

**Waste Disposal (Amendment) Bill 2005 (The Bill)
Administration's Response to Members' request made at
the 8th meetings of the Bills Committee held on 6 December 2005**

Clause 10 of the Bill – the charge payable by an applicant for disposal of imported waste under proposed section 20DA(6)(a) should be increased to a higher level which would deter parties from using local landfills for disposal of imported waste, instead of a charge determined on the basis of cost recovery of the disposal (which was \$125 per tonne as advised by the Administration at the meeting)

At present, under the Waste Disposal Ordinance, import of non-hazardous waste requires a permit from the Director of Environmental Protection (DEP). The only exception is importation for recycling purpose as the international trend is to encourage free trade of non-hazardous waste which in turn would be conducive to promoting recycling. However, it is possible that the imported waste would ultimately be disposed of in Hong Kong, either because the original arrangement for recycling has fallen through, or the importer has purposely imported the waste under the disguise of recycling, when his real motive is to dispose of the waste in Hong Kong.

2. In case the imported waste has to be disposed of in Hong Kong, because the original arrangement for recycling has fallen through, an authorization has to be obtained from DEP. Such authorization may only be granted in respect of waste that has been imported genuinely for recycling purposes, and the applicant has to provide information on the original arrangement for recycling. He also has to prove that –

- a) it is not practicable to make alternative arrangement for the imported waste to be used for the purpose of reuse, or a reprocessing, recycling or recovery operation; and
- b) it is not practicable to return the imported waste to the place of origin or export.

3. For deceptive import of non-hazardous waste for disposal at the landfills under the disguise of recycling, we propose to make it an

offence for any person who disposes of imported non-hazardous waste without prior authorization from DEP, as provided for under Clause 11 of the Waste Disposal (Amendment) Bill.

4. In both cases, disposal of waste material at our landfill may be required. In order to deter such disposal, DEP may require the applicant to pay the full disposal cost involved when granting an authorization.

5. For better deterrent effects, Members suggested the Administration to consider imposing a higher rate which would deter parties from using local landfills for disposal of imported waste. We agree with Members' proposal and we will propose to also recover the administrative cost for processing an application for such authorization which will be around \$ 9 500. The additional cost to be recovered is considered reasonable, and is in line with the user pays principle. We will propose Committee stage amendment to Section 20DA of the Bill to spell out our intention to recover both the administrative cost and the full cost of disposal at the landfill.

Environmental Protection Department
December 2005