Wan, Ma Wan, N.T., adjoining Sewage Treatment Plant (Boundaries delineated in Plan number TWA 1058-E)	(a)	For each load of 1 tonne or less	\$68	\$68
	(b)	For each load of more than 1 tonne	\$0.68 per 0.01 tonne or part thereof	\$0.68 per 0.01 tonne or part thereof
	(c)	For each load of waste in respect of which the Director is of the opinion that -	\$68	\$68".

- (i) it is
impracticable to
ascertain the
actual weight of
the load; or
- (ii) to ascertain the
actual weight of
the load will
cause public
health problems

Clerk to the Executive Council
COUNCIL CHAMBER

2002

Explanatory Note

This Regulation amends the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354 sub. leg.) (the "Regulation") to add the Northwest New Territories Transfer Station and the Ma Wan Station as refuse transfer stations to which the Regulation applies and prescribe the charges for the disposal of waste at the Stations.

**WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY)
(AMENDMENT) REGULATION 2002**

(Made by the Chief Executive in Council under section 33 of the
Waste Disposal Ordinance (Cap. 354) after consultation with
the Advisory Council on the Environment)

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Designated waste disposal facilities

The Schedule to the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.) is amended -

(a) in item 9, by repealing "GLA-NK564, East of the Container Port Road South, Near Stonecutters Island, West Kowloon." and substituting "1 Ngong Shung Road, Kowloon.";

(b) by adding -

"15. Outlying Islands	Yung Shue Wan,	Plan number IS
Transfer Facilities -	Lamma Island,	3273-D
Yung Shue Wan Station	N.T.	

(OITF-YSWS)

- | | | | |
|-----|---|--|-----------------------------|
| 16. | Outlying Islands
Transfer Facilities -
Sok Kwu Wan Station
(OITF-SKWS) | Sok Kwu Wan,
Lamma Island,
N.T. | Plan number IS
3161-D |
| 17. | Outlying Islands
Transfer Facilities -
Ma
Wan Station (OITF-
MaWS) | Pak Wan, Ma Wan,
N.T., adjoining
Sewage
Treatment
Plant. | Plan number
TWA 1058-E |
| 18. | Northwest New
Territories Transfer
Station (NWNTTS) | Shung Tat
Street, Yuen
Long, N.T. | Plan number TM
3791-Db". |

Clerk to the Executive Council
COUNCIL CHAMBER

2002

Explanatory Note

This Regulation amends the address of the West Kowloon Transfer Station

(WKTS) and adds 4 refuse transfer stations to the Schedule of Designated Waste Disposal Facilities under the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg.).

Provision of RTS Service to Private Waste Collectors

**Estimated Annual Additional Costs and Revenue
After Implementation of the Proposed Charges**

		Northwest New Territories Transfer Station	Ma Wan Station	Total
Private wastes (tonnes / day)	(A)	26	10	
Additional cost to Government (\$/tonne)	(B)	38	68	
Proposed charges (\$/tonne)	(C)	38	68	
Annual additional cost (\$ million)	(A)x(B)x365 days	0.36	0.25	0.61
Annual revenue (\$ million)	(A)x(C)x365 days	0.36	0.25	0.61