

**立法會**  
**Legislative Council**

LC Paper No. LS18/13-14

**Paper for the House Committee Meeting  
on 6 December 2013**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 29 November 2013**

**Tabling in LegCo** : Council meeting of 4 December 2013

**Amendment to be made by** : Council meeting of 18 December 2013 (or that of 22 January 2014 if extended by resolution)

**Waste Disposal (Designated Waste Disposal Facility)  
(Amendment) Regulation 2013** (L.N. 188)

**Waste Disposal (Refuse Transfer Station) (Amendment)  
Regulation 2013** (L.N. 189)

L.N. 188 and L.N. 189 are 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.

L.N. 188

2. The South East New Territories (SENT) Landfill is located in Tseung Kwan O (TKO). It currently accepts municipal solid waste (MSW), construction waste and other special wastes including sewage sludge. According to the Administration, more complaints from the local community about the environmental nuisance caused by the operation of the SENT Landfill have been received in recent years, odour being a major subject of dissatisfaction. In view of the growth in the number of residential buildings in TKO, the Administration considers that the use of the SENT Landfill should be changed to accept construction waste only so that the odour concern arising from MSW and other wastes could be removed at root.

3. L.N. 188 is therefore made to amend the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) to specify the SENT Landfill as one which only accepts construction waste of a specified type.

4. To enhance the environmental performance of certain refuse collection vehicles (RCV) and avoid nuisance arising from their operation, L.N. 188 further adds a new provision to Cap. 354L to require that RCV driven into a specified landfill or refuse transfer station (RTS) must be equipped with a metal tailgate cover and a waste water sump tank that comply with specific standards. The driver of a RCV which contravenes the requirement commits an offence and is liable to a fine at level 6 (i.e. \$100,000). L.N. 188 also amends Cap. 354L to empower the Director of Environmental Protection to conduct compliance check on RCV.

#### L.N. 189

5. To cope with the diversion of MSW from the SENT Landfill to alternative waste disposal facilities after it ceases to accept MSW, the Administration decides to open up the Shatin Transfer Station (STTS), a RTS hitherto exclusively used by the Administration and its contractors, for use by private waste collectors. Accordingly, L.N. 189 is made to add STTS as a RTS to which the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M) applies and prescribe the charges for the disposal of waste at that station as those presently charged for the disposal of waste at the West Kowloon Transfer Station (WKTS).

6. The current charges for two other RTS, namely, the Island East Transfer Station (IETS) and Island West Transfer Station (IWTS), are higher than those for WKTS. L.N. 189 further amends Cap. 354M to reduce the charges for disposal of waste at IETS and IWTS to the same levels as those for STTS and WKTS in order to encourage their use.

#### Other points

7. L.N. 188 and L.N. 189 come into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

8. Members may refer to the LegCo Brief (File Ref: (7) in EP CR 9/150/38) issued jointly by the Environment Bureau and the Environmental Protection Department in November 2013 for further information relating to the above legislative amendments.

9. According to paragraph 21 of the LegCo Brief, the waste collection trade welcomes the Administration's commitment to subsidize the retrofitting of RCV in order to comply with new equipment standard requirement mentioned in paragraph 4 above and are collaborating with the Administration on a pilot scheme it has launched in connection with the subsidy scheme. In August 2013, the trade was also briefed, amongst other things, of the Administration's intention to confine the SENT Landfill to receiving construction waste only.

10. As advised by the Clerk to the Panel on Environmental Affairs, the Panel discussed the proposal to designate the SENT Landfill to receive construction waste only on 27 May 2013. At its meeting on 28 October 2013, the Panel was consulted on the administrative and legislative measures relating to the "Waste Diversion Plan" for the SENT Landfill.

11. On the designation of the SENT Landfill for the reception of only construction waste, members had expressed concern about the toxicity of the construction waste to be disposed of in the SENT Landfill and the unfairness to the residents living in the vicinity of the North East New Territories (NENT) Landfill and the West New Territories (WENT) Landfill as these two landfills would have to shoulder a higher share of odorous waste. On the measures under the "Waste Diversion Plan", members were concerned about the increased operating costs of private waste collectors as they had to arrange additional RCV routes to transport the waste diverted from the SENT Landfill to other landfills and pay a charge for using RTS service. There was also the concern about the traffic and environmental impacts as some RCV would have to travel a longer distance to deliver waste to the NENT and WENT Landfills, and about the adequacy of RTS's capacities to cope with the sudden increase in the quantities of waste going through the RTS network. They urged for the provision of more RTS in various districts. Members generally supported the subsidy scheme on the retrofitting of RCV and the funding application had been approved by the Finance Committee.

12. The legal and drafting aspects of L.N. 188 and L.N. 189 are still being scrutinized and a further report will be made if necessary.

**Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2013 (L.N. 190)**

13. L.N. 190 is made by the Director of Leisure and Cultural Services (the Director) under section 106 of the Public Health and Municipal Services Ordinance (Cap. 132).

14. L.N. 190 sets aside the following 13 venues for use as public pleasure grounds and adds these venues to the list of public pleasure grounds in the Fourth Schedule to Cap. 132 (the Fourth Schedule) –

- (a) Mount Davis Service Reservoir Temporary Garden;
- (b) Quarry Bay Promenade;
- (c) Wah King Hill Road Garden;
- (d) Hong Kong Velodrome;
- (e) Hong Kong Velodrome Park;
- (f) Kai Tak Cruise Terminal Park;

- (g) Kai Tak Runway Park;
- (h) San Ha Street Playground;
- (i) Lam Tin Bauhinia Trail Sitting-out Area;
- (j) Cha Kwo Ling Village Sitting-out Area No. 3;
- (k) Lai Chi Ling Road Sitting-out Area;
- (l) Sheung Yat Tsuen Sitting-out Area; and
- (m) St. Peter's Village Garden.

15. According to the Administration, items (a) to (g) above are newly completed venues that are or will be open for public use by the Leisure and Cultural Services Department (LCSD). The venues set out in items (h) to (m) above are taken over from the Home Affairs Department for management by LCSD. The effect of setting aside and including the venues in the Fourth Schedule is to vest the general management and control of these 13 venues in the Director.

16. Members may refer to the LegCo Brief (File Ref: L/M (1) in LCS 19/HQ 813/00(20) issued by LCSD on 21 November 2013 for further information.

17. According to paragraph 7 of the LegCo Brief, the Administration has consulted the respective District Councils and has their support for the proposal. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted on L.N. 190.

18. L.N. 190 commences on the gazettal date, i.e. 29 November 2013.

19. A typo has been identified in L.N. 190. The Administration will have the error corrected by editorial amendment under section 2A(1)(b) of the Laws (Loose-leaf Publication) Ordinance 1990 when the next opportunity arises.

### **Professional Accountants (Amendment) Ordinance 2013 (Commencement) Notice**

**(L.N. 191)**

20. By L.N. 191, the Secretary for Financial Services and the Treasury has appointed 24 January 2014 as the day on which the Professional Accountants (Amendment) Ordinance 2013 (15 of 2013) (PAAO) comes into operation.

21. The Professional Accountants (Amendment) Bill 2013 (the Bill) was passed by LegCo on 30 October 2013 and gazetted as PAAO on 8 November 2013. PAAO amends the Professional Accountants Ordinance (Cap. 50) to permit a sole certified public accountant (practising) to incorporate a company with only one shareholder and to register the company as a corporate practice, prohibit the use of certain misleading descriptions and make related technical and drafting amendments.

22. A Bills Committee had been formed to scrutinize the Bill before it was passed. Members may refer to the report of the Bills Committee (LC Paper No. CB(1)11/13-14) for further information. As advised by the Clerk to the Bills Committee and the Panel on Financial Affairs, the Bills Committee has not raised any issues on the date of commencement of the Bill and the Panel has not been consulted on L.N. 191.

23. No difficulties have been identified in the legal and drafting aspects of L.N. 191.

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