

**Waste Disposal (Amendment) Bill 2005 (The Bill)
Administration's Response to Members' request made at
the 7th meetings of the Bills Committee held on 22 November 2005**

To consider the proposal that the validity period of a new application for the clinical waste collection licence should be longer than two years.

Based on our experience in implementing the chemical waste control scheme, we propose to issue a clinical waste collection licence initially for 2 years. This prudent practice is essential since improper collection of clinical waste may lead to public health risk and pollution to the environment, and we have to carefully examine the information submitted by the licence applicant and input is needed on inspection of vehicle or vessel, meetings with the applicant to explain in detail the control requirements and licence terms and conditions, appraisal of operational plan, emergency response plan and competency of staff and any follow-up work on resubmissions when necessary. However, the licence can have a longer validity period of 5 years upon renewal when the collectors have acquired more experience and possessed a good track record in handling clinical waste.

Clause 5 of the Bill – To clarify whether healthcare professionals who transported clinical waste to a reception point or a collection point were covered under the proposed section 11(2).

2. We will advise Members of the complementary provisions of the Draft Regulation, to be made under the Waste Disposal (Amendment) Ordinance after its enactment, at the coming Bills Committee Meeting.

Clause 8 of the Bill – To review, in relation to the proposed section 20A(4)(f), the current approach to consider whether the obligations under the Basel Convention as applied to Hong Kong should be spelt out.

3. Before an import permit under S.20A or an export permit under S.20B of the Waste Disposal Ordinance is issued, the Director of Environmental Protection (DEP) must be satisfied that the conditions set out in S.20A(4) or S.20B(4) (as the case may be) are met. However, these conditions are not exhaustive, and DEP may also take into account other considerations which are reasonably considered to be relevant, e.g. the international obligations

under the Basel Convention (the Convention) which are applicable to Hong Kong.

4. Even if there were to be no express reference to Hong Kong's obligations under the Convention as applied to Hong Kong, it would still be reasonable for DEP to take into account, as and when he considers a permit application, those obligations under the Convention that are currently in force.

5. The new section 20A(4)(f) proposed under the Waste Disposal (Amendment) Bill stipulates that an import permit shall not be issued if the issue would be in breach of Hong Kong's obligations under the Convention, while similarly, S.20B(4)(g) stipulates that the issue of an export permit will not be in breach of Hong Kong's obligations under the Convention. The two new sections are designed to reflect our current practice so that the permit applicants will be aware of DEP's duty to take into account Hong Kong's obligations under the Convention as applied to Hong Kong when DEP considers a permit application for the import or export of waste.

Environmental Protection Department
December 2005