

**立法會**  
**Legislative Council**

LC Paper No. LS3/07-08

**Paper for the Bills Committee on  
Energy Efficiency (Labelling of Products) Bill**

At its meeting on 4 October 2007, the Bills Committee discussed whether the charge of HK\$1,027 per tonne for the disposal of compact fluorescent lamps (“CFLs”) in the Chemical Waste Treatment Centre (“CWTC”) could be waived. The Legal Adviser to the Bills Committee was requested to advise on the matter.

2. According to the Administration, the CWTC provides treatment service for public and private organizations which may need to dispose large quantities of used CFLs and fluorescent tubes (CB(1)2347/06-07(01) refers). A charge of HK\$1,027 per tonne is payable for treatment and disposal of CFLs and fluorescent tubes under regulation 5 of and Schedule 1 to the Waste Disposal (Charges for Disposal of Chemical Waste) Regulation (Cap. 354 sub. leg. J) (“the Regulation”). To encourage the use and proper disposal of CFLs, members proposed that the disposal charge should be waived. Some members of the Bills Committee asked whether it is mandatory for the Administration to collect the disposal charge or it has the power to waive the charge.

3. Members may note that regulation 6(1) of the Regulation provides the Director of Environmental Protection (“the Director”) with a discretion to reduce or waive, in whole or in part, any charge payable under the Regulation if he is satisfied that the charge would, if imposed, be unduly burdensome or inappropriate in the circumstances of a particular case. Thus, the Director has a discretionary power to waive the charge for the disposal of CFLs in the CWTC which may be exercised in accordance with the usual administrative law principles.

4. The relevant provisions are attached for members’ reference.

Encl.

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10 October 2007

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Chapter:	354J	Title:	WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CHEMICAL WASTE) REGULATION	Gazette Number:
Section:	5	Heading:	<b>Charges payable to the Director for the disposal of chemical waste</b>	Version Date: 30/06/1997

- (1) The charge payable to the Director for the disposal of chemical waste (other than special chemical waste) specified in column 2 of Schedule 1 shall be the charge specified opposite thereto in column 3 of that Schedule.
- (2) The charge payable to the Director for the disposal of special chemical waste specified in column 2 of Schedule 2 shall be the charge specified opposite thereto in column 3 of that Schedule.
- (3) For the avoidance of doubt, it is hereby declared that any disposal of chemical waste may involve two or more of the disposals of chemical waste specified in column 2 of Schedule 1 or column 2 of Schedule 2, as the case may be.

(Enacted 1995)

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Chapter:	354J	Title:	WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CHEMICAL WASTE) REGULATION	Gazette Number:	
Schedule:	1	Heading:	<b>CHARGES FOR DISPOSAL OF CHEMICAL WASTE OTHER THAN SPECIAL CHEMICAL WASTE</b>	Version Date:	30/06/1997

Item	Disposal of chemical waste	[section 5(1) & (3)] \$ per thousand kilograms of chemical waste
1.	Incineration of chemical waste-	
	basic charge	2847
	plus	
	if any chemical waste contains a calorific value of 15 Gigajoule/tonne or below	174
	plus	
	if any chemical waste contains a halogen concentration of-	
	(a) above 0% and below or equal to 30% by weight	54
	(b) above 30% and below or equal to 50% by weight	896
	(c) above 50% by weight	1384
	plus	
	if any chemical waste contains a sulphur concentration of-	
	(a) above 0% and below or equal to 20% by weight	47
	(b) above 20% and below or equal to 40% by weight	697

(c) above 40% by weight	1394
plus	
any special handling	2491
2. Physical or chemical treatment of chemical waste-	1027
basic charge	
plus	
if any chemical waste contains a chromium concentration of-	
(a) above 0% and below or equal to 20% by weight	348
(b) above 20% and below or equal to 40% by weight	7257
(c) above 40% by weight	20319
plus	
if any chemical waste contains an ammonia concentration of-	
(a) above 0% and below or equal to 20% by weight	1042
(b) above 20% and below or equal to 40% by weight	8709
(c) above 40% by weight	20319
plus	
any special handling	2491
3. Oil/Water separation of chemical waste	771

(L.N. 167 of 1996; L.N. 231 of 1997)

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Chapter:	354J	Title:	WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CHEMICAL WASTE) REGULATION	Gazette Number:
Section:	<b>6</b>	Heading:	<b>Reduction, waiver and refund of charges</b>	Version Date: 30/06/1997

(1) The Director may reduce or waive, in whole or in part, any charge payable under this Regulation if in any particular case he is satisfied that the charge would, if imposed, be unduly burdensome or inappropriate in the circumstances of that case.

(Enacted 1995)