

**立法會**  
**Legislative Council**

LC Paper No. CB(1)850/13-14  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/6/13

**Subcommittee on Waste Disposal (Designated Waste Disposal Facility)  
(Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer  
Station) (Amendment) Regulation 2013**

**Minutes of first meeting held on  
Friday, 13 December 2013, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

**Members present:** Hon WU Chi-wai, MH (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Cyd HO Sau-lan  
Hon CHAN Hak-kan, JP  
Hon Frankie YICK Chi-ming  
Hon Charles Peter MOK  
Hon CHAN Chi-chuen  
Hon Alice MAK Mei-kuen, JP  
Hon Dr Elizabeth QUAT, JP  
Hon Tony TSE Wai-chuen

**Member absent :** Hon POON Siu-ping, BBS, MH

**Public Officers  
attending :** Agenda item II

Mr Howard CHAN, JP  
Deputy Director of Environmental Protection (2)  
Environmental Protection Department

Mr Samson LAI  
Assistant Director of Environmental Protection  
(Waste Management Policy)  
Environmental Protection Department

Mr Lawrence LAU  
Principal Environmental Protection Officer (Waste  
Facilities)  
Environmental Protection Department

Mr Michael TSING  
Officer i/c (RTS Development)  
Environmental Protection Department

Mr Alan CHONG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance :** Mr Derek LO  
Chief Council Secretary (1)5

**Staff in attendance :** Ms Wendy KAN  
Assistant Legal Adviser 6

Ms Angel SHEK  
Senior Council Secretary (1)4

Ms Michelle NIEN  
Legislative Assistant (1)5

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Action

**I Election of Chairman**

Ms Emily LAU, the member with the highest precedence in the Council among all members of the Subcommittee present, presided over the election of Chairman of the Subcommittee. She invited nominations for the chairmanship of the Subcommittee.

2. Ms Cyd HO nominated Mr WU Chi-wai and the nomination was seconded by Mr Ronny TONG. Mr WU Chi-wai accepted the nomination. There being no other nomination, Mr WU Chi-wai was elected Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

## II Meeting with the Administration

- (L.N. 188 — Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013
- L.N. 189 — Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013
- File Ref: (7) in EP CR 9/150/38 — Legislative Council Brief  
LC Paper No. LS18/13-14 — Legal Service Division Report
- LC Paper No. CB(1)507/13-14(01) — Marked-up copy of Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)507/13-14(02) — Marked-up copy of Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 prepared by the Legal Service Division (Restricted to members)
- LC Paper No. CB(1)507/13-14(03) — Paper on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 prepared by the Legislative Council Secretariat (Background brief))

4. The Subcommittee deliberated (Index of proceedings attached at the **Appendix**).

Follow-up actions to be taken by the Administration

5. To facilitate members' consideration of the measures relating to the Waste Diversion Plan for the South East New Territories ("SENT") Landfill and the effectiveness of the proposed fee reduction for some Refuse Transfer Stations ("RTSs") to maximize utilization of RTSs to cope with the municipal solid waste ("MSW") diverted from the SENT Landfill, the Administration was requested to provide the following information –

*Refuse Transfer Stations*

- (a) the current proportion of MSW received by each of the seven RTSs with breakdown by the mode of transportation (i.e. by land or sea) and waste collectors (i.e. the Food and Environmental Hygiene Department ("FEHD") or private waste collectors), vis-a-vis the existing utilization level and design capacity of the respective RTS;
- (b) the estimated freed-up or unused capacity of individual RTSs and their utilization by FEHD/private waste collectors to cope with MSW diverted from the SENT Landfill as a result of the implementation of the Waste Diversion Plan and other complementary measures;
- (c) the existing routes of waste collection and delivery by refuse collection vehicles ("RCVs") of FEHD (or its contractors) and private waste collectors to the RTSs and landfills, and the planned/estimated changes in these routes arising from implementation of the Waste Diversion Plan and other complementary measures, including the estimated number/percentage of RCVs and trips involved; and
- (d) the plan and timeframe, if any, for building new RTSs, with a view to ultimately enabling more or all landfilled MSW to go through an RTS for waste compaction before disposal at landfills.

*Equipment standards for RCVs*

6. To address members' concern that while the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub.leg. L) ("DWDF Regulation") as amended specified the equipment standards for RCVs to enhance their environmental performance, the detailed technical specifications of the specified devices would only be set out in the administrative guidelines to be issued by the Director of Environmental Protection, the Administration

was requested to –

- (a) provide the administrative guidelines on the detailed technical specifications of the specified devices, including whether certification by the Electrical and Mechanical Services Department would be required under these guidelines outside the one-off subsidy scheme for retrofitting RCVs to meet the relevant standards; and the measures to ensure compliance with the administrative guidelines if they were not stipulated in the legislation;
- (b) how enforcement could be taken under the following situations:
  - (i) an RCV could meet the new equipment standards specified in the DWDF Regulation but not the detailed technical specifications in the administrative guidelines;
  - (ii) the RCV equipment was suitable for the purposes specified in the DWDF Regulation but could not achieve the desired effect in minimizing environmental nuisance; and
  - (iii) the RCV met the new equipment standards but the RCV driver/user did not use the equipment properly (e.g. failing to close the metal tailgate cover or cover the waste water sump tank);
- (c) consider setting out in the DWDF Regulation the basic technical/functional requirements of the specified equipment standards of RCVs to facilitate compliance and enforcement, and/or incorporating in the DWDF Regulation references to the administrative guidelines so as to enhance the enforceability of the guidelines;
- (d) provide information on the improvement measures and enforcement actions to address the environmental concerns arising from waste collection trucks of a non-compaction or non-fully-enclosed type of design which would not be subject to the new equipment standards as specified in the DWDF Regulation, in particular waste collection trucks carrying construction waste; and whether consideration would be given to requiring the waste collectors concerned to adopt a fully-enclosed type of design for their waste collection trucks, or to cover/enclose the waste properly during delivery to prevent waste/refuse from falling onto the road, and if not, the reasons;

and

- (e) consider increasing the level of penalty on illegal dumping from RCVs by private waste collectors.

*Assessment of odour reduction*

7. The Administration was requested to provide information and relevant data on its assessment that the odour nuisance caused by the operation of the SENT Landfill had been reduced with the odour management measures implemented by the Environmental Protection Department, as stated in paragraph 6 of the Legislative Council Brief (File Ref.: (7) in EP CR 9/150/38).

*(Post-meeting note: The Administration's written response (LC Paper No. CB(1)581/13-14(04)) was issued to members on 20 December 2013 vide LC Paper No. CB(1)596/13-14.)*

**III Any other business**

8. The Chairman informed members that Dr Elizabeth QUAT had submitted a late application to join the Subcommittee. Members agreed to accept Dr QUAT as a member of the Subcommittee.

Invitation of public views

9. Members agreed to invite the public to give views on the two regulations under the scrutiny by the Subcommittee and to meet with deputations to receive their views.

Dates of next meetings

10. Members agreed to schedule two meetings with one for scrutinizing the two regulations in detail and one to be held later for receiving public views on the two regulations.

*(Post-meeting note: A meeting was scheduled for 23 December 2013, at 4:30 pm and another for meeting deputations was to be held on 2 January 2014, at 2:30 pm. Members were notified vide LC Paper Nos. CB(1)546/13-14 and CB(1)563/13-14 issued on 16 and 17 December 2013 respectively.)*

11. There being no other business, the meeting ended at 12:08 pm.

Council Business Division 1  
Legislative Council Secretariat  
5 February 2014

**Proceedings of first meeting of the  
Subcommittee on Waste Disposal (Designated Waste Disposal Facility)  
(Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station)  
(Amendment) Regulation 2013  
on Friday, 13 December 2013, at 10:45 am  
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Election of Chairman</b>			
000030 – 000256	Ms Emily LAU Ms Cyd HO Mr WU Chi-wai Mr Ronny TONG	Election of Chairman	
<b>Meeting with the Administration</b>			
000257 – 000736	Chairman Administration	Briefing by the Administration on the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 and the Waste Disposal (Refuse Transfer Station)(Amendment) Regulation 2013 (collectively "the Amendment Regulations") (Legislative Council ("LegCo") Brief (File Reference: (7) in EP CR 9/150/38))	
000737 – 001647	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO sought information on the utilization level and design capacity of the seven existing refuse transfer stations ("RTSs"), and the proportion of municipal solid waste ("MSW") collected by each RTS by land/marine transport, before and after implementation of the Waste Diversion Plan for the South East New Territories ("SENT") Landfill and the proposed fee reduction for certain RTSs.</p> <p>The Administration advised that –</p> <p>(a) currently, 63.7% of all landfilled MSW in Hong Kong went through an RTS for compaction before bulk transfer. The utilization level and design capacity of individual RTSs in 2012 were set out in Annex B to the LegCo Brief;</p> <p>(b) if the SENT Landfill ceased to accept MSW as proposed, the MSW would probably be diverted to other RTSs, such as the West Kowloon Transfer Station ("WKTS"), Shatin Transfer Station ("STTS"), Island East Transfer Station ("IETS") and Island West Transfer Station ("IWTS");</p> <p>(c) after implementation of the Waste Diversion Plan and the complementary measures, about some 7 710 tonnes per day ("tpd") of MSW would go</p>	



Time marker	Speaker	Subject(s)	Action required
		<p>through an RTS, including some 5 530 tpd (or 60%, up from the current 42.4%) being sent to the West New Territories Landfill through marine transport;</p> <p>(d) to encourage private waste collectors to use the four RTSs named in paragraph (b) above, it decided to charge a low fee at \$30 per tonne which was the current fee level for WKTS (lowest in the RTS system), with fee reduction for IETS and IWTS which were currently charging at \$40 per tonne. STTS, which was exclusively used by the Food and Environmental Hygiene Department ("FEHD"), would be opened up for use by private waste collectors; and</p> <p>(e) as WKTS, IETS and IWTS had facilities with seafront access, the waste diversion coupled with the RTS fee reduction would help increase delivery of MSW by sea.</p> <p>Ms HO considered it unlikely that the two RTSs on the Island side (i.e. IETS and IWTS) would receive MSW diverted from the SENT Landfill which received wastes from Kowloon and the New Territories. She queried the justification to reduce the fee level for these two RTSs.</p> <p>The Administration explained that some private waste collectors might consider using IETS and IWTS by re-routing their waste collection services if they operated on the Hong Kong side or served South Kowloon. As IETS and IWTS had seafront access, FEHD would also re-route its MSW collection through IETS and IWTS by sea.</p> <p>The Administration agreed to provide supplementary information in response to Ms HO's enquiries.</p>	<p>The Administration to take actions as per paragraph 5(a) of the minutes.</p>
001648 – 002334	Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN Hak-kan expressed doubts whether the RTS network could fully absorb MSW diverted from the SENT Landfill, and if not, it might give rise to more illegal dumping of waste, and more environmental nuisance arising from longer haulage of refuse collection vehicles ("RCVs") to RTSs/landfills after re-routing.</p> <p>The Administration advised that FEHD was arranging to deliver some MSW it collected from the SENT Landfill to the North East New Territories Landfill</p>	

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		<p>direct without going through an RTS and would consider re-routing its collection services to make more use of IETS, IWTS and the North Lantau Transfer Station which had more unused capacity, with a view to freeing up spare capacity in WKTS and STTS. These measures together could make available RTS capacity of up to 1 800 tpd to cope with the MSW diverted from the SENT Landfill.</p> <p>The Administration undertook to provide supplementary information on the estimated freed-up and unused capacity of individual RTSs and their utilization by FEHD/private waste collectors to cope with MSW diverted from the SENT Landfill; and the planned/estimated changes in the RCV routes concerned.</p> <p>Members agreed with Mr Frankie YICK's suggestion that the Subcommittee should hold a meeting to receive views from deputations, in particular those from the waste transportation trade.</p>	<p>The Administration to take actions as per paragraph 5(b) and (c) of the minutes.</p>
002335 – 004344	<p>Chairman Mr Charles Peter MOK Mr Ronny TONG Mr Frankie YICK Administration</p>	<p>Mr Charles Peter MOK, Mr Ronny TONG and Mr Frankie YICK expressed the following views –</p> <p>(a) RCV equipment that met the statutory standards and was suitable for the purposes specified in the Waste Disposal (Designated Waste Disposal Facility Regulation (Cap. 354 sub. leg. L) ("DWDF Regulation") might not achieve the desired effect in minimizing environmental nuisance; and</p> <p>(b) more technical/functional details of the RCV equipment standards should be stipulated (with the aid of diagrams if necessary) in the DWDF Regulation.</p> <p>The Administration advised that –</p> <p>(a) it would be specified in the DWDF Regulation that the RCV equipment standards should meet the purposes to ensure safety, avoid nuisance, or danger to health or the environment, and prevent disruption to the operation of the facility, etc. The focus of enforcement was not on the particular measurements/specifications of the specified devices, but their suitability and working conditions to achieve the requisite purposes;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) under the one-off subsidy scheme to assist the waste transportation trade to retrofit their vehicles to meet the new equipment standards ("One-off Subsidy Scheme"), the Electrical and Mechanical Services Department ("EMSD") would consider and approve the retrofitting application from the RCV owner, as well as examine and certify the completed retrofitting works; and</p> <p>(c) the pilot scheme launched in August 2013 for the One-off Subsidy Scheme had confirmed that the new equipment standards were technically feasible and effective in avoiding nuisance.</p> <p>Mr MOK's further enquiry and suggestion –</p> <p>(a) whether EMSD's examination and certification of the RCV retrofitting works would be a requirement in the administrative guidelines; and</p> <p>(b) the Administration should consider making reference to the administrative guidelines in the DWDF Regulation to enhance the enforceability of the guidelines.</p> <p>The Administration advised that –</p> <p>(a) EMSD's examination and certification of RCV retrofitting works was part of the One-off Subsidy Scheme whereas the Environmental Protection Department ("EPD") would be responsible for enforcement of the standards/specifications set out in the DWDF Regulation and issuing the administrative guidelines; and</p> <p>(b) as RCVs varied widely in their designs, it would not be appropriate to stipulate the detailed technical specifications for all RCVs in the DWDF Regulation.</p> <p>Mr TONG expressed concern about the long-existing problem of illegal dumping from RCVs and suggested the Administration impose heavier penalty for the offence.</p> <p>The Administration responded that joint enforcement actions were taken by EPD and other relevant departments from time to time to combat illegal dumping of waste. The current penalty for offences against unauthorized disposal of waste or unlawful</p>	

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		<p>depositing of waste, i.e. a fine up to \$200,000, was sufficiently high.</p> <p>At the request of the Chairman, the Administration agreed to provide supplementary information in response to members' enquiries and suggestions above, including providing the administrative guidelines on the detailed technical specifications of the specified RCV devices.</p> <p>In reply to Mr MOK's enquiry on whether certain equipment standards should be provided for waste collection vessels, the Administration advised that MSW waste transported by sea would be compacted and delivered in fully enclosed containers on the waste collection vessels, which would not cause environmental nuisance.</p>	<p>The Administration to take actions as per paragraph 6(a) to (c) and (e) of the minutes.</p>
004345 – 004803	<p>Chairman Mr CHAN Chi-chuen Administration</p>	<p>Mr CHAN Chi-chuen enquired about the Administration's fallback arrangements for the Waste Diversion Plan and the complementary measures if the SENT Landfill Extension was not approved by the Finance Committee ("FC").</p> <p>The Administration advised that, if the SENT Landfill Extension was not approved, the Waste Diversion Plan would have to be thoroughly reviewed. As regards the One-off Subsidy Scheme, it had been approved by FC and would be implemented regardless of whether the SENT Landfill Extension was approved.</p> <p>At the request of Mr CHAN, the Administration agreed to provide information and relevant data on its assessment that the odour nuisance caused by the operation of the SENT Landfill had been reduced with the odour management measures implemented by EPD, as stated in paragraph 6 of the LegCo Brief.</p> <p>In reply to Mr CHAN, the Administration clarified that there was a typographical error in paragraph 18(a) of the Chinese version of the LegCo Brief, i.e. the construction waste that the SENT Landfill was designated to receive should contain <u>no more</u> (but not "no less") than 50% by weight of inert construction waste.</p>	<p>The Administration to take actions as per paragraph 7 of the minutes.</p>
004804 – 010225	<p>Chairman Ms Emily LAU Mr Tony TSE Administration</p>	<p>Ms Emily LAU criticized that the Administration had yet to tackle the problem of wastes falling from non-enclosed type of waste collection trucks onto the road in spite of Members' repeated expression of</p>	

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		<p>relevant concern in past years.</p> <p>Mr Tony TSE considered that the Administration should adopt a preventive approach to impose requirements on non-fully-enclosed type of waste collection trucks, in particular those carrying construction waste.</p> <p>The Chairman enquired whether waste collection trucks not fully enclosed in design would be phased out or retrofitted after the introduction of the statutory equipment standards for RCVs.</p> <p>The Administration advised that –</p> <ul style="list-style-type: none"> <li>(a) the new equipment standards applied only to RCVs of compaction type of design taking into account their potential nuisance (e.g. leachate dripping and odour) arising from waste compaction in these vehicles;</li> <li>(b) vehicles carrying waste/refuse to RTSs/landfills should be covered and the operators should fasten the bulky materials properly on their vehicles. The Administration could take enforcement actions if waste/refuse fell from the vehicles and cause nuisance to the environment; and</li> <li>(c) as there were different types of vehicles carrying wastes to RTSs/landfills, the Administration would need to thoroughly study the feasibility of imposing the requirement for all such vehicles to adopt a fully-enclosed type of design and to widely consult the trade if there was such a proposal.</li> </ul> <p>At the request of the Chairman, the Administration agreed to provide information on the improvement measures and enforcement actions to address environmental concerns arising from waste delivery (in particular construction waste) by vehicles of non-compaction or non-fully-enclosed type of design, and the difficulty to require all vehicles carrying waste to RTSs/landfills to adopt such design.</p> <p>Ms LAU was worried that, as the odour problem near the SENT Landfill still existed notwithstanding the Administration's odour management measures, waste diversion from the SENT Landfill might only shift the problem to other landfills.</p>	<p>The Administration to take actions as per paragraph 6(d) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that when the SENT Landfill received construction waste only, the odour concern in the Tseung Kwan O area arising from MSW deposited at the SENT Landfill could be largely removed. Odour issues arising from long haulage of RCVs would also be minimized with the implementation of the new equipment standards for RCVs and as more MSW would need to go through RTSs for compaction and bulk transfer in enclosed containers to other landfills under the Waste Diversion Plan.</p>	
010226 – 011124	Chairman Ms Cyd HO Administration	<p>Ms Cyd HO considered that the mere specification of the equipment standards in the DWDF Regulation could not ensure that the relevant devices would be used properly by the waste collectors. For instance, the waste collectors might fail to close the metal tailgate cover or cover the waste water sump tank. She enquired whether there were provisions to regulate against leachate dripping from RCVs.</p> <p>The Chairman enquired whether the liability for non-compliance with the RCV equipment standards and operation would be imposed on the RCV driver, the RCV owner or the waste collection company concerned.</p> <p>The Administration advised that EPD would take enforcement actions with regard to both the equipment standards of RCVs and their working conditions. The liability for non-compliance would be on the landfill/RTS user concerned.</p> <p>In reply to Ms HO, the Administration clarified that the 2 080 tpd of MSW currently received by the SENT Landfill was collected by FEHD/private waste collectors to the SENT Landfill direct <u>without</u> going through an RTS.</p>	
011125 – 011529	Chairman Dr Elizabeth QUAT Administration	<p>Members accepted the late application for membership by Dr Elizabeth QUAT.</p> <p>In reply to Dr QUAT, the Administration advised that the legislative measures under the Amendment Regulations were expected to be implemented in phases in 2014-2015. Their commencement dates would be appointed taking into account the progress of individual components of the Waste Diversion Plan (e.g. FC's approval of the SENT Landfill Extension, re-routing of waste collection services and progress of</p>	

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		RCV retrofitting scheme). The One-off Subsidy Scheme would be implemented irrespective of FC's approval of the SENT Landfill Extension.	
011530 – 011737	Chairman Administration	<p>The Chairman enquired about the plan and timeframe, if any, for requiring all landfilled MSW to go through an RTS for waste compaction before disposal.</p> <p>The Administration advised that the capacity of existing RTSs could only cope with the current demand and some of the RTSs had nearly reached their design capacity. The Administration would continue to promote the use of RTSs and study the feasibility of providing new RTSs (e.g. an RTS in the eastern region of Kowloon and the New Territories). The Administration agreed to provide supplementary information in response to the Chairman's enquiry.</p>	The Administration to take actions as per paragraph 5(d) of the minutes.
011738 – 011855	Chairman Dr Elizabeth QUAT Administration	In reply to Dr QUAT, the Administration advised that it was not required to expand the design capacity of STTS despite the opening up of STTS for private waste collectors and that such opening would not give rise to additional traffic or environmental concerns in the vicinity of STTS.	
011856 – 012346	Chairman	<p>Concluding remarks by the Chairman</p> <p>Invitation of public views</p> <p>Dates of next meetings</p>	