

L.N. 165 of 2004**WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY)
(AMENDMENT) REGULATION 2004****CONTENTS**

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WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY) (AMENDMENT) REGULATION 2004

(Made by the Chief Executive in Council under section 33 of the Waste Disposal Ordinance (Cap. 354) after consultation with the Advisory Council on the Environment)

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

2. Interpretation

(1) Section 2(1) of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) is amended, in the definition of “designated waste disposal facility”, by repealing “the Schedule” and substituting “Schedule 1”.

(2) Section 2(1) is amended by adding—
““construction waste” (建築廢物) and “inert construction waste” (惰性建築廢物) have the same meaning as in section 2 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (L.N. 166 of 2004);”.

(3) Section 2(2) is amended by repealing “the Schedule opposite the name of the facility in column 2 of the Schedule” and substituting “Schedule 1 opposite the name of the facility in column 2 of that Schedule”.

3. Section added

The following is added—

“3A. Facilities that accept construction waste

(1) Subject to the provisions in the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (L.N. 166 of 2004), construction waste may be accepted for disposal at a designated waste disposal facility only if—

- (a) the facility is one specified in column 2 of Schedule 2; and
- (b) the construction waste falls within the type specified in column 3 of that Schedule opposite that facility.

(2) No waste shall be accepted for disposal at a designated waste disposal facility specified in item 3 or 4 in column 2 of Schedule 2 unless it is construction waste that falls within the type specified in column 3 of that Schedule opposite that facility.”.

4. Powers of Director

(1) Section 4(2) is amended by adding—

“(aa) the power to order or signal the master of a vessel within or entering or leaving a designated waste disposal facility—

(i) to stop the vessel immediately;

(ii) to move the vessel to or moor it at any place within the facility;
or

(iii) to leave the facility;”.

(2) Section 4(2)(b)(i) is amended by repealing “him” and substituting “the Director”.

(3) Section 4(2)(b) is amended by adding—

“(ia) to require the master of a vessel within a designated waste disposal facility or stopped by the Director under paragraph (aa)—

(A) to produce the licence issued by the Director of Marine in respect of the vessel under regulation 3 of the Merchant Shipping (Miscellaneous Craft) Regulations (Cap. 313 sub. leg. F) for examination;

(B) to give the name and address of the registered owner of the vessel;

(C) to provide such information as is within the master’s knowledge concerning the waste being carried on the vessel;”.

(4) Section 4(2)(b)(ii) is repealed and the following substituted—

“(ii) to enter, examine and search the vehicle referred to in subparagraph (i) or the vessel referred to in subparagraph (ia) and any thing in or on that vehicle or vessel, and to take from it and retain samples of any materials having the appearance of waste;”.

(5) Section 4(2)(b)(iii) is amended by repealing “any vehicle referred to in subparagraph (i)” and substituting “that vehicle or vessel”.

(6) Section 4(2)(c) is amended by adding “, vessel” after “vehicle” where it twice appears.

(7) Section 4 is amended by adding—

“(4A) The Director or an authorized officer may also exercise the following powers—

(a) refuse to accept any waste at a designated waste disposal facility in such circumstances as the Director thinks fit;

- (b) subject to subsection (4B), require any person who delivers any waste to a designated waste disposal facility to state the nature of the waste and give such other information as the Director considers necessary to determine whether or not to accept the waste at that facility;
- (c) close a designated waste disposal facility or any part of it for such period as the Director considers necessary by posting a notice of closure in such conspicuous places in the facility as the Director may determine.

(4B) If a person delivering any waste to a designated waste disposal facility informs the Director that the waste is construction waste, the Director shall not require the person to state whether the construction waste falls within any type specified in column 3 of Schedule 2.”.

(8) Section 4(5) is amended by adding “or (4A)” after “(2)”.

5. Offence of causing disruption or disorder

Section 5(2)(a) is amended by adding “and authorized officer” after “designated officer”.

6. Section added

The following is added—

“5A. Offences involving incorrect information

A person who, in purported compliance with a requirement under section 4—

- (a) makes any statement or gives any information that he knows to be incorrect in a material particular;
- (b) recklessly makes any statement or gives any information that is incorrect in a material particular; or
- (c) knowingly or recklessly omits any material particular from any statement or information,

commits an offence and is liable to a fine at level 6.”.

7. Certificates of image recording and printing devices

Section 6(1)(a) is amended by adding “or vessels” after “vehicles”.

8. Amendment of Schedules

Section 8 is amended by repealing “the Schedule” and substituting “any of the Schedules”.

9. Designated waste disposal facilities

The Schedule is amended—

- (a) by repealing “SCHEDULE” and substituting “SCHEDULE 1”;
- (b) by repealing “[ss. 2 & 8]” and substituting “[ss. 2 & 8 & Sch. 2]”;
- (c) by adding—

“19. Tuen Mun Area 38 Temporary Construction Waste Sorting Facility	Southern side of Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.	Plan number P 20332-1
20. Tseung Kwan O Area 137 Temporary Construction Waste Sorting Facility	Southern side of Tseung Kwan O Area 137, N.T.	Plan number P 20332-2
21. Tseung Kwan O Area 137 Fill Bank	Eastern side of Tseung Kwan O Area 137, N.T.	Plan number P 20332-3
22. Tuen Mun Area 38 Fill Bank	Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.	Plan number P 20332-4
23. Sai Ying Pun Temporary Public Filling Barging Point	Eastern Street North, Sai Ying Pun, Hong Kong.	Plan number P 20332-5
24. Quarry Bay Temporary Public Filling Barging Point	Hoi Yu Street, Quarry Bay, Hong Kong.	Plan number P 20332-6
25. Kai Tak Temporary Public Filling Barging Point	Middle of the Former Kai Tak Runway, adjacent to the Taxiway Bridge, Kowloon City, Kowloon.	Plan number P 20332-7

26. Mui Wo Temporary Public Fill Reception Facility	Mui Wo Ferry Pier Road, Mui Wo, Lantau, N.T.	Plan number P 20332-8”.
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10. Schedule 2 added

The following is added—

“SCHEDULE 2 [ss. 3A, 4 & 8]

TYPES OF CONSTRUCTION WASTE ACCEPTED AT
DESIGNATED WASTE DISPOSAL FACILITIES

Item	Designated waste disposal facility	Type of construction waste accepted
1.	Landfills specified in items 1, 2 and 3 of Schedule 1	Construction waste containing not more than 50% by weight of inert construction waste.
2.	Outlying islands transfer facilities specified in items 11, 12, 13, 14, 15, 16 and 17 of Schedule 1	Construction waste containing any percentage of inert construction waste.
3.	Sorting facilities specified in items 19 and 20 of Schedule 1	Construction waste containing more than 50% by weight of inert construction waste.
4.	Public fill reception facilities specified in items 21, 22, 23, 24, 25 and 26 of Schedule 1	Construction waste consisting entirely of inert construction waste.”.

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
26 October 2004

Explanatory Note

This Regulation amends the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) (“the principal Regulation”) for the following purposes—

- (a) to specify the waste disposal facilities that are available for disposal of construction waste and the inert content specifications that the construction waste must conform to in order to be accepted for disposal at those facilities (see sections 3 and 10);
- (b) to empower the Director of Environmental Protection (“the Director”) to regulate the delivery of waste by vessels to designated waste disposal facilities (see section 4(1) to (6));
- (c) to empower the Director to refuse to accept any waste at a designated waste disposal facility in such circumstances as he thinks fit and require information for determining whether or not to accept the waste at the facility (see new section 4(4A)(a) and (b) of the principal Regulation added by section 4(7));
- (d) to empower the Director to close a designated waste disposal facility temporarily (see new section 4(4A)(c) of the principal Regulation added by section 4(7));
- (e) to make it an offence for a person to make incorrect statement or give incorrect information (see section 6); and
- (f) to specify additional premises as designated waste disposal facilities under Schedule 1 (see section 9).