

## **LEGISLATIVE COUNCIL BRIEF**

Waste Disposal Ordinance  
(Cap. 354)

### **WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY) REGULATION (AMENDMENT OF SCHEDULES 1 and 2) NOTICE 2008**

### **WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CONSTRUCTION WASTE) REGULATION (AMENDMENT OF SCHEDULE 4) NOTICE 2008**

#### **INTRODUCTION**

The existing temporary public fill barging point in Quarry Bay will be replaced by a permanent facility in Chai Wan in December 2008. This paper briefs Members on the two pieces of subsidiary legislation made by the Secretary for the Environment (SEN) to reflect the changes.

#### **BACKGROUND**

2. At present, the disposal of construction waste is subject to statutory control under the Waste Disposal Ordinance (Cap. 354) and its subsidiary legislation. In particular, Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) specifies the designated waste disposal facilities at which different types of construction waste may be accepted for disposal, while Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N) stipulates the levels of charges that have to be paid for the disposal of construction waste at the various types of designated waste disposal facilities (including public fill reception facilities).

3. Public fill barging points are a type of designated waste disposal facilities under Cap. 354L for receiving inert construction waste, which is also known as public fill. The public fill so received will be loaded onto barges for delivery to reclamation sites in Hong Kong, or to the two temporary fill banks at Tseung Kwan O and Tuen Mun for later use.

4. Public fill generated on the Hong Kong Island is currently handled at the Quarry Bay Temporary Public Filling Barging Point (QBTPFBP), which is a designated waste disposal facility under Cap. 354L and a public fill reception facility under Cap. 354N. To meet the long-term need to manage the increasing amount of public fill generated on the Hong Kong Island, the Legislative Council approved in 2006 the construction of a permanent Chai Wan Public Fill Barging Point (CWPFBP) to replace the temporary facility in Quarry Bay. The construction work is nearly completed. To secure a smooth transition from the existing facility to the new facility, CWPFBP is scheduled to commission on 22 December 2008 while QBTPFBP will remain functional until 31 December 2008. To ensure the continuation of the relevant statutory control under Cap. 354, Schedules 1 and 2 to Cap. 354L and Schedule 4 to Cap. 354N have to be amended accordingly.

5. Under section 8 of Cap. 354L and section 23 of Cap. 354N, the SEN is empowered to, by notice published in the Gazette, amend any of the Schedules in Cap. 354L and Cap. 354N respectively.

## **THE SUBSIDIARY LEGISLATION**

6. SEN has made the following Notices to give effect to the switchover from QBTPFBP to CWPFBP -

(a) **the Waste Disposal (Designated Waste Disposal Facility) Regulation (Amendment of Schedules 1 and 2) Notice 2008** (at Annex I) –

- i. in Schedule 1 to Cap 354L, to specify CWPFBP as a designated waste disposal facility with effect from 22 December 2008, and to remove QBTPFBP from the list of designated waste disposal facilities with effect from 1 January 2009;
- ii. in Schedule 2 to Cap 354L, to amend correspondingly the references to the relevant facilities in Schedule 1; and

(b) **the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedule 4) Notice 2008** (at Annex II) to specify the new CWPFBP as a public fill reception facility in Schedule 4 to Cap.354N, with effect from 22 December 2008, and to remove QBTPFBP from the list of public fill

reception facilities with effect from 1 January 2009.

## **LEGISLATIVE TIMETABLE**

7. The legislative timetable for the Notices is as follows –

24 October 2008	Publication in the Gazette
29 October 2008	Tabling at LegCo

## **IMPLICATION OF THE PROPOSAL**

8. The two pieces of subsidiary legislation are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the current binding effect of the Ordinance and have no civil service, economic, productivity or environmental implications.

## **PUBLIC CONSULTATION**

9. The subsidiary legislation will designate CWPFBP as a prescribed facility to handle public fill and also enable the continuation of the construction waste charging scheme. The relevant trade has been consulted and is agreeable.

## **PUBLICITY**

10. Relevant stakeholders are well informed of the switchover. A press release will be issued on 22 December 2008 to remind the public of the changes.

## **ENQUIRIES**

11. Enquiries on this brief can be addressed to Mr. Kerr LI, Administrative Officer (Waste Management Policy Division), Environmental Protection Department (Tel : 2594 6269; Fax : 3121 5762).

**Environment Bureau**  
**October 2008**

**WASTE DISPOSAL (DESIGNATED WASTE  
DISPOSAL FACILITY) REGULATION  
(AMENDMENT OF SCHEDULES 1 AND 2)  
NOTICE 2008**

(Made by the Secretary for the Environment under section 8 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L))

**1. Commencement**

- (1) Sections 2(1) and 3(1) shall come into operation on 1 January 2009.
- (2) Sections 2(2) and 3(2) shall come into operation on 22 December

2008.

**2. Designated waste disposal facilities**

(1) Schedule 1 to the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) is amended by repealing item 24.

(2) Schedule 1 is amended by adding –

“27. Chai Wan Public Fill	11 Ka Yip Street,	Plan number
Barging Point	Chai Wan, Hong	FM 10019-32”.
	Kong.	

**3. Types of construction waste accepted at designated waste disposal facilities**

(1) Schedule 2 is amended, in item 4, in column 2, by repealing “24,”.

(2) Schedule 2 is amended, in item 4, in column 2, by repealing “and 26” and substituting “, 26 and 27”.

Secretary for the Environment

2008

## **Explanatory Note**

Schedule 1 to the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) (“the Regulation”) specifies the designated waste disposal facilities. Schedule 2 to the Regulation specifies 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.

2. This Notice removes Quarry Bay Temporary Public Filling Barging Point from the Schedules. It also adds Chai Wan Public Fill Barging Point to the Schedules.

**WASTE DISPOSAL (CHARGES FOR DISPOSAL OF  
CONSTRUCTION WASTE) REGULATION  
(AMENDMENT OF SCHEDULE 4)  
NOTICE 2008**

(Made by the Secretary for the Environment under section 23 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N))

**1. Commencement**

- (1) Section 2(1) shall come into operation on 1 January 2009.
- (2) Section 2(2) shall come into operation on 22 December 2008.

**2. Charges for disposal of construction waste  
at public fill reception facilities**

(1) Schedule 4 to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) is amended, in Part 1, by repealing item 4.

(2) Schedule 4 is amended, in Part 1, by adding –

- “7. Chai Wan Public Fill      11 Ka Yip Street,      Plan number  
Barging Point              Chai Wan, Hong      FM 10019-32”.
- Kong.

Secretary for the Environment

2008

## **Explanatory Note**

Schedule 4 to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) specifies the public fill reception facilities. This Notice removes Quarry Bay Temporary Public Filling Barging Point from that Schedule.

2. The Notice also adds Chai Wan Public Fill Barging Point to the Schedule.