

立法會
Legislative Council

LC Paper No. CB(1) 1372/06-07
(These minutes have been seen
by the Administration)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

**Minutes of meeting
held on Monday, 26 March 2007, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon SIN Chung-kai, JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon CHOY So-yuk, JP
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon TAM Heung-man

Members absent : Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon WONG Yung-kan, JP

**Public officers
attending** : **For item IV**
Environmental Protection Department

Mr Raymond FAN Wai-ming
Deputy Director of Environmental Protection (2)

Dr Ellen CHAN Ying-lung
Assistant Director (Environmental Infrastructure)

Mr Lawrence LAU Ming-ching
Principal Environmental Protection Officer
(Waste Facilities)

Civil Engineering and Development Department

Mr HON Chi-keung
Deputy Head of Civil Engineering Office
(Project and Environmental Management)

Mr IP Kwai-hang
Chief Engineer/Fill Management

For item V

Environmental Protection Department

Mr Raymond FAN Wai-ming
Deputy Director of Environmental Protection (2)

Dr Ellen CHAN Ying-lung
Assistant Director (Environmental Infrastructure)

Mr Alfred LEE Koon-yan
Assistant Director (Waste Management)

Dr Lawrence WONG Tung-kong
Principal Environmental Protection Officer
(Waste Reduction)

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

Staff in attendance : Mrs Mary TANG
Senior Council Secretary (1)2

Miss Mandy POON
Legislative Assistant (1)4

I. Confirmation of minutes

(LC Paper No. CB(1) 1180/06-07 — Minutes of the meeting held on
26 February 2007)

The minutes of the meeting held on 26 February 2007 were confirmed.

II. Information paper issued since last meeting

2. Members noted the following information papers which had been issued since the last meeting –

LC Paper No. CB(1) 1102/06-07 — Letter from the Consul General of the Federal Republic of Germany; and

LC Paper No. CB(1) 1173/06-07 — Referrals arising from meetings between LegCo Members and members of Tsuen Wan and Kowloon City District Councils

III. Items for discussion at the next meeting

(LC Paper No. CB(1) 1182/06-07(01) — List of follow-up actions

LC Paper No. CB(1) 1182/06-07(02) — List of outstanding items for discussion)

3. Members agreed to discuss the following items at the next regular meeting scheduled for Monday, 23 April 2007, at 2:30 pm –

- (a) 342DS – Tai Po sewerage treatment works stage 5 phase 2A – disinfection; and
- (b) Conservation of energy.

4. The Chairman reminded members of the special meeting to be held on Wednesday, 28 March 2007, at 8:30 am to continue discussion on the Emissions Trading Pilot Scheme for Thermal Plants in the Pearl River Delta Region which was last discussed at the meeting on 26 February 2007. Deputations had been invited to attend for discussion of the subject.

IV. Progress report on Construction Waste Disposal Charging Scheme

(LC Paper No. CB(1) 1173/06-07(02) — Referral arising from meeting between LegCo Members and members of Kowloon City District Council on 9 November 2006 regarding illegal disposal of construction waste

LC Paper No. CB(1) 1182/06-07(03) — Updated background brief on management of construction and demolition materials prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 1182/06-07(04) — Paper provided by the Administration)

5. The Deputy Director of Environmental Protection (2) (DDEP(2)) highlighted the salient points in the Administration's paper. The Assistant Director of Environmental Protection (Environmental Infrastructure) (AEP(EI)) briefed members on the latest progress in implementing the Construction Waste Disposal Charging Scheme (the Scheme) while the Principal Environmental Protection Officer (Waste Facilities) (PEPO(WF)) explained the findings of the review of the Scheme and the areas for improvement to enhance its overall efficiency.

6. The Chairman also drew members' attention to LC Paper No. CB(1) 1173/06-07(02) regarding concerns of the Kowloon City District Council (KCDC) over illegal disposal of construction waste and the reply from the Director of Home Affairs.

Operation of the Scheme

7. Mr LAU Kong-wah was pleased to note that following the implementation of the Scheme for just over a year, the average quantity of construction waste disposed of at the three landfills had been reduced from 6 600 tonnes per day (tpd) to 4 000 tpd, representing a reduction of almost 40%. He asked if the reduction was attributed to the deterrent effect of the Scheme and/or the efforts made in waste sorting. AEP(EI) said that there were different factors contributing to the 40% reduction in the quantity of construction waste disposed of at the three landfills. While a breakdown of these factors had not been made, more information could be provided for members' reference if so required.

8. Ms Miriam LAU noted that waste haulers had raised concerns about upfront payments and bad debt problems associated with the Scheme before it was introduced. As these problems did exist after the Scheme had become operational, she enquired if the Tripartite Working Group (TWG) was made aware of the situation. To ascertain the extent of impact of upfront payments on waste haulers, the Administration was requested to provide a breakdown of the 2 300 applications for opening billing accounts in respect of construction work contracts with a value less than \$1 million. AEP(EI) said that TWG was established to discuss and work out the operational details during the implementation of the Scheme. As TWG was proven to be very effective in enabling better understanding of the Scheme, it would continue its work even after the implementation of the Scheme. Regular meetings would be held with the trades. On waste haulers' concerns about upfront payments and bad debt problems, PEPO(WF) said that when the Scheme was first launched, efforts had since been made to liaise with various sectors to promote the responsibility of waste producers for payment of disposal charges, including the liaison with property developers and management companies, to address these concerns. During the latest review of the Scheme, the subject on bad debts was not raised by the waste haulers and it was believed that the problem was not serious. He also agreed to provide the

number of applications from waste haulers for opening billing accounts in respect of construction work contracts with a value less than \$1 million for members' reference.

Fly-tipping activities

9. Miss CHOY So-yuk questioned why the overall waste reduction was only 25% when the average quantity of construction waste disposed of at the three landfills was reduced by almost 40%. She asked if part of the waste had been illegally disposed of. ADEP(EI) explained that the 25% reduction referred to the combined average amount of construction waste disposed of at landfills, sorting facilities and public fill reception facilities. With the amount of waste recovered through sorting, there had been a 20% reduction in public fill being disposed of at the public fill reception facilities. She added that while there was a significant increase in complaints cases on fly-tipping activities in 2006, most of these cases were small-scale roadside dumping activities. The daily average of fly-tipped construction waste handled by various Government departments was about 35 tpd in 2006. There was no indication of increase in large-scale fly-tipping activities in rural or remote areas since the implementation of the Scheme.

10. While acknowledging the effectiveness of the Scheme in reducing and recycling construction waste, Mr LEE Wing-tat was concerned about the increase in number of complaint cases on fly-tipping activities. He noted that the Scheme was successfully implemented for public works projects, but this was not the case for private works projects, particularly those which involved sub-contracting. In order to effectively monitor the disposal of construction waste, consideration should be given to working out an estimate on the amount of waste to be generated from each project taking into account past projects of similar scale. This would be checked against the actual waste delivered to landfills. For construction waste arising from renovation of domestic premises, effort should be made to liaise with owners' corporation/management committee of residential developments to monitor the disposal of such waste.

11. In response, ADEP(EI) said that relevant departments had reference standards on the estimated amount of waste to be generated from building or demolition works based on the scale of projects. While contractors were not obliged to provide the estimated waste loads for their projects, the Administration would have an idea of the amount of waste to be generated judging from their billing accounts. Extra attention would be drawn to those exemption accounts to prevent abuse. On the management of construction waste from private works projects, cooperation was being sought from the Real Estate Developers Association and Hong Kong Construction Association to introduce appropriate waste management measures to the private sector. The Administration also maintained close liaison with management companies in monitoring the disposal of waste arising from renovation projects, whereby residents would be requested to register these projects with the management committee. The situation would be more difficult to manage in developments without owners' corporation/management committee. Notwithstanding, actions

would be taken to identify the premises concerned and issue warnings as appropriate in case of fly-tipping.

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12. Ms Miriam LAU said that there was a need to provide assistance in the disposal of small amounts of construction waste generated by domestic renovation projects because the general public might not be aware of the means to dispose of such waste, particularly people in old districts where there were no owners' corporation/management committees. Consideration might be given to seeking assistance from the District Councils. The Chairman pointed out that Ms LAU's concern was similar to that raised by KCDC which had requested for the setting up of collection points in each district for collective transportation of construction waste to landfills. She requested the Environmental Protection Department (EPD) to liaise with the Home Affairs Department to provide a supplementary information paper on mitigation of the problem of illegal disposal of construction waste generated by minor renovation projects. ADEP(EI) said that there were already designated government facilities provided under the Scheme for disposal of construction waste. The proposed setting up of district collection stations would cause double-handling of the construction waste.

13. Miss CHOY So-yuk said that fly-tipping was a serious problem and had become a nuisance to the community. Some government land in rural areas had become dumping sites for waste while private landowners whose land had been suffered from fly-tipping would have to pay for the removal of the waste. She opined that a "cradle to grave" approach should be adopted for the disposal of construction waste. ADEP(EI) said that the said approach was applicable to waste generated from public works projects, but not to waste generated from private works project. A special working group was set up in association with the Real Estate Developers Association and the Hong Kong Construction Association to work out measures to reduce construction waste in private construction projects. These measures would be examined in detail within the year and were expected to be implemented in 2008.

14. Mr LAU Kong-wah sought details on prosecution against fly-tipping activities as well as the pilot construction waste fly-tipping spotter scheme. The Chairman also noted that despite the 5 000 regular inspections and ambushes at black spots known for such activities, only eight convictions were made and six fixed penalty notices issued. She queried the low prosecution figures by EPD. She further asked if training would be provided to the spotters, the number of voluntary spotters to be recruited under the spotter scheme and whether it would apply to other wastes as well.

15. ADEP(EI) explained that there were difficulties in taking prosecution against illegal dumping because the culprits had to be caught red-handed. Therefore, it was the Administration's intention to launch the pilot construction waste fly-tipping spotter scheme, the details of which would be made available to members at a later stage. The spotter scheme would be more complex than the Smoky Vehicle Control

Programme as the spotters would have to submit details on the fly-tipping activities and to act as witnesses in the course of prosecution. The spotters recruited under the pilot construction waste fly-tipping spotter scheme would be targeting only at construction wastes. They would be volunteers, probably members from green groups and district councils and members from the community who were well aware of the need to protect the environment. Training would be provided to them. Certain districts, particularly those with high number of fly-tipping complaints, would be selected for trial.

16. Miss CHOY So-yuk opined that the reporting procedures for fly-tipping activities under the spotter scheme should not be complicated lest these might discourage spotters from reporting such activities. Instead of requiring spotters to act as witnesses in court, consideration could be given to accepting photographs of fly-tipping activities as evidence. While agreeing to the need for simple procedures to facilitate implementation of the spotter scheme, Mr SIN Chung-kai was concerned that the suggested use of photographs as supporting evidence might be subject to abuse because photographs could be easily tampered with. ADEP(EI) said that details of the spotter scheme had yet to be worked out and consultation at district level would need to be held before implementation of the scheme in mid 2007. She nevertheless assured members that their views would be taken on board when working out the details of the spotter scheme.

Publicity

17. Ms Miriam LAU noted that when the Scheme was first launched, there were frequent announcements of public interest (API) on waste reduction and proper disposal of construction waste but these were quite rare recently. She enquired if publicity efforts would continue and if so, details of the publicity programmes. ADEP(EI) assured members that publicity on waste reduction/disposal would continue, particularly with the launching of the pilot construction waste fly-tipping spotter scheme.

V. Update on the progress of the key initiatives in the "Policy Framework for the Management of Municipal Solid Waste (2005-2014)"

(LC Paper No. CB(1) 1182/06-07(05) — Updated background brief on management of municipal solid waste in Hong Kong prepared by the Legislative Council Secretariat

LC Paper No. CB(1) 1182/06-07(06) — Paper provided by the Administration)

18. DDEP(2) highlighted the salient points in the Administration's paper on the progress of the key initiatives in the "Policy Framework for the Management of Municipal Solid Waste (2005-2014)". ADEP(EI) briefed members on the key waste

data for 2006 while the Principal Environmental Protection Officer (Waste Reduction) (PEPO(WR)) explained the progress of the Source Separation of Domestic Waste Programme (the Programme).

Waste avoidance and minimization

19. Mr LEE Wing-tat expressed concern that the amount of municipal solid waste (MSW) generated remained on an increasing trend, which was likely to be the result of robust growth in commercial, industrial and tourism-related activities in 2006. DDEP(2) said that it was the Administration's target to reduce the amount of MSW generated in Hong Kong by 1% per annum up to the year 2014, based on the 2003 levels. The strong economic growth in 2006 had resulted in about 4% increase in commercial and industrial waste (CIW) generation. It was also noteworthy that while the amount of MSW recovered increased, the amount of MSW recovered for local recycling actually dropped. These strongly indicated that despite the good results achieved for source separation and recycling, the other policy initiatives in the Policy Framework, particularly MSW charging, producer responsibility schemes (PRSs), EcoPark and Integrated Waste Management Facilities (IWMF) must press ahead. In this connection, the Administration had embarked on a study on the environmental levy on plastic shopping bags. A detailed proposal on this scheme would be presented to the Panel shortly.

20 In response to the Chairman's concern about the slow progress in waste reduction, ADEP(EI) explained that the daily MSW disposed of was about 9 000 tpd while CIW was over 2 000 tpd. The increase in CIW was mainly due to the increase in organic waste from restaurants and food factories, which being "wet" waste would be dumped in landfills. The "dry" CIW, mainly comprising materials, such as plastics and waste papers, would be separated and recycled for use. The Government was planning to set up facilities to treat organic waste in the Kowloon Bay Waste Recycling Centre. It was expected that the proposed facilities would be able to treat about four tpd of organic waste. More such facilities would be provided in future for the treatment of organic wastes using different technologies.

21. Ms Miriam LAU was concerned about over-packaging of products, particularly when the packaging had no reusable value and would end up as domestic waste. There was a need to resolve the problem as otherwise the waste loads would continue to increase. DDEP(2) said that the Policy Framework had set out six items which would be included for PRSs and packaging was one of them. Given the concern about over-packaging, consideration would be given to expediting the planned feasibility study on PRS on packaging. Meanwhile, the Administration maintained close rapport with green groups on the reduction and recycling of packaging materials. To add further impetus to public engagement, the Administration had obtained the Environment Conservation Fund Committee's support to reserve \$10 million for a public education programme to promote environmental initiatives under the Policy Framework. The Chairman said that the problem of over-packaging should be further looked into when PRSs were discussed.

Reuse, recovery and recycling

22. Mr SIN Chung-kai noted with concern that MSW recovered for local recycling had reduced from 0.16 million tonnes in 2005 to 0.11 million tones in 2006. He enquired if measures could be taken to improve the situation. DDEP(2) said that the Administration was also disappointed that despite the increase in overall MSW recovery rate and the amount of MSW recovered for export, MSW recovered for local recycling had been reduced in 2006. It would continue its efforts to promote local recycling with a view to creating a circular economy. PEPO(WR) supplemented that owing to the high operating cost in Hong Kong, recyclables were mostly exported to the Mainland and other places. The situation was further aggravated following the closure of the two local waste paper recyclers last year due to the rising operating costs. The Assistant Director of Environmental Protection (Waste Management) (ADEP(WM)) said that the development of EcoPark aimed to provide long-term land at affordable cost for recycling industries so that more recovered materials could be recycled locally to create a circular economy. About 750 job opportunities were also expected to be created. Funding for the EcoPark was approved in March 2006 and the construction for Phase I was underway for completion by mid 2007 as scheduled. A tender exercise for the first batch of three lots in Phase I was conducted in end-2006 and the assessment for tenancies was under progress. The lots were designated for processing of waste plastics, vehicle tyres, wood, plaster, glass and other building materials.

23. Ms Miriam LAU said that the 50% decrease in MSW recovered for local recycling had reflected that such activities were not financially viable. By way of illustration, waste tyres had high resale value and hence they would be exported to overseas countries for re-use/recycling. Given that waste tyres would not be disposed of at landfills, she failed to see why the Administration would still need to introduce a levy on waste tyres to subsidize recycling operations which might not be viable in the long run. DDEP(2) said that the Administration was well aware of the export value of waste tyres. As such, it would explore with the local tyre industry on the feasibility of recovering and recycling tyres by the trade taking into account the market situation. PEPO(WR) added that some places, like the Mainland, had recently introduced stringent requirements on the import of waste tyres. This had affected EPD's pilot waste recycling project which depended on the export of rubber crumbs recovered from waste tyres. This had also brought up a need to build up local tyre recycling capability.

24. Noting that metals recovered from waste were not included in the waste generated, Miss CHOY So-yuk enquired about the rationale for the exclusion. PEPO(WR) explained that EPD would conduct an annual survey on the recovery and disposal of MSW and CIW based on the information provided by the Census and Statistical Department (CSD). Given that CSD did not have information on the source of waste, EPD would have to rely on recyclers to provide such data. As it was difficult to differentiate metals recovered from MSW, CIW or construction waste, these had been grouped under "others". There was no double counting of recovered

metals which were included in the figure of total waste generated. At present, the overall MSW and CIW recovery rates were 45% and 63% respectively.

Bulk reduction and disposal

25. Miss CHOY So-yuk said that with the advancement in waste treatment technologies, the land requirements for treatment of wet waste had been reduced. Therefore, instead of relying on thermal technologies for waste treatment as recommended by the Administration, consideration should be given to separating all MSW at source to be followed by mechanical and biological treatment before incineration, as in the case of Japan. ADEP(WM) replied that under the Government's waste management strategy, MSW would be separated at source. Organic waste would then undergo biological treatment while mixed recyclables could be subject to mechanical treatment. The remaining unavoidable wastes would be incinerated.

Source Separation of Domestic Waste Programme

26. Miss CHOY So-yuk declared interest as the Chairman of the Programme. Noting that waste separation could not be carried out in housing developments which did not have sufficient space for the installation of waste separation facilities, she asked if the Administration would consider making it mandatory for the provision of space in the design of new buildings for waste separation facilities, in line with overseas practice, and if so the legislative time table. There was also a need for uniform waste separation arrangements for all buildings to ensure the success of the Programme.

27. DDEP(2) said that one of the targets in the Policy Framework was to reduce the total MSW disposed of at landfills to less than 25% by 2014. To this end, there was a need to reduce the total MSW which were transported to landfills. This was confirmed by the findings of the overseas duty visits conducted by the Advisory Council on the Environment in March 2006 as well as the delegation of the LegCo Panel on Environmental Affairs in August 2006. On the proposed mandatory provision of space in the design of new buildings for the installation of waste separation facilities, ADEP(EI) said that this had the support of the Building Sub-committee of the Lands and Building Advisory Committee and was being considered by the Buildings Department and the relevant policy bureau. Details of the proposal, including possible exemption of the space for waste separation from the gross floor area of the development, would be examined. At members' request, the Administration undertook to provide supplementary information on the proposed mandatory provision of space in the design of new buildings for the installation of waste separation facilities and the time table for implementing the proposal.

Admin

28. Mr LEE Wing-tat held the view that the participating rate for the Programme, amounting to 0.7 million households or 30% of the population, was rather low. There was a need to take forward PRSs such that all stakeholders would

be held responsible for waste reduction/recycling. He therefore supported the early introduction of environmental levy on plastic shopping bags. PEPO(WR) said that efforts had been made to press ahead with the Programme. In particular, there were regular exchanges with the Housing Authority with a view to extending the coverage of the Programme to all public housing estates (PHEs). In 2006, 64 PHEs had participated in the Programme and the number was expected to increase progressively with all PHEs participating by 2012. Priority would be given to including those PHEs which had sufficient space to install waste separation facilities.

29. Ms Miriam LAU congratulated the Administration for achieving an overall recovery rate of MSW of 45% in 2006, three years ahead of the target set out in the Policy Framework. Given that the recovery rate of CIW had remained unchanged at 63%, she considered that more efforts should be made to promote waste recovery in offices and industrial buildings through waste separation. PEPO(WR) said that when the Programme was first launched, some management committees of commercial and industrial buildings had applied for participation in the Programme and their requests had been accepted. Therefore, part of the recyclables received under the Programme was from CIW. As compared to MSW, CIW was less varied in nature and could be separated more easily. As a result, substantial amount of waste papers had been collected from commercial buildings including those in Central. In view of the increasing trend of CIW, more efforts would be made in the coming year to recruit commercial and industrial buildings to join the Programme.

MSW Charging Scheme

30. DDEP(2) said that the Charging Scheme aimed to provide the public with direct economic incentives to reduce and recover waste. It was an essential tool to achieve the waste reduction target set out in the Policy Framework. To explore the feasibility of MSW charging in Hong Kong, a three-month trial scheme had been carried out in 20 housing estates from November 2006 to February 2007 to examine the logistical arrangement for waste recovery and disposal in different housing settings. In designing a practicable scheme for the whole of Hong Kong, quite a number of important issues had to be addressed. Further studies would be carried out on measures to encourage compliance and deter charge evasion and fly-tipping. In view of the territory-wide implication of the Charging Scheme, the Administration would consult the public on practicable options in the second half of the year before the relevant legislation was introduced.

31. The Chairman expressed support for the early implementation of MSW Charging Scheme which would help to reduce and recover waste. The provision of incentives was necessary to encourage waste reduction as evidenced by the successful experience in Taipei. Given the 4.1% increase in CIW, she opined that consideration could be given to implementing the Charging Scheme on CIW as a start. DDEP(2) said that the three-month trial scheme on MSW Charging Scheme was designed to test certain practices adopted elsewhere, including Taipei. Enforcement measures to deter charge evasion and fly-tipping would need to be worked out. More publicity

and educational efforts would be made to promote the polluter-pays principle and source separation.

32. Miss CHOY So-yuk enquired about the implementation timetable for the MSW Charging Scheme. She stressed that the Charging Scheme should be pressed ahead, and that concerns about fly-tipping etc. should not be used as an excuse for not proceeding with the Charging Scheme. DDEP(2) said that the Administration was committed to taking forward the MSW Charging Scheme as it would otherwise not be able to meet the waste reduction targets.

VI. Any other business

33. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
20 April 2007