

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

**Summary of views/concerns
(as at 25 November 2004)**

Subject/Clause	Organization	Concern/View
Construction waste disposal charging scheme (the Scheme)	Hong Kong General Chamber of Commerce (HKGCC) (LC Paper No. CB(1)314/04-05(07))	<p>The Scheme should be implemented as soon as possible but the Administration needs to address the concerns of waste haulers on the charging arrangements;</p> <p>The Scheme should be implemented in parallel with a programme to encourage the adoption of sustainable construction practices by the construction industry so as to reduce construction and demolition materials at source;</p> <p>The ultimate goal is to implement landfill charging for other wastes, including domestic waste; and</p> <p>The Administration should increase the penalty for illegal dumping and strengthen enforcement.</p>

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Construction waste disposal scheme charging (cont'd)	Environmental Contractors Management Association (LC Paper No. CB(1)314/04-05(02))	The Administration should step up publicity on the Scheme since many small and medium enterprises (SMEs), particularly those one-man companies, have yet to recognize the effect which the Scheme will have on their business.
	Provisional Construction Industry Co-ordination Board (PCICB) (LC Paper No. CB(1)314/04-05(08))	<p>Adequate flexibility should be allowed for timely adjustment of the operating procedures;</p> <p>While existing contracts would not be subject to disposal charges, appropriate arrangements should be made to enable the disposal of the construction waste arising from these contracts in accordance with the new statutory provisions;</p> <p>Collection points at suitable locations should be set up to minimize the impact of waste disposal on traffic; and</p> <p>Effective measures should be mapped out to control the disposal of construction waste on private land, particularly agricultural land in the New Territories, after the implementation of the Scheme.</p>

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<p>Construction waste disposal charging scheme (cont'd)</p>	<p>Hong Kong Waste Disposal Industry Association (LC Paper No. CB(1)314/04-05(03))</p>	<p>Consideration should be given to the following issues with a view to formulating a charging scheme that could balance the interest of all parties –</p> <ul style="list-style-type: none"> (a) a monitoring committee should be set up by the Administration to oversee the operation of the Scheme; (b) a registration mechanism should be established. It would be an offence for those who are not waste producers to register under the mechanism; (c) a communication mechanism should be set up to avoid queuing at the weighbridge as a result of billing problems; (d) trip tickets should serve as confirmation of receipt of waste by waste haulers from the waste producers and the former should not be required to sign any documents; (e) contingency measures should be worked out before the implementation of the charging scheme to avoid queuing at gates; (f) the working procedure of waste haulers within the payment mechanism should be simplified; (g) waste haulers should not pay the disposal charges upfront to avoid setting up of bad precedents and inducing unfair competition; (h) clear guidelines should be put in place so that waste producers will know the difference between inert and non-inert materials, thereby minimizing the operational difficulties of waste haulers; (i) how to determine the types of wastes, the ratio between construction and domestic wastes as well as humidity and density of waste; and (j) operation of the tripartite working group should continue to promote understanding and undertake follow-up action.

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<p>Construction waste disposal charging scheme (cont'd)</p>	<p>The Real Estate Developers Association of Hong Kong (LC Paper No. CB(1)314/04-05(09))</p>	<p>A long-term solution to address the eventual filling up of the existing landfills is required.</p>
	<p>Contractor's Authorised Signatory Association Ltd (LC Paper No. CB(1)314/04-05(04))</p>	<p>The proposed deposit for a billing account is a heavy burden on SMEs, particularly amid the economic restructuring. Consideration should be given to waiving the deposit requirement for all Government contractors. Instead of charging the contractors, the relevant government departments should be required to settle the payment direct with a credit of 14 days;</p> <p>The existing payment system through which levies to Government are paid by contractors should be applied to the disposal charges; and</p> <p>Concern over the operation of the Scheme, particularly in respect of classification of waste. A trial period of at least six months is recommended before the Scheme is implemented.</p>
	<p>Hong Kong Dumper Truck Drivers Association (HKDTA) (LC Paper No. CB(1)314/04-05(01))</p>	<p>The Administration fails to accept the trade's request that all waste producers should be required to open a billing account for direct settlement of disposal charges. It also fails to address the trade's concerns about bad debt and unfair competition;</p> <p>The Environmental Protection Department (EPD) should continue to collect and analyze data on the content of inert materials in construction waste with a view to determining the different types of waste, including construction waste, domestic waste and recyclables. EPD should also work out a clear guideline on the composition of inert materials for reference of the trade;</p> <p>A communication mechanism should be established so that waste haulers will not be turned away at the weighbridge in the event of billing problems;</p>

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<p>Construction waste disposal charging scheme (<i>cont'd</i>)</p>	<p>HKDTA</p>	<p>Contingency plan should be worked out to deal with problems such as safety and queuing at the weighbridge;</p> <p>Tripartite working group should be set up to meet regularly to monitor and review the operation of the Scheme; and</p> <p>The performance pledges to be made by the Government to improve the road condition, queuing time and lighting etc of reception facilities after the implementation of the Scheme.</p>
	<p>Hong Kong Construction Association (LC Paper No. CB(1)329/04-05(01))</p>	<p>The Scheme should not impose extra burden on contractors, particularly on the financial aspect;</p> <p>Exemption should not be confined to contracts that have been awarded before the commencement of the Scheme but should be extended to all contracts that have been tendered before the implementation of the Scheme;</p> <p>To review the deposit requirement for billing accounts given its financial impact on contractors. Consideration should be given to –</p> <ul style="list-style-type: none"> (a) exempting those contractors who are on the list maintained by individual government bureaux/departments; (b) reducing the deposit and refunding the account holders (with interest calculated at prevailing rate) upon the closure of the account; and <p>To extend the credit period from 30 days to 45 days. The period should be further extended if contractors can provide proof of default in payment by main contractors.</p>

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Construction waste disposal charging scheme (cont'd)	Hong Kong Institution of Engineers (HKIE) (LC Paper No. CB(1)314/04-05(06))	<p>The risk of illegal dumping and fly tipping will be increased after the implementation of the Scheme. To tackle the problem, consideration should be given to increasing the level of penalty and including penalty provisions in public tender documents to penalize the wrong doers; and</p> <p>Reference should be made to current practices to minimize the amount of construction waste. For instance, stabilization of slopes by means of soil nails is more effective than slope-flattening in reducing the amount of soil to be excavated for disposal. Refurbishment of buildings is also a practical alternative than demolition.</p>
Levels of disposal charges	PCICB	Instead of imposing a fixed sorting charge, consideration should be given to levying the charge according to the actual percentage of the inert content.
	HKDTA	To advise the level of charge payable for disposal of waste at refuse transfer stations in outlying islands.
Measures to reduce and recycle construction waste	HKGCC	<p>The Administration to –</p> <ul style="list-style-type: none"> (a) take on renewed effort to raise public awareness on the waste problem and to educate the public to reduce, reuse and recycle waste; (b) conduct a study on the costs and benefits of government intervention into recycling; (c) look into measures to reduce packaging waste; and (d) actively explore the option of using clean and efficient incinerators for bulk reduction of waste.

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Measures to reduce and recycle construction waste	HKIE	Financial and other incentives, such as cheap land, loans and preferential procurement of the recycled materials, should be provided to encourage private investments in the development of the recycling industry.
Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004	HKDTA	<p>A notice of 60 days should be included in proposed section 4(7)(c) so that the trade could be informed of the closure of a designated waste disposal facility in advance;</p> <p>To explain proposed section 5 regarding offence of causing disruption or disorder; and</p> <p>To explain how the term “recklessly” under proposed sections 5A(b) and (c) should be interpreted and how the penalty at level 6 is arrived at.</p>
Waste Disposal (Charges for Disposal of Construction Waste) Regulation	HKDTA	<p>To explain how the term “recklessly” under proposed sections 22(b) and (c) should be interpreted.</p> <p>To explain the situation when failure to record the gross weight of a vehicle at the weighbridge under proposed sections 17(2) and (3) is due to the breakdown of computer or weighbridge.</p>
	Hong Kong Waste Management Association (LC Paper No. CB(1)314/04-05(05))	While proposed section 3(5) stipulates that construction waste delivered by a vehicle owned by the Government or arising from the operation of a prescribed facility may be accepted for disposal without the need for a billing account, the Administration should take the lead to charge the relevant government departments, thereby encouraging them to minimize waste production.