

立法會
Legislative Council

Ref : CB2/BC/13/04

LC Paper No. CB(2)1035/05-06
(These minutes have been seen
by the Administration)

Bills Committee on Waste Disposal (Amendment) Bill 2005

Minutes of the 10th meeting
held on Tuesday, 10 January 2006 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Dr Hon LUI Ming-wah, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki

Member absent : Hon LI Fung-ying, BBS, JP

Public Officers attending : Environmental Protection Department

Mr FAN Wai-ming, Raymond
Deputy Director of Environmental Protection (2)

Mr LEI Chee-kwong, Patrick
Principal Environmental Protection Officer
(Waste Policy)

Mr NG Yau-wing, Alex
Principal Environmental Protection Officer
(Special Waste & Landfill Restoration)

Mr CHAN Shu-to, Kenneth
Officer-in-charge (Territorial Control)

Dr HA Kwok-kuen, David
Senior Environmental Protection Officer
(Waste Policy) 2

Mr YEUNG Kwok-on, Keith
Senior Environmental Protection Officer
(Territorial Control) 4

Department of Justice

Ms IP Fung-king, Fanny
Senior Assistant Law Draftsman

Ms Betty CHEUNG
Senior Government Counsel

Department of Health

Dr HO Mang-yee, Mandy
Principal Medical & Health Officer (5)

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Action

I. Confirmation of minutes of meetings
(LC Paper No. CB(2)817/05-06 – Minutes of meeting on 6 December 2005

LC Paper No. CB(2)818/05-06 – Minutes of meeting on 20 December 2005)

The minutes of the meetings held on 6 and 20 December 2005 were confirmed.

Action

II. Meeting with the Administration

(LC Paper No. CB(2)815/05-06(01) – Checklist of outstanding issues

LC Paper No. CB(2)815/05-06(02) – Letter dated 5 January 2006 from the Administration concerning the submission from Greenpeace

LC Paper No. CB(2)815/05-06(03) – Administration's response to the issues raised by members at the meeting on 20 December 2005

LC Paper No. CB(3)571/04-05 – The Bill

LC Paper No. CB(2)2171/04-05(01) – Marked-up copy of the Bill

LC Paper No. CB(2)2600/04-05(01) – Draft Waste Disposal (Clinical Waste) (General) Regulation

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. Members noted the position of the Administration that in addition to the cost of recovery of the disposal of the imported waste, an application fee would be charged. Other than that, it was not necessary to increase the charge payable by an applicant for the disposal of imported non-hazardous waste at local landfills under proposed section 20DA(6)(a).

Adm

4. The Administration was requested to –
 - (a) provide a written response to the submission of Greenpeace within this week and copied it to Greenpeace for comments;
 - (b) review whether “業務” or “執業” should be adopted as the Chinese version of the word “practices” in clause 2(g) and Group 3 of Schedule 8;
 - (c) consider the need to stipulate in the Bill the mechanism for announcing wastes which would be classified as “other wastes” under Group 6 of Schedule 8, as any person who failed to comply with the regulatory control framework in the Bill could commit an offence; and
 - (d) advise whether the definition of “Dressings” in Group 5 clinical waste in Schedule 8 was the same as or comparable to the one adopted by the Hospital Authority and the Hong Kong Medical Association.

Adm

5. The Administration undertook to propose Committee Stage amendments (CSAs) to the following clauses –
 - (a) clause 18 – to amend the Chinese version of proposed section 23D(e) for better linguistic flow;

Action

- (b) clause 21 – to amend proposed section 33(1A)(a)(ix) to authorize healthcare professionals who transported clinical waste received at their clinics (as collection points) to a reception point;
- (c) Schedule 8 – to add an exception to Group 3 clinical waste to the effect that extracted teeth would not be classified as clinical waste;
- (d) Schedule 8 – to replace “veterinary sources” in Group 3 clinical waste with “veterinary practices”;
- (e) Schedule 8 – to include a new pathogen in Group 4; and
- (f) Schedule 9 – to specify that member countries of the Organization for Economic Co-operation and Development and European Union would be included in the Schedule.

6. The Bills Committee completed clause by clause examination of the Bill in both English and Chinese versions, except clauses 23 and 24 which would be scrutinized together with the Administration’s response to the submission of Greenpeace at the next meeting. Members also agreed that Schedule 9 would be revisited when the CSA was available.

Date of next meeting

7. The Bills Committee noted that the next meeting would be held on 24 January 2006 at 4:30 pm.

8. The meeting ended at 6:33 pm.

Council Business Division 2
Legislative Council Secretariat
6 February 2006

**Proceedings of the meeting of the Bills Committee on
Waste Disposal (Amendment) Bill 2005
on Tuesday, 10 January 2006 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000240	Chairman	Confirmation of minutes of meetings	
000241 - 000602	Adm	Progress report by the Administration on its response to the submission from Greenpeace	
000603 - 000806	Chairman	Administration's written response to the submission from Greenpeace to be provided to the Bills Committee within this week and copied to Greenpeace for comments	Admin to follow up
000807 - 001055	Adm Chairman	Administration's response to the issues raised by members at the meeting on 20 December 2005 (LC Paper No. CB(2)815/05-06(03))	
001056 - 001455	Ms Emily LAU Adm Chairman	Legislative control and charges on the disposal of imported non-hazardous waste at local landfill in some overseas jurisdictions	
001456 - 002645	Adm Chairman ALA7 Ms Emily LAU Mr LEE Wing-tat	<p>Clause-by-clause examination of the Bill (English version)</p> <p>Clause 18 (proposed section 23D) – Other powers of authorized officers</p> <p>Clarification on the policy of proposed section 23D(e) regarding the powers of authorized officers to examine and make copies of records kept pursuant to any requirement under the Waste Disposal Ordinance, or of any licence and permits issued thereunder</p> <p>Circumstances under which an authorized officer who discharged his duties under proposed section 23D(e)</p>	

Time marker	Speaker	Subject(s)	Action Required
		Amendment to Chinese version of proposed section 23D(e) for better linguistic flow	Adm to propose Committee Stage amendment (CSA)
002646 - 002732	Chairman Adm	Clause 19 (proposed section 23E(2)) – Analysis of samples Clause 20 (proposed section 24(1)) – When appeal may be brought	
002733 - 004111	Chairman Adm Ms Emily LAU Dr KWOK Ka-ki	Clause 21 (proposed section 33) – Regulations In relation to proposed section 33(1A)(a)(x) and (xi), examples of circumstances in which authorization could be given to a person to collect or remove chemical or clinical waste without a waste collection licence, or to use any land or premises for the disposal of chemical or clinical waste without a waste disposal licence Handling of chemical or clinical waste when the incineration unit of the Chemical Waste Treatment Centre (CWTC) was closed for annual maintenance for two weeks Capacity of CWTC in handling clinical waste in the event of an epidemic outbreak such as SARS or avian flu	
004112 - 010353	Chairman Adm Ms Emily LAU Dr KWOK Ka-ki ALA7	Schedule 8 – Groups of clinical waste Different designation processes for amending groups listed in Schedule 8 and the rationale behind : Amendments to Group 4 by the Director of Environmental Protection, and other Groups by the Chief Executive in Council The need to stipulate in the Bill the mechanism for announcing wastes which would be classified as “other wastes” in Group 6 of Schedule 8	Admin to follow up

Time marker	Speaker	Subject(s)	Action Required
010354 - 010524	ALA7 Chairman Adm	Clause 21 (proposed section 33) – Regulations Amendment to proposed section 33(1A)(a)(ix) to authorize healthcare professionals who transported clinical waste received at their clinics (as collection points) to a reception point	Adm to propose CSA
010525 - 011436	Chairman Adm Ms Emily LAU ALA7	Clause 22 (proposed section 37(1) to (3)) – Amendments to Schedules Different designation processes for amending the Schedules	
011437 - 011544	Chairman	Clauses 23 and 24 – to be dealt with at the next meeting when the Administration’s response to the submission of Greenpeace was received	
011545 - 013254	Adm Chairman ALA7	Schedule 8 – Groups of clinical waste Administration undertook to – (a) review whether “業務” or “執業” should be adopted as the Chinese version of the word “practices” in clause 2(g) and Group 3 of Schedule 8; (b) propose Committee Stage amendment (CSA) to make clear in Group 3 clinical waste that extracted teeth should not be classified as clinical waste; (c) propose CSA to replace “veterinary sources” in Group 3 clinical waste with “veterinary practices”; (d) propose CSA to include a new pathogen in Group 4 clinical waste; (e) advise whether the definition of “Dressings” in Group 5 clinical waste in Schedule 8 was the same as or comparable to the one adopted by the Hospital Authority and the Hong Kong Medical Association	Admin to follow up

Time marker	Speaker	Subject(s)	Action Required
		In relation to (e) above, the Chairman undertook to consult Dr KWOK Ka-ki	
013255 - 013627	Chairman Adm ALA7	Schedule 9 – States included in Annex VII of the Basel Convention CSAs intended to propose to Schedule 9 to include from time to time member countries of the Organization for Economic Co-operation and Development and European Union Schedule 9 to be revisited when CSA was available	Admin to follow up
013628 - 014500	Adm Chairman Ms Emily LAU ALA7 Mr LEE Wing-tat	Schedules 10 and 11 – Matters to which terms and conditions of waste collection licence and waste disposal licence may relate Basis for setting the terms and conditions in Schedules 10 and 11 and the response received during consultation Explanation on the terms and conditions to applicants and their right to appeal Administration’s advice that no appeal had been lodged to licence terms and conditions by applicants of licence for chemical waste collection and disposal since 1993	
014501 - 020024	Chairman Adm Ms Emily LAU ALA7	Clauses 26 to 30 - Consequential amendments Examination of clauses 1 to 30 of the Bill (Chinese version)	
020025 - 020232	Chairman	Date of next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library