

立法會
Legislative Council

Ref : CB2/BC/13/04

LC Paper No. CB(2)713/05-06
(These minutes have been seen
by the Administration)

Bills Committee on Waste Disposal (Amendment) Bill 2005

**Minutes of the seventh meeting
held on Tuesday, 22 November 2005 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 LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Members absent** : Hon Jeffrey LAM Kin-fung, SBS, JP
Dr Hon KWOK Ka-ki
- 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 WONG Yiu-kam, Benny
Assistant Director (Environmental Compliance)

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-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 meeting
(LC Paper No. CB(2)417/05-06 – Minutes of meeting on 25 October 2005)

The minutes of the meeting held on 25 October 2005 were confirmed.

II. 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

Action

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

LC Paper Nos. CB(2)419/05-06(01) and (02) – Assistant Legal Adviser's letter dated 10 November 2005 and the Administration's response dated 17 November 2005

LC Paper No. CB(2)419/05-06(03) – Administration's response to the issues raised by members at the meeting on 8 November 2005

LC Paper No. CB(2)419/05-06(04) – Administration's response to the complaint referred by Hon WONG Kwok-hing regarding the dust level in Cheung Ching Estate

LC Paper No. CB(2)419/05-06(05) – Paper provided by the Administration on "Cost computation of the proposed fees for processing applications for waste collection licence and renewal licence")

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Administration was requested to –
 - (a) consider the proposal that the validity period of a new application for a waste collection licence should be longer than two years;
 - (b) clause 5 – to clarify whether healthcare professionals who transported clinical waste to a reception point or a collection point were covered under proposed section 11(2); and
 - (c) clause 8 – in relation to the proposed section 20A(4)(f), review the current approach to consider whether the obligations under the Basel Convention as applied to Hong Kong should be spelt out specifically.
4. The Bills Committee noted that the Administration would propose Committee Stage amendments to Schedule 9 to the Bill which listed the countries not permitted to export hazardous waste into Hong Kong so as to ensure that member countries of Organisation for Economic Co-operation Development and European Union would be included.

III. Any other business

5. The Bills Committee noted that the next meeting would be held on 6 December 2005 at 4:30 pm.
6. The meeting ended at 6:35 pm.

Action

Council Business Division 2
Legislative Council Secretariat
19 December 2005

**Proceedings of the meeting of the Bills Committee on
Waste Disposal (Amendment) Bill 2005
on Tuesday, 22 November 2005 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000519	Chairman	Confirmation of minutes of meeting	
000520 - 000703	Adm Chairman	Administration's response to the issues raised by members at the meeting on 8 November 2005 (LC Paper No. CB(2)419/05-06(03))	
000704 - 000738	Adm Chairman	Administration's response to the issues raised by members at the meeting on 8 November 2005 (LC Paper No. CB(2)419/05-06(04))	
000739 - 001332	Chairman Ms LI Fung-ying Adm	Administration's response to the issues raised by members at the meeting on 8 November 2005 (LC Paper No. CB(2)419/05-06(05)) Concern about high licence fee for a new application for a waste collection licence. Proposal to extend the validity period of a licence for a longer period	Admin to follow up
001333 - 001532	Chairman Ms Emily LAU Adm	Discussion on the Administration's response to deputations by subject matters (LC Paper No. CB(2)2600/04-05(02)) <u>Designation of Chemical Waste Treatment Centre (CWTC) in Tsing Yi to treat clinical waste</u> Administration to consult the Kwai Tsing District Council on the proposal on setting up a committee to monitor the modification works and operation of CWTC and to report the outcome to the Bills Committee by the end of 2005	
001533 - 001842	Chairman Adm	<u>Penalty under the Clinical Waste Control Scheme</u> <u>Disposal of imported waste</u> <u>The Basel Ban</u>	

		Follow-up action taken by the Bills Committee in response to Greenpeace's suggestion to invite an expert to give views to the Bills Committee	
001843 - 001943	Adm	Reasons for the Bill to give effect to the Basel Ban	
001944 - 003247	Chairman ALA7	<p>Difference between the Basel Convention and Basel Ban</p> <p>China was a Party to the Basel Convention but not the Basel Ban. The legal basis of implementing the Basel Ban in Hong Kong.</p> <p>ALA7 raised the following points –</p> <ul style="list-style-type: none"> (a) Countries which had ratified the Basel Ban were obligated not to export hazardous waste into Hong Kong; (b) The Basel Ban had yet to come into effect. The Bill to give effect to the Basel Ban might take effect in Hong Kong ahead of the Basel Ban when it was enacted; (c) Uncertainty due to the drafting of proposed section 20A(4)(f) in clause 8; and (d) The disparities between the “waste of a kind specified in the Seventh Schedule” as provided under proposed section 20A(4)(e) and the hazardous wastes listed in Annex VIII to the Basel Convention 	
003248 - 003831	Adm Chairman	<p>Administration responded with the following points –</p> <ul style="list-style-type: none"> (a) The Basel Ban prohibited the export of hazardous waste from developed countries to developing countries. For the Basel Ban to come into force and become part of the Basel Convention, it had to be ratified by three-fourths of the Parties to the Basel Convention; 	

		<p>(b) China had ratified the Basel Ban, and hence the ratification was also applicable to Hong Kong;</p> <p>(c) some countries belonging to the Organisation for Economic Co-operation and Development (OECD) were not Parties to the Basel Convention and were not bound by the Basel Convention. It was therefore necessary to codify the Basel Ban in Hong Kong to prevent these countries from exporting hazardous waste into Hong Kong;</p> <p>(d) parties to the Basel Convention could codify the Basel Ban on its own before it became part of the Basel Convention; and</p> <p>(e) the list of hazardous waste in the 7th Schedule to the Waste Disposal Ordinance (WDO) enacted in 1994/95 was compiled based on the Red List of OECD. The list of hazardous waste in Annex VIII, on the other hand, was included in the Basel Convention in 1998. Amendments had been proposed to the 7th Schedule to the Bill to ensure that the hazardous waste listed in Annex VIII to the Basel Convention were sufficiently covered</p>	
003832 - 004247	Ms Emily LAU Adm Chairman	<p>Schedule 9 to the Bill set out the countries not permitted to export hazardous waste into Hong Kong</p> <p>Confirmation that China had ratified and implemented Basel Ban</p> <p>Some 50 countries had ratified the Basel Ban i.e. less than three-fourths of the Parties to the Basel Convention (over 150 in total at the moment)</p>	
004248 - 005026	Chairman Adm ALA7	States listed in Schedule 9 to the Bill were based on Annex VII to the Basel Convention. These states were members of OECD,	

		European Union (EU) and Liechtenstein. All of them were Parties to the Basel Convention except USA	
005027 - 005139	Dr LUI Ming-wah Adm Chairman	China was not included in Annex VII to the Basel Convention and therefore not included in Schedule 9 to the Bill	
005140 - 005700	Ms Emily LAU Adm Chairman	Reasons for not permitting members of OECD, EU and Liechtenstein in Schedule 9 from exporting hazardous waste into Hong Kong Reasons for not including all other countries in Schedule 9 No case of OECD or developed countries which exported hazardous waste and granted a permit for treatment in Hong Kong in the past few years	
005701 - 005736	Chairman Adm	Requirement to obtain a permit for import and export of hazardous waste listed in the 7 th Schedule to WDO No requirement to obtain a permit for import and export of waste listed in the 6 th Schedule to WDO if it was for recycling purposes and was not contaminated	
005737 - 005931	Chairman Adm	Administration undertook to propose Committee Stage amendments to Schedule 9 to the Bill to ensure that member countries of OECD and EU would be included	Admin to follow up
005932 - 010900	Chairman Adm	Reasons for not amending the 7 th Schedule to the Bill by copying Annex VIII to the Basel Convention	
010901 - 011919	Chairman ALA7 Adm	Implementation of international conventions applicable to Hong Kong in local legislation Members' concerns about the drafting of proposed section 20A(4)(f) in clause 8 – (a) Hong Kong's obligations under the Basel Ban were not specified in the Bill;	

		<p>(b) whether all obligations, including future obligations, under the Basel Convention would automatically be binding on Hong Kong following passage of the Bill without further legislative processes; and</p> <p>(c) in connection with (b) above, the Bill could set a precedent for the mode of implementation of international conventions applicable to Hong Kong in local legislation</p> <p>The Administration's response was as follows –</p> <p>(a) the general approach presently adopted was in order in view of the narrow scope of paragraph (f) , i.e.the authority would not issue a permit for import of waste if the issuance of such permit would be in breach of Hong Kong's obligations under the Basel Convention; and</p> <p>(b) having regard to members' views, it would review the current approach to consider whether the obligations under the Basel Convention as applied to Hong Kong should be spelt out specifically</p>	Admin to follow up
011920 - 012041	Chairman	Clause-by-clause examination of the Bill	
012042 - 012848	Ms Emily LAU Chairman Adm	Commencement of the Bill Financial proposal for the modification of the CWTC to treat clinical waste to be submitted to the relevant Panel for consideration as soon as practicable	
012849 - 013351	Chairman	Clause 1 – Short title and commencement Clause 2 – Interpretation	
013352 - 014255	Chairman Adm Ms Emily LAU	Clause 3 – Collection of chemical waste or clinical waste in special circumstances	

014256 - 014349	Chairman Adm	Clause 4 – Licensing of collection and scavenging services	
014350 - 015258	Chairman Adm Ms Emily LAU Mr LEE Wing-tat	Clause 5 – Prohibition of collection of waste unless licensed or authorized Clarification on whether healthcare professionals who transported clinical waste to a reception point or a collection point were covered under proposed section 11(2)	Admin to follow up
015259 - 015415	Chairman	Date of next meeting	

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

Council Business Division 2
Legislative Council Secretariat
19 December 2005