

立法會
Legislative Council

Ref : CB2/BC/13/04

LC Paper No. CB(2)818/05-06
(These minutes have been seen
by the Administration)

Bills Committee on Waste Disposal (Amendment) Bill 2005

**Minutes of the ninth meeting
held on Tuesday, 20 December 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
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 Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki
- Member absent** : Dr Hon LUI Ming-wah, SBS, JP
- Public Officers attending** : Environmental Protection Department
Mr FAN Wai-ming, Raymond
Deputy Director of Environmental Protection (2)
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 meeting
(LC Paper No. CB(2)713/05-06 – Minutes of meeting on 22 November 2005)

The minutes of the meeting held on 22 November 2005 were confirmed.

II. Meeting with the Administration
(LC Paper No. CB(2)709/05-06(01) – Checklist of outstanding issues)

LC Paper No. CB(2)709/05-06(02) – Administration's response to the issues raised by members at the meetings on 8 November and 6 December 2005

LC Paper No. CB(2)709/05-06(03) – Administration's response to members' questions on clauses 5, 8 and 9 of the Bill raised at the meeting on 6 December 2005

LC Paper No. CB(2)709/05-06(04) – Administration's response to members' questions on clause 10 of the Bill raised at the meeting on 6 December 2005)

Action

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

Adm

3. The Administration was requested to –

- (a) consult members of the Kwai Tsing District Council (K&T DC) at a meeting on the proposal of setting up a committee under K&T DC to monitor the modification works and operation of the Chemical Waste Treatment Centre in Tsing Yi when it commenced to receive and treat clinical waste and report the outcome of the consultation to the Bills Committee;
- (b) provide information on the charges for disposal of imported waste at local landfill in the situation where the arrangement for recycling had fallen through and the imported waste could not be returned to the state of export in some overseas jurisdictions;
- (c) clauses 8 and 9 – propose Committee Stage amendments to delete proposed sections 20A(4)(f) and 20B(4)(g) which stipulated that “that the issue of such permit is not in breach of Hong Kong’s obligations under The Basel Convention”; and
- (d) clause 10 – consider increasing the charge payable by an applicant for disposal of imported waste under proposed section 20DA(6)(a) in order to deter parties from using local landfills for disposal of imported waste. The Administration’s proposal of imposing charges on the basis of recovery of the administrative cost (estimated to be \$9,500 per application) and the full cost of disposal at the landfill (\$125 per tonne) were considered inadequate.

Adm

4. At the request of Mr WONG Kwok-hing, the Administration undertook to provide him with a copy of the monthly monitoring reports on emissions of CWTC both before and after the commissioning and initial operation phase of CWTC when it commenced to receive and treat clinical waste.

III. Any other business

Submission from Greenpeace

(LC Paper No. CB(2)730/05-06(01) – Submission from Greenpeace on “Harmonizing Hong Kong’s Waste Disposal Ordinance (WDO) and China’s Basel Convention Obligation”)

5. Assistant Legal Adviser 7 highlighted the major concerns raised in the submission of Greenpeace. Members present at the meeting agreed that it might not be necessary to invite Mr Jim PUCKETT who prepared the submission to come to Hong Kong. The Administration should provide a written response to the submission

Adm

Action

and copy its response to Greenpeace for Mr Puckett's further comments. Members also agreed that the Administration's response would be considered at the next meeting, and the further comments for Greenpeace, if any, would be considered upon receipt.

Adm

6. In its response, the Administration should explain in particular, the reasons for not adopting the definitions of "waste", "hazardous waste" and "electronic waste" used in the Basel Convention in the Waste Disposal Ordinance and the Bill.

(Post-meeting note : On behalf of the Bills Committee, the Chairman gave a reply to Greenpeace on 21 December 2005)

Date of next meeting

7. The Bills Committee noted that the next meeting would be held on 10 January 2006 at 4:30 pm.

8. The meeting ended at 6:22 pm.

Council Business Division 2
Legislative Council Secretariat
9 January 2006

**Proceedings of the meeting of the Bills Committee on
Waste Disposal (Amendment) Bill 2005
on Tuesday, 20 December 2005 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000331	Chairman	Confirmation of minutes of meeting	
000332 - 002706	Adm Chairman Mr LEE Wing-tat Mr WONG Kwok-hing Ms Emily LAU	<p>Administration's response to the issues raised by members at the meeting on 6 December 2005 (LC Paper No. CB(2)709/05-06(02))</p> <p>Response of the Kwai Tsing District Council (K&T DC) to the Administration's proposal to provide monthly monitoring reports during the commissioning and initial operation phase of the Chemical Waste Treatment Centre (CWTC) in Tsing Yi when it commenced to treat clinical waste, and employ an independent assessor to provide expert advice to K&T DC on the monitoring results</p> <p>Request for the provision of the monthly monitoring reports on emissions of CWTC</p> <p>Concern about the way the Administration had consulted K&T DC on the proposal</p> <p>Administration's undertaking to consult K&T DC members on the proposal at a meeting and report the outcome to the Bills Committee</p>	<p>Adm to provide the requested information to Hon WONG Kwok-hing</p> <p>Admin to follow up and report outcome of the discussion</p>
002707 - 010041	Adm Chairman Ms Emily LAU Mr WONG Kwok-hing Miss CHOY So-yuk	<p>Administration's response to the issues raised by members at the meeting on 6 December 2005 (LC Paper No. CB(2)709/05-06(04))</p> <p>Circumstances under which authorization would be granted for disposal of imported waste : it would be granted only if the waste was imported into Hong Kong genuinely for recycling purposes, and only if an applicant could prove that he had exhausted all</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>possible recycling outlets and all means to return the imported waste to the state of export</p> <p>Average fine for convictions on deceptive import of non-hazardous waste for disposal at the landfills under the disguise of recycling in 2004 was \$15,000 in a case involving a container load of waste</p> <p>Administration's proposal to increase charges under proposed section 20DA(6)(a) to deter parties from using local landfills for disposal of imported waste. Disposal charges would be determined on the basis of cost recovery of the disposal of imported waste (\$125 per tonne), and administrative cost for processing an application for authorization of such disposal (estimated to be about \$9,500)</p> <p>Members' concern that the proposed charges under proposed section 20DA(6)(a) could not achieve the deterrent effect</p> <p>Members' proposal that the charge payable by an applicant under proposed section 20DA(6)(a) should be increased further so as to deter parties from using local landfills for disposal of imported waste</p> <p>Information on charges for disposal of imported waste at local landfill in the situation where the arrangement for recycling had fallen through and the imported waste could not be returned to the state of export in some overseas jurisdictions</p>	<p>Admin to follow up</p> <p>Admin to provide the requested information</p>
010042 - 011018	Chairman Adm Miss CHOY So-yuk ALA7	<p>Administration's response to the issues raised by members at the meeting on 6 December 2005 (LC Paper No. CB(2)709/05-06(03))</p> <p>Complementary provisions to be made to section 9(3) of the Waste Disposal (Clinical Waste) (General) Regulation (Draft Regulation) to authorize healthcare professionals who transported clinical waste received at their</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>clinics (as collection points) to a reception point</p> <p>ALA7's advice that the proposed amendments were in order, subject to the finalised wording of the Regulation to be introduced into LegCo in due course</p>	
011019 - 011342	<p>Chairman Adm ALA7</p>	<p>Administration's proposal to delete proposed section 20A(4)(f) and 20B(4)(g) regarding Hong Kong's obligations under the Basel Convention from the Bill</p>	<p>Admin to propose Committee Stage amendments</p>
011343 - 015158	<p>Chairman Adm Miss CHOY So-yuk ALA7 Mr LEE Wing-tat Mr Andrew LEUNG</p>	<p>Submission from Greenpeace (LC Paper No. CB(2)730/05-06(01))</p> <p>Highlights of Greenpeace's concerns by ALA7 –</p> <p>(a) the Waste Disposal Ordinance (WDO) and the proposed amendments to it failed to appropriately implement the Basel Convention as reflected by the discrepancies in defining “waste”, “hazardous waste” and “electronic waste”;</p> <p>(b) Hong Kong failed to implement the Basel Ban; and</p> <p>(c) Hong Kong failed to harmonize WDO with the national electronic wastes import prohibitions put into place by the Central Government</p> <p>The Administration was requested to –</p> <p>(a) provide a written response to the various points raised in the submission; and</p> <p>(b) copy its response to Greenpeace for its further comments</p> <p>Need for Mr Jim PUCKETT who represented Greenpeace to come to Hong Kong to present the submission</p> <p>Reply to Greenpeace by the Bills Committee</p>	<p>Admin to follow up</p>

Time marker	Speaker	Subject(s)	Action Required
015159 - 015214	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
9 January 2006