

立法會
Legislative Council

LC Paper No. CB(1) 563/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/SS/2/04/1

**Subcommittee on
Waste Disposal (Designated Waste Disposal Facility)
(Amendment) Regulation 2004 and
Waste Disposal (Charges for Disposal of Construction Waste) Regulation**

**Minutes of the fifth meeting
held on Tuesday, 7 December 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk (Chairman)
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon KWONG Chi-kin
- Members absent** : Hon LEE Cheuk-yan
Hon Abraham SHEK Lai-him, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Public officers attending** : Environment, Transport and Works Bureau

Ms Doris CHEUNG
Deputy Secretary (Environment and Transport)

Mrs Teresa WONG
Principal Assistant Secretary (Environment and Transport)

Environmental Protection Department

Dr Ellen CHAN
Assistant Director (Waste Facilities)

Department of Justice

Miss Shandy LIU
Senior Government Counsel

Civil Engineering and Development Department

Mr Michael LEUNG
Chief Engineer/ Fill Management

Environmental Protection Department

Mr T K CHENG
Senior Environmental Protection Officer
(Facilities Development)

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Council Secretary (1)2

I Confirmation of minutes

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| (LC Paper No. CB(1) 405/04-05 | -- Minutes of the meeting held on 25 November 2004 |
| LC Paper No. CB(1) 406/04-05 | -- Minutes of the meeting held on 29 November 2004) |

The minutes of the meetings held on 25 and 29 November 2004 were confirmed.

II Meeting with the Administration

Clause-by-clause examination of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation

(LC Paper No. CB(1) 386/04-05(03) -- Administration's response to summary of deputations/views

- LC Paper No. CB(1) 408/04-05(01) -- List of follow-up actions arising from the discussion on 3 December 2004
- LC Paper No. CB(1) 208/04-05(03) -- Waste Disposal (Charges for Disposal of Construction Waste) Regulation
- LC Paper No. CB(1) 208/04-05(05) -- Assistant Legal Adviser's letter dated 8 November 2004 to the Administration
- LC Paper No. CB(1) 208/04-05(06) -- Administration's response to CB(1) 208/04-05(05))

2. The Committee deliberated (Index of proceedings attached at **Annex A**).
- 3 The Administration was requested to -
 - (a) include the following in the review of the Construction Waste Disposal Charging Scheme to be conducted six months after its implementation -
 - (i) the operation of the proposed two-tier system for deposits for billing accounts and the feasibility of applying a flat rate of deposit for all billing accounts; and
 - (ii) the procedures for delivery of inert construction waste to public fill reception facilities by vessels, in particular the determination of the content of the waste load;
 - (b) consider requiring holders of billing accounts for contracts of a value over \$1 million to notify the Director of Environmental Protection (DEP) when the accounts were no longer required as part of the conditions for opening the billing accounts; and
 - (c) make it clear in section 10(5) that DEP had to make reference to information or documents provided by an account holder before deciding on whether whole or part of the deposit should be refunded.
4. The meeting ended at 9:52 am.

**Proceedings of the meeting of the Subcommittee on
Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2004 and
Waste Disposal (Charges for Disposal of Construction Waste) Regulation**

**Meeting on Tuesday, 7 December 2004, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000235	Chairman	Confirmation of minutes of the meetings held on 25 and 29 November 2004 and introductory remarks (LC Paper Nos. CB(1) 405 and 406/04-05 respectively)	
000236 - 000621	Administration Ms Miriam LAU	Reference to the Administration's response to the list of follow-up actions arising from the discussion at the meeting on 3 December 2004 tabled at meeting (circulated under LC Paper No. CB(1) 423/04-05(01)) Member's concern that the different levels of deposit under the two-tier system might be subject to abuse	The Administration to review the operation of the two-tier system for deposits for billing accounts and the feasibility of applying a flat rate of deposit for all billing accounts after the Construction Waste Disposal Charging Scheme (the Scheme) had been implemented for six months
000622 - 002751	Administration Chairman Ms LI Fung -ying Ms Miriam LAU Ms Audrey EU	Continuation of the clause-by-clause examination of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation Sections 5 to 9 Discussion on - (a) the circumstances under which conditions for billing and exemption accounts were imposed or varied from time to time under sections 6(6) and 8(7);	The Administration to consider requiring holders of billing accounts for contracts of a value over \$1 million to notify the Director of Environmental Protection (DEP) when the accounts were no longer required as part of the conditions for opening the billing accounts

Time marker	Speaker	Subject(s)	Action required
		<p>(b) whether the holder of a billing account of contract with a value over \$1 million had to notify DEP when the account was no longer required</p> <p>Administration's response -</p> <p>(a) accounts would still be in use after the completion of contracts as disposal of waste might be required during the maintenance period; and</p> <p>(b) account holders would be required to notify DEP when the accounts were no longer required</p>	
002752 - 005252	<p>Administration Chairman Ms Miriam LAU Ms Audrey EU Mr KWONG Chi-kin ALA4</p>	<p>Section 10 Deposits</p> <p>Discussion on section 10(5) on the circumstances under which DEP would refund part of the deposit</p> <p>Members' concern -</p> <p>(a) the decision to refund part of the deposit could only be initiated by DEP but not by holders of billing accounts; and</p> <p>(b) need to set out more clearly the circumstances under which DEP could consider refunding part of the deposit</p>	<p>The Administration to make it clear in section 10(5) that DEP had to make reference to information or documents provided by an account holder before deciding on whether whole or part of the deposit should be refunded</p>

Time marker	Speaker	Subject(s)	Action required
		<p>Administration's response -</p> <p>(a) DEP might consider reducing the level of deposit for billing accounts for contracts from which limited amount of waste would be produced such as painting and drainage projects; and</p> <p>(b) DEP's decision under section 10(5) was subject to appeal under the Waste Disposal Ordinance (Cap. 354)(WDO)</p>	
005253 - 010224	Administration Chairman ALA4	<p>Sections 11 - 22</p> <p>ALA4's concern that the Chinese rendition of the term "recklessly" (罔顧實情) under sections 22(b) and (c) was different from that of (罔顧後果) under section 33(2)(a)(ii) of WDO</p> <p>Administration's agreement to reconcile the difference by amending the Chinese rendition of the term under WDO to "罔顧實情" by way of order under the Official Languages Ordinance (Cap. 5)</p>	
010225 - 010300	Administration	Sections 23 - 24	

Time marker	Speaker	Subject(s)	Action required
010301 - 011231	Ms Miriam LAU Administration Chairman	<p>Section 11 - Application for vessel to be approved for delivering construction waste to public fill reception facilities</p> <p>Member's concern that it might be difficult to ensure that waste delivered by steel hopper barges was pure inert construction waste and whether the relevant trades were consulted on the mechanism of charging based on maximum load of vessel</p> <p>Administration's explanation -</p> <p>The mixed construction waste transported by vessel could be easily observed because -</p> <p>(a) the weight of inert construction waste was much heavier than non-inert construction waste;</p> <p>(b) as waste disposed at public fill reception facilities had to be 100% inert construction waste, only inert construction waste would be delivered by vessels and the maximum load of these vessels would have to be worked out with the account-holder prior to Director of Civil Engineering and Development's approval for the vessels concerned to be used for transporting inert waste; and</p> <p>(c) examination of waste content could be conducted when in doubt</p>	<p>The Administration to review the procedures for delivery of inert construction waste to public fill reception facilities by vessels, in particular the determination of the content of the waste load, after the Scheme had been implemented for six months</p>

Time marker	Speaker	Subject(s)	Action required
011232 - 011256	Chairman	Section 17 - Determination of weight of construction waste delivered by vehicles Need to ensure that vehicles would stop at the weighbridges to avoid evasion of recording of overweight waste loads	
011257 - 011500	Administration Chairman	Schedules 1 to 6 and explanatory note	
011501 - 012025	Chairman Administration Ms Emily LAU Ms LI Fung-ying	Draft amendments to the two Regulations to be submitted for discussion at the meeting on Thursday, 9 December 2004, at 2:30 pm	The Administration to provide draft amendments by noon, 8 December 2004 for discussion at the meeting on 9 December 2004