

立法會
Legislative Council

Ref : CB2/BC/13/04

LC Paper No. CB(2)289/05-06
(These minutes have been seen
by the Administration)

Bills Committee on Waste Disposal (Amendment) Bill 2005

**Minutes of the fourth meeting
held on Friday, 14 October 2005 at 10:45 am
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
Hon CHOY So-yuk, JP
Hon LI Fung-ying, BBS, 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
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP
Hon Emily LAU Wai-hing, JP
- Public Officers attending** : Environmental Protection Department

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

Mrs Teresa WONG
Assistant Director (Waste Management Policy)

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

Department of Justice

Ms IP Fung-king, Fanny
Senior Assistant Law Draftsman

Department of Health

Dr HO Mang-ye, 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. Meeting with the Administration
(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

LC Paper No. CB(2)2600/04-05(02) – Administration's response to
views/concerns of organizations / individuals on the Bill

LC Paper No. CB(2)2638/04-05(01) – Administration's response to the issues
raised by members at the meeting on 26 July 2005

LC Paper No. CB(2)24/05-06(01) – Administration's response to the issues
raised by members at the meeting on 30 September 2005)

The Bills Committee deliberated (index of proceedings attached at **Annex**)

2. The Administration was requested to –
 - (a) split paragraph (a) of the English version of the definition of “clinical waste” in Clause 2(g) of the Bill (“para. (a)”) into two paragraphs, so as to bring out better the two separate scenarios in paragraph (a); and
 - (b) revert to the Bills Committee on clinical waste collection arrangement for outlying islands and the list of available clinical waste collectors before passage of the Bill by LegCo.

3. Members expressed concern that waste producers were recommended to keep the trip tickets for a period of 12 months in the Code of Practice, and the timeframe for the Director of Environmental Protection to require information from waste producers was not specified in section 12(1) of the Draft Waste Disposal (Clinical Waste) (General) Regulation (the Draft Regulation). In addition, a person who failed without reasonable excuse to comply with the requirement under section 12(1) committed an offence. In order to safeguard the interest of clinical waste producers, the Administration was requested to consider the following proposals –
 - (a) to specify in the Code of Practice the types of information required to be produced by waste producers under section 12(1) of the Draft Regulation; and
 - (b) to specify a reasonable period for which waste producers were required to keep such information for inspection by the Director of Environmental Protection under section 12(1) of the Draft Regulation.

II. Any other business

4. The Bills Committee noted that next meeting would be held on 25 October 2005 at 4:30 pm.
5. The meeting ended at 12:45 pm.

**Proceedings of the meeting of the Bills Committee on
Waste Disposal (Amendment) Bill 2005
on Friday, 14 October 2005 at 10:45 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000005 - 000143	Chairman	Opening remarks	
000144 - 000432	Adm	Administration's response to the issues raised by members at the meeting on 30 September 2005 (LC Paper No. CB(2)24/05-06(01)) Clinical waste produced by health and beauty centres and its disposal	
000433 - 001406	Ms LI Fung-ying Adm Chairman	Explanation on how the definition of "clinical waste" covered the clinical waste produced by health and beauty centres Grey areas in the definition of "clinical waste" Inconsistency between the Chinese and English versions of the definition of "clinical waste". Suggestion to split para. (a) into two paragraphs to bring out better the two separate scenarios in para.(a) of clause 2(g) of the Bill	Admin to follow up
001407 - 001911	Mr LEE Wing-tat Adm Chairman	Types of beauty treatment involving medical practices that took place in hospitals	
001912 - 002043	Chairman Adm	Proposal to improve the clarity of the definition of "clinical waste" by separating part (a) of the definition into two separate parts, i.e. to separate medical practice from any other practice or establishment providing medical care and services for the sick, injured, infirm or those who required medical treatment	
002044 - 002228	Chairman Adm	The need to provide a separate definition for "peripheral medical care"	

002229 - 002408	Chairman Adm	Training programme on clinical waste management organised by the Occupational Safety and Health Council	
002409 - 002634	Chairman Adm Mr LEE Wing-tat	<p>Approach in the Bill to empower the Director of Environmental Protection (the Director) to add new pathogens to Group 4 of Schedule 8 was in line with that adopted by the Employees' Compensation Ordinance</p> <p>Reason for vesting the power to amend Group 4 of Schedule 8 to the Bill with the Director</p>	
002635 - 002857	Chairman Adm	<p>Trip tickets to be kept by clinical waste producers</p> <p>Offence of waste producers failing to furnish information required by the Director under section 12 of the Draft Waste Disposal (Clinical Waste) (General) Regulation (the Draft Regulation)</p>	
002858 - 003037	Miss CHOY So-yuk	Reservation on not requiring waste producers to keep the trip tickets, in light of section 12 of the Draft Regulation	
003038 - 004912	Adm Miss CHOY So-yuk Chairman	<p>Reasons for recommending and not requiring waste producers to keep the trip tickets</p> <p>Types of information to be produced by waste producers under section 12 of the Draft Regulation</p> <p>Requirement for waste collectors and operators of licensed waste disposal facilities to keep the trip tickets for a period of one year</p> <p>Timing within which the Director might require waste producers to furnish him with information under section 12(1) of the Draft Regulation</p> <p>Safeguards for waste producers who failed to provide information to the Director</p> <p>View of waste producers that they should not be required to keep the trip tickets</p>	

004913 - 005117	Ms LI Fung-ying	The need to require waste producers to keep the trip tickets for a certain period, in light of section 12 of the Draft Regulation	
005118 - 005453	Dr KWOK Ka-ki Adm	Support the proposal that waste producers should not be required to keep the trip tickets, as it was not conducive to law enforcement Offence of a person failing to comply with section 12 of the Draft Regulation	
005454 - 012554	Chairman Adm Dr KWOK Ka-ki Miss CHOY So-yuk	Concerns about safeguards for waste producers, in light of section 12(4) of the Draft Regulation which provided that waste producers who failed without reasonable excuse to provide information to the Director could commit an offence Proposals to address members' concerns and views of members and the Administration on the proposals	
012555 - 013653	Dr KWOK Ka-ki Adm Chairman Mr LEE Wing-tat	Purpose of requiring waste producers to keep trip tickets Did not support the proposal of imposing a statutory requirement for waste producers to keep the trip tickets	
013654 - 014017	Chairman	Administration was requested to consider the following proposals– (a) to specify in the Code of Practice the types of information required to be produced by waste producers under section 12(1) of the Draft Regulation; and (b) to specify a reasonable period for which waste producers were required to keep such information for inspection by the Director under section 12(1) of the Draft Regulation	Admin to respond

014018 - 015829	Mr WONG Kwok-hing Adm Chairman Dr KWOK Ka-ki Miss CHOY So-yuk	Discussion on the Administration's response to deputations by subject matters (LC Paper No. CB(2)2600/04-05(02)) <u>Disposal, collection and treatment of clinical waste</u> Progress of the Environmental Protection Department's discussion with the Department of Health and the Hospital Authority about collection of clinical waste from remote clinical waste producers such as outlying islands Existing waste collection arrangements, including clinical waste, on outlying islands Revert to the Bills Committee on clinical waste collection arrangement for outlying islands and the list of available clinical waste collectors before passage of the Bill by LegCo	Admin to provide the requested information
015830 - 015845	Chairman	Date of next meeting	

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