

立法會
Legislative Council

LC Paper No. CB(1) 564/04-05
(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 sixth meeting
held on Thursday, 9 December 2004, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Members present : 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 LEE Wing-tat
Hon KWONG Chi-kin

Members absent : Hon CHOY So-yuk (Chairman)
Hon LEE Cheuk-yan
Hon Abraham SHEK Lai-him, JP
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 Election of Chairman

As the Chairman was out of town, Ms Miriam LAU, the member present who had the highest precedence, presided at the election of Chairman for the meeting. She invited nominations for the chairmanship.

2. Ms Miriam LAU was nominated by Ms LI Fung-ying, but the nomination was declined by Ms Miriam LAU.

3. Mr KWONG Chi-kin was nominated by Ms Emily LAU, but the nomination was declined by Mr KWONG Chi-kin.

4. Ms Emily LAU was nominated by Mr LEE Wing-tat and the nomination was seconded by Ms LI Fung-ying. Ms Emily LAU accepted the nomination.

5. There being no other nomination, Ms Emily LAU was elected Chairman for the meeting.

II Meeting with the Administration

- (LC Paper No. CB(1) 437/04-05(01) -- List of follow-up actions arising from the discussion on 7 December 2004
- LC Paper No. CB(1) 437/04-05(02) -- Administration's response to LC Paper No. CB(1) 437/04-05(01)
- LC Paper No. CB(1) 437/04-05(03) -- Draft amendments to Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 provided by the Administration
- LC Paper No. CB(1) 437/04-05(04) -- Draft amendments to Waste Disposal (Charges for Disposal of Construction Waste) Regulation provided by the Administration)
6. The Committee deliberated (Index of proceedings attached at **Annex A**).
7. The Administration was requested to -
- (a) consider revising the definition of contract to “a contract in writing or a contract supported by sufficient evidence in writing”; and
 - (b) include in the speech to be delivered by the Secretary for Environment, Transport and Works at the Council meeting when the resolution to amend the Waste Disposal (Charges for Disposal of Construction Waste) Regulation was moved an undertaking that any changes to the criteria as set out in the reference table for determining the inert content of a construction waste load had to be discussed with Tripartite Working Group (TWG) as well as a brief introduction on the role of TWG.
8. Members agreed that a report on the deliberation of the Subcommittee would be submitted for consideration by the House Committee at its meeting on 17 December 2004.
9. The meeting ended at 4:20 pm.

**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 Thursday, 9 December 2004, at 3:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000237	Ms Miriam LAU Ms LI Fung-ying Ms Emily LAU Mr KWONG Chi-kin Mr LEE Wing-tat	Election of Chairman	
000238 - 001905	Administration ALA4 Chairman Ms LI Fung-ying Mr KWONG Chi-kin Ms Miriam LAU	Examination of the draft amendments to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (LC Paper No. CB(1) 437/04-05(04)) Section 2 Definition of “contract”	The Administration to consider revising the definition of contract to “a contract in writing or a contract supported by sufficient evidence in writing”
001906 - 002108	Administration Ms Audrey EU	Section 3(4)(c) Inclusion of the word “all” to bring this in line with section 3(1)(d) and the Chinese version of section (3)(4)(c) Section 7(1) Amendment to provide that exemption accounts would include those contracts with tender closing date earlier than the commencement of the Construction Waste Disposal Charging Scheme (the Scheme)	
002109 - 002930	Administration Ms Audrey EU Ms Miriam LAU	Section 9(2) Amendments to provide that accounts for contracts with a value of \$1 million or above should not be used for disposal charges arising from other contracts	

Time marker	Speaker	Subject(s)	Action required
		<p>Members' concern about the difficulty in enforcing the provision</p> <p>Administration's response -</p> <p>(a) non-compliance was an offence liable to a fine at level 5 as provided under section 9(8); and</p> <p>(b) administrative measures, such as spot checks, stating on the chits where the construction waste was generated, etc. would be introduced, but compliance would need to rely mainly on self-discipline of the trades</p>	
002931 - 003346	Administration Chairman Ms Miriam LAU	<p>Section 10 (marked-up copy tabled at meeting and circulated under LC Paper No. CB(1) 455/04-05(01))</p> <p>Amendments to enable the refund of deposit or part of it at the request of account holders in addition to the own initiative of the Director of Environmental Protection (DEP)</p>	
003347 - 003429	Administration	<p>Section 18</p> <p>Extension of credit period from 30 to 45 days</p>	
003430 - 004224	Administration Ms Miriam LAU Mr LEE Wing-tat	<p>Examination of the draft amendments to the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004</p> <p>New section 3A(3) and (4)</p> <p>Amendments to require DEP to give notice in the Gazette of the criteria, as set out in the reference table on the inert</p>	<p>The Administration to include in the speech to be delivered by the Secretary for Environment, Transport and Works at the Council meeting when the resolution to amend the Waste Disposal (Charges for Disposal of Construction Waste) Regulation was moved an</p>

Time marker	Speaker	Subject(s)	Action required
		<p>content percentage of a waste load for a certain weight, to be adopted from time to time to determine whether any waste falls within a type of construction waste in Schedule 2</p> <p>Members' concern -</p> <p>(a) if the relevant notice to be published by DEP was not a subsidiary legislation, there was no way for members to keep track of any changes to the criteria; and</p> <p>(b) need for an undertaking that the trades would be consulted on any changes to the criteria</p> <p>Administration's response -</p> <p>(a) the reference table would be reviewed from time to time in consultation with the trade taking into account further information acquired from actual implementation;</p> <p>(b) legislative amendments would be needed if the dividing line of 50% as set out in column 3 of Schedule 2 was changed in future to divert more construction waste from landfills; and</p> <p>(c) the Tripartite Working Group (TRW) would continue to monitor the operation of the Scheme</p>	<p>undertaking that any changes to the criteria as set out in the reference table for determining the inert content percentage of a construction waste load had to be discussed with TWG as well as a brief introduction on the role of TWG</p>

Time marker	Speaker	Subject(s)	Action required
004225 - 004339	Administration	New section 4(4A)(c) Amendments to include the word “temporarily”	
004340 - 004637	Chairman Administration Ms Miriam LAU	Legislative timetable Members’ agreement to report the deliberation of the Subcommittee for consideration by the House Committee at its meeting on 17 December 2004. Resolution to amend the two Regulations to be moved by the Administration at the Council meeting on 5 January 2005	

Council Business Division 1
Legislative Council Secretariat
21 December 2004