

立法會
Legislative Council

LC Paper No. CB(1)851/13-14
(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 meeting held on
Monday, 23 December 2013, at 4:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon WU Chi-wai, MH (Chairman)
Hon Cyd HO Sau-lan
Hon CHAN Hak-kan, JP
Hon Frankie YICK Chi-ming
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon POON Siu-ping, BBS, MH
Hon Tony TSE Wai-chuen

Members absent : Hon Emily LAU Wai-hing, JP
Hon Ronny TONG Ka-wah, SC
Hon Alice MAK Mei-kuen, JP
Dr Hon Elizabeth QUAT, JP

Public Officers attending : Agenda item I
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

Dr Ellen CHAN
Assistant Director of Environmental Protection
(Environmental Infrastructure)
Environmental Protection Department

Mr Lawrence LAU
Principal Environmental Protection Officer
(Waste Facilities)
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

Action

I Meeting with the Administration

- (LC Paper No. CB(1)581/13-14(01) — Letter dated 12 December 2013 from Legal Service Division to the Administration
- LC Paper No. CB(1)581/13-14(02) — Reply letter dated 20 December 2013 from the Administration to Legal Service Division
- LC Paper No. CB(1)581/13-14(03) — List of follow-up actions arising from the discussion at the meeting on 13 December 2013
- LC Paper No. CB(1)581/13-14(04) — Administration's response to the issues arising from the discussion

at the meeting on 13 December 2013)

Other relevant papers

- (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)

Discussion

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

Follow-up actions to be taken by the Administration

2. To address members' concerns about leachate dripping from refuse collection vehicles ("RCVs") or illegal discharge of leachate from RCVs to minimize disposal charges at refuse transfer stations ("RTSs"), the

Administration was requested to take the following actions –

Enforcement against leachate dripping from RCVs

- (a) regarding the 45 summonses issued in the past four months against dripping of leachate from RCVs in the vicinity of landfills under the joint enforcement actions taken by the Police, Food and Environmental Hygiene Department ("FEHD"), and Environmental Protection Department, to provide information on the respective number of summonses in which –
 - (i) the RCVs concerned were not installed with suitable or adequate equipment to avoid leachate dripping; and
 - (ii) the RCVs concerned were installed with the equipment to avoid leachate dripping but the RCV drivers/users did not use the equipment properly (e.g. failing to close the tailgate cover and cover the waste water sump tank);
- (b) to consider taking enforcement actions against nuisance caused by RCVs, such as leachate dripping or waste spattering, outside the vicinity of landfills along the major routes of RCVs in the territory;

Equipment of RCVs

- (c) to provide information on the estimated maximum volume of waste water that could be produced by waste compaction in a typical RCV of FEHD (or its contractors) fully carrying municipal solid waste;
- (d) to assess whether the suggested minimum sizes of waste water sump tanks for RCVs with different permitted gross vehicle weight in the draft "Guidelines on the Design and Construction of Metal Tailgate Cover and Waste Water Sump Tank installed on Refuse Collection Vehicle" (Annex A of LC Paper No. CB(1)581/13-14(04)) could accommodate the respective maximum volume of waste water that could be produced by waste compaction in RCVs;
- (i) to consider requiring RCVs to install/retrofit with devices to monitor the leachate level in their waste water sump tanks to avoid leachate overflow and dripping;

- (e) to provide information on the standards, if any, for the waste compaction devices of RCVs, such as the maximum proportion by which the waste could be compacted and reduced in size;

Charges of RTSs

- (f) to explain the rationale for setting the fee level of four RTSs (i.e. the Island East Transfer Station, Island West Transfer Station, West Kowloon Transfer Station and Shatin Transfer Station) at \$30 per tonne, including whether it had taken into account the potential impact on the private waste collection trade and the contractors of FEHD of the additional operating cost from longer haulage after re-routing their waste collection services as a result of the "Waste Diversion Plan" for the South East New Territories ("SENT") Landfill;
- (g) to explain the operation of the fee mechanism for disposal of waste at RTSs, including whether disposal of leachate from the waste water sump tank of RCVs at RTSs would be subject to disposal charges, and if so, how to address the concerns about illegal discharge of leachate from RCVs to minimize disposal charges;
- (h) to consider requiring RCVs to discharge their leachate before they were weighed upon entry to RTSs;
- (i) to provide information on the facilities where RCVs might discharge leachate properly outside RTSs en route to the landfills if RCVs did not discharge the leachate under carriage when going through an RTS; and to consider increasing the provision of such facilities;

Enhancing the facility of refuse collection points ("RCPs")

- (j) to provide information on the number of public RCPs which were equipped with waste compaction devices, and how the leachate produced from waste compaction was treated at or discharged from these RCPs; and
- (k) to consider the feasibility of providing waste compaction and leachate treatment/disposal facilities at RCPs as an option for RCVs to discharge leachate properly en route to RTSs/landfills.

Amendments to the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 ("DWDF Amendment Regulation")

3. The Administration was requested to provide the proposed amendments to the DWDF Amendment Regulation as set out in its written response (LC Paper No. CB(1)581/13-14(02)) to the letter dated 12 December 2013 from the Legal Service Division of the Legislative Council Secretariat.

(Post-meeting note: The Administration's written response was issued to members on 31 December 2013 vide LC Paper No. CB(1)639/13-14.)

Way forward

4. The Chairman concluded that the Subcommittee had in principle completed scrutiny of the two regulations. He suggested that the Administration's written response to members' concerns expressed at the meeting as mentioned above and new issues, if any, arising from the meeting with deputations should be dealt with at the next meeting. Members agreed.

II Any other business

Date of next meeting

5. The Chairman reminded members that the third meeting of the Subcommittee would be held on Thursday, 2 January 2014, at 2:30 pm to meet with deputations and the Administration.

6. There being no other business, the meeting ended at 5:50 pm.

Council Business Division 1
Legislative Council Secretariat
5 February 2014

**Proceedings of meeting of the
Subcommittee on Waste Disposal (Designated Waste Disposal Facility)
(Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station)
(Amendment) Regulation 2013
on Monday, 23 December 2013, at 4:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Meeting with the Administration			
000051 – 000133	Chairman	Introductory remarks	
000134 – 000500	Administration	Briefing by the Administration on its written response to the issues arising from the discussion at the meeting held on 13 December 2013 (LC Paper No. CB(1)581/13-14(04))	
000501 – 001519	Ms Cyd HO Chairman Administration	<p>Ms Cyd HO expressed concern that, although the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) ("DWDF Regulation") as amended would specify the new standard equipment for refuse collection vehicles ("RCVs"), it might not help regulate against improper use of the equipment by RCV drivers/users.</p> <p>The Administration advised that –</p> <ul style="list-style-type: none"> (a) prosecution against nuisance caused by RCVs (e.g. leachate dripping) could be initiated under the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132 sub. leg. BK); (b) enhanced enforcement actions had been undertaken jointly by the Police, Food and Environmental Hygiene Department ("FEHD"), and Environmental Protection Department ("EPD"). In the past four months, 45 summonses were issued against dripping of leachate in the vicinity of the three landfills; (c) the DWDF Regulation as amended would empower the Director of Environmental Protection ("DEP") to examine RCVs when they entered landfills/refuse transfer stations ("RTSs") for the purpose of enforcing the new RCV equipment standard; and (d) the Administration would continue to discuss with the waste transportation trade and step up education to promote compliance. 	

Time marker	Speaker	Subject(s)	Action required
		<p>At the request of Ms Cyd HO, the Administration agreed to provide information, if available, on the respective number of summonses issued in the past four months in which –</p> <ul style="list-style-type: none"> (a) the RCVs concerned were not installed with suitable or adequate equipment to avoid leachate dripping; and (b) the RCVs concerned were installed with the equipment to avoid leachate dripping but the RCV drivers/users did not use the equipment properly (e.g. failing to close the tailgate cover and cover the waste water sump tank). <p>The Chairman enquired about the operation of the fee mechanism for waste disposal at RTSs, including whether disposal of leachate from RCVs would be subject to charges.</p> <p>Ms Cyd HO suggested that RCVs should be required to discharge leachate before they were weighed upon entry to RTSs such that disposal of leachate would not be subject to charges.</p> <p>The Administration advised that –</p> <ul style="list-style-type: none"> (a) an RCV would be weighed when it entered and left an RTS, and the difference between the two weights would be used to calculate the disposal fees; and (b) RCV drivers could choose to discharge leachate from their RCVs, and if so, the difference in weight after disposal would be subject to charges. As the weight of leachate contained in a typical RCV waste water sump tank was relatively small vis-à-vis the vehicle weight, the disposal charge for leachate would not constitute a substantial economic incentive to encourage illegal leachate discharge. <p>The Administration agreed to provide supplementary information in response to the enquiries of the Chairman and Ms Cyd HO.</p>	<p>The Administration to take actions as per paragraph 2(a) of the minutes.</p> <p>The Administration to take actions as per paragraph 2(h) and (i) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
001520 – 002805	Chairman Mr Tony TSE Administration	<p>Mr Tony TSE's enquiries and suggestion –</p> <ul style="list-style-type: none"> (a) whether any standards were prescribed for waste compaction devices of RCVs; (b) the facilities where RCVs could discharge leachate properly outside RTSs en route to the landfills if they did not discharge the leachate under carriage when going through a RTS; (c) enforcement actions against nuisance caused by RCVs should also be taken outside the vicinity of RTSs/landfills as RCVs had to travel for a distance before they reached RTSs/landfills; (d) in determining the fee level of the four RTSs in question, whether the impact on the contractors of FEHD of the additional operating cost arising from longer haulage after re-routing had been taken into account; and (e) the rationale for building more RTSs in future in view of the strategy to reduce reliance on landfills for waste disposal in the long run. <p>The Administration advised that –</p> <ul style="list-style-type: none"> (a) currently there were no statutory standards for waste compaction devices of RCVs; (b) there were waste water disposal and treatment facilities at RTSs for RCVs to discharge leachate; (c) enforcement actions against nuisance caused by RCVs were mainly taken in the vicinity of RTSs/landfills where RCVs usually visited, having regard to a cost-effective deployment of enforcement manpower and resources; (d) FEHD would discuss with its contractors on the re-routing of waste collection services, and take into account increased operating costs, if any, in determining the new contract prices; and (e) the provision of an RTS in the eastern part of Kowloon and the New Territories, and as basic environmental infrastructure in new development areas would promote the use of RTSs for municipal solid waste ("MSW") collection and better serve local waste collection needs. These efforts would 	

Time marker	Speaker	Subject(s)	Action required
		<p>not compromise other ongoing initiatives to manage MSW.</p> <p>The Administration agreed to provide supplementary information in response to Mr Tony TSE's enquiries and suggestion above.</p>	<p>The Administration to take actions as per paragraph 2(b), (f), (g) and (j) of the minutes.</p>
002806 – 003613	Chairman Mr Frankie YICK Ms Cyd HO Administration	<p>Mr Frankie YICK expressed concern whether the unused capacity of the Shatin Transfer Station ("STTS") could accommodate the daily number of RCV trips of private waste collectors without causing long queues and adverse traffic impact on the vicinity.</p> <p>The Administration advised that FEHD would re-route its waste collection services to free up spare capacity in STTS which could accommodate about 19% of MSW diverted from the South East New Territories ("SENT") Landfill. As the design capacity of STTS would remain unchanged, the waste diversion measures would not adversely affect the traffic nearby.</p> <p>Ms Cyd HO expressed concern that RCV drivers/users might illegally discharge leachate in order to maximize the amount of MSW it could carry in a single trip to RTSs, if the waste water sump tanks were not large enough for storing the leachate.</p> <p>The Administration advised that the suggested sizes of waste water sump tanks for RCVs in the Draft Guidelines [Annex A to the Administration's paper (LC Paper No. CB(1)581/13-14(04))] were only the minimum requirements based on the discussion with the waste transportation trade. As observed, the trade inclined to install waste water sump tanks of sizes above the minimum requirements as far as possible, having regard to the payload of RCVs and the basic manpower costs for installing such tanks.</p> <p>At the request of Ms Cyd HO, the Administration agreed to –</p> <p>(a) provide information on the estimated maximum volume of waste water that could be produced by waste compaction in a typical RCV of FEHD (or its contractors) fully carrying MSW; and</p> <p>(b) assess whether the suggested minimum sizes of waste water sump tanks in the Draft Guidelines could accommodate the respective maximum</p>	<p>The Administration to take actions as per paragraph 2(c) and (d) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
		volume of waste water that could be produced by waste compaction in RCVs.	
003614 – 004113	Chairman Administration	Briefing by the Administration on its written response (LC Paper No. CB(1)581/13-14(02)) to the letter dated 12 December 2013 from the Legal Service Division of the Legislative Council Secretariat.	The Administration to take actions as per paragraph 3 of the minutes.
004114 – 004947	Chairman Mr Frankie YICK Administration	<p>Mr Frankie YICK relayed the suggestions from the waste transportation trade that the Administration should consider –</p> <p>(a) providing waste water treatment/disposal facilities at refuse collection points ("RCPs") as an option for RCVs to dispose leachate en route to RTSs/landfills; and</p> <p>(b) requiring RCVs to install/retrofit with devices to monitor the leachate level in their waste water sump tanks to avoid leachate overflow and dripping.</p> <p>The Chairman's enquiry and suggestion –</p> <p>(a) whether waste water treatment/disposal facilities were currently provided at RCPs; and</p> <p>(b) the number of RCPs equipped with waste compaction devices and whether the Administration would consider providing waste compaction devices at more RCPs.</p> <p>The Administration advised that –</p> <p>(a) at present, RCPs were not equipped with leachate treatment/disposal facilities;</p> <p>(b) while some RCPs were installed with waste compaction devices, the compaction achieved was relatively weaker than that at RTSs; and</p> <p>(c) EPD would discuss with the Electrical and Mechanical Services Department about the suggestion to retrofit RCVs with leachate-level monitoring devices.</p> <p>The Administration agreed to provide supplementary information in response to members' enquiries and</p>	<p>The Administration to take actions as per paragraph 2(e), (k) and (l) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
		suggestions above.	
<i>Clause-by-clause examination of the regulations</i>			
004948 – 005229	Chairman Mr Tony TSE Administration	<p><u>Waste Disposal (Refuse Transfer Station)(Amendment) Regulation 2013 (L.N. 189)</u></p> <p><i>Section 1 – Commencement</i></p> <p><i>Section 2 – Waste Disposal (Refuse Transfer Station) Regulation amended</i></p> <p><i>Section 3 – Schedule amended (charges for disposal of waste at refuse transfer stations)</i></p> <p>Mr Tony TSE enquired about the rationale for setting the fee level of four RTSs, namely, STTS, Island West Transfer Station, Island East Transfer Station and West Kowloon Transfer Station, at \$30 per tonne, and whether it had taken into account the potential cost impact on the private waste collection trade arising from longer haulage after re-routing.</p> <p>The Chairman stressed that the fee should be set at a level conducive to the objective of optimizing the use of RTSs.</p> <p>The Administration advised that –</p> <p>(a) setting the fee for the four RTSs in question at the same rate of \$30 per tonne was meant to encourage private waste collectors to use RTSs based on proximity of RTSs to the waste sources, and not the difference in the levels of RTS fees;</p> <p>(b) a further reduction in the fee level to below \$30 per tonne would lead to skewed utilization of the four RTSs, and adverse traffic impact in their vicinity; and</p> <p>(c) the Administration would keep in view the RTS fee level in light of implementation of the "Waste Diversion Plan" and utilization of individual RTSs in future.</p>	
005930 – 010109	Chairman Mr Frankie YICK Administration	Mr Frankie YICK remarked that the main concern of the waste transportation trade was not the fee levels of RTSs, but the potential rise in the total operating costs (e.g. fuel and tunnel fees) as a result of longer haulage and additional RCV routes/trips after waste diversion	

Time marker	Speaker	Subject(s)	Action required
		and re-routing.	
010110 – 010910	Chairman Administration Mr POON Siu-ping	<p><u>Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 (L.N. 188)</u></p> <p><i>Section 1 – Commencement</i></p> <p><i>Section 2 – Waste Disposal (Designated Waste Disposal Facility) Regulation amended</i></p> <p><i>Section 3 – Section 3A amended (facilities that accept construction waste)</i></p> <p>Mr POON Siu-ping enquired how the Administration could ensure that the waste to be accepted by the SENT Landfill in future would only be construction waste containing the specified contents of inert materials, and the actions to be taken if private waste collectors disposed construction waste together with MSW at the SENT Landfill.</p> <p>The Administration advised that –</p> <p>(a) construction waste was defined as any substance, matter or thing that was generated from construction work and abandoned. Under section 3A(3) of the DWDF Regulation, DEP should give notice in the Gazette of the criteria adopted from time to time to determine whether any waste fell within a type of construction waste specified in column 3 of Schedule 2 to the DWDF Regulation;</p> <p>(b) under the Construction Waste Disposal Charging Scheme, landfills could only accept construction waste having not more than 50% by weight of inert materials. Contractors of EPD would check the contents of construction waste received by landfills, including their percentage of inert materials; and</p> <p>(c) as disposal of construction waste at landfills would be subject to a charge of \$125 per tonne whereas MSW would not, there would not be any economic incentive for the waste collection trade to mix them for disposal at the SENT Landfill.</p>	
010911 – 011910	Chairman Administration Mr Frankie YICK	<p><i>Section 4 – Section 3B added</i></p> <p>In response to the Chairman, the Administration advised that the obligation for RCV to be equipped or</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>retrofitted with the standard equipment was on the RCV owner whereas the liability against non-compliance with the operation and working conditions of RCV equipment would be on the landfill/RTS users concerned, i.e. the RCV drivers.</p> <p>Mr Frankie YICK considered it appropriate to impose liability on RCV drivers as it was the drivers who drove RCVs into the RTSs/landfills.</p> <p><i>Section 5 – Section 4 amended (powers of Director)</i></p> <p><i>Section 6 – Schedule 1 amended (designated waste disposal facilities)</i></p> <p><i>Section 7 – Schedule 2 amended (types of construction waste accepted at designated waste disposal facilities)</i></p>	
011910 – 012122	Chairman	<p>Completion of scrutiny of the two regulations and way forward</p> <p>Date of next meeting</p>	