

立法會
Legislative Council

LC Paper No. CB(1)989/13-14
(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
Thursday, 2 January 2014, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon WU Chi-wai, MH (Chairman)
Hon Emily LAU Wai-hing, JP
Hon Cyd HO Sau-lan
Hon Charles Peter MOK
Hon Alice MAK Mei-kuen, JP
Hon POON Siu-ping, BBS, MH
Dr Hon Elizabeth QUAT, JP
Hon Tony TSE Wai-chuen

Members absent : Hon Ronny TONG Ka-wah, SC
Hon CHAN Hak-kan, JP
Hon Frankie YICK Chi-ming
Hon CHAN Chi-chuen

Public Officers attending : Agenda item I
Mr Howard CHAN, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

Dr Ellen CHAN
Assistant Director of Environmental Protection
(Environmental Infrastructure)
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 Alan CHONG
Senior Government Counsel
Department of Justice

Attendance by invitation : Agenda item I

Civic Party

Mr Andy YU
District Developer

反對擴建將軍澳堆填區關注組

Mr Timothy CHUI
召集人

Hong Kong Waste Disposal Industry Association
Limited

Mr Thomas TAM
Chairman

Construction Industry Council

Mr Ivan KO
Manager - Council Services

Individual

Mr SIU Tak-hung

Individual

龍春秀女士

Environmental Contractors Management
Association

Miss Catherine YAN
President

The Hong Kong Association of Property
Management Co., Ltd

Mr Gary YEUNG Man-kai
Hon Secretary

Green Council

Ms Patricia CHUNG
Chief Operating Officer

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

I Meeting with deputations and the Administration

Submissions from deputations not attending the meeting

- (LC Paper No. CB(1)608/13-14(02) — Submission from Business Environment Council
- LC Paper No. CB(1)608/13-14(03) — Submission from Hong Kong Construction Association
- LC Paper No. CB(1)639/13-14(02) — Submission from The Hong Kong Institution of Engineers)

Meeting with the Administration

- (LC Paper No. CB(1)639/13-14(03) — List of follow-up actions arising from the discussion at the meeting on 23 December 2013
- LC Paper No. CB(1)639/13-14(04) — Administration's response to the issues arising from the discussion at the meeting on 23 December 2013
- 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
- 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))

The Chairman reminded the deputations that their written submissions provided to the Subcommittee and views presented at the meeting would not be covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

Discussion

2. The deputations presented their views on the two amendment regulations and the Subcommittee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

3. To address concerns raised by members and deputations at the meeting, the Administration was requested to take the following actions –

Charges of refuse transfer stations ("RTSs")

- (a) to compare the impact on the utilization of RTSs and the operating costs of the private waste collection trade under the RTS fee reduction vis-à-vis fee abolition for all RTSs suggested by some members of the trade;

- (b) to advise whether the Administration would consider abolishing RTS fees to minimize the impact of waste diversion on the operating costs of the private waste collection trade, and if not, the reasons;
- (c) to address the concern that the potential increase in the operating costs of the private waste collection trade as a result of waste diversion from the South East New Territories ("SENT") Landfill (which did not charge fees for disposal of municipal solid waste ("MSW")) to fee-charging RTSs might render the business of small operators unsustainable or force the operators to pass the increased cost onto the affected waste collection service users;

Operation of RTSs

- (d) to compare the waiting time of refuse collection vehicles ("RCVs") for disposing MSW at the SENT Landfill before waste diversion and at RTSs (e.g. at the West Kowloon Transfer Station ("WKTS")) after waste diversion;
- (e) to address concerns raised by RTS users about the long waiting time during peak hours at RTSs, in particular at WKTS, and advise –
 - (i) the Administration's assessment whether the situation might deteriorate after implementation of waste diversion and the RTS fee reduction;
 - (ii) how the facilities and operation of RTSs would be enhanced to shorten the waiting time; and
 - (iii) the feasibility to extend the opening hours of RTSs;

Transitional arrangements for the implementation of the "Waste Diversion Plan" and reduction of RTS fees

- (f) to provide information on the transitional arrangements for the implementation of waste diversion, including the outcome of relevant consultation with the private waste collection trade, with a view to allowing adequate time for the trade to –
 - (i) discuss with their clients (e.g. building management committees or owners' corporations) about the impact on the

operating costs and contract prices for renewal of waste collection service contracts; and

- (ii) retrofit their RCVs with the new equipment under the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) as added by the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013;

Liability for non-compliance in relation to the new RCV equipment requirements

- (g) to clarify whether enforcement (the offence in relation to non-compliance of the new RCV equipment requirements would be framed to) take into account the actual circumstances to determine the party to be liable (i.e. RCV owners or RCV drivers/users if they were not the same parties), in particular whether RCV owners (who were not the RCV drivers/users or RTS/landfill users) would be liable for penalty if they failed to install the specified equipment for their RCVs.

(Post-meeting note: The Administration's written response (LC Paper No. CB(1)689/13-14(02)) was issued to members on 7 and 8 January 2014 vide LC Paper Nos. CB(1)689/13-14 (English version) and CB(1)695/13-14 (Chinese version) respectively.)

II Any other business

Date of next meeting

- 4. Members agreed to hold a meeting to follow up the Administration's response to the issues raised by members and deputations at the meeting.

(Post-meeting note: A meeting was scheduled for 9 January 2014, at 9:00 am and the notice of meeting was issued to members vide LC Paper No. CB(1)659/13-14 on 3 January 2014.)

- 5. There being no other business, the meeting ended at 4:35 pm.

**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 Thursday, 2 January 2014, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000110 – 000219	Chairman	Opening remarks	
Meeting with deputations and the Administration			
000220 – 000632	Chairman Civic Party ("CP")	<p>Presentation of views by CP which considered that the Government should –</p> <p>(a) impose levy per household based on the weight of waste with a view to reducing waste, and consider related measures such as mandating the use of pre-paid waste disposal bags by waste producers;</p> <p>(b) implement measures to reduce food waste, e.g. mandatory food waste recovery, providing incentives for the setting up of food banks, and restricting landfills from accepting food waste;</p> <p>(c) enhance existing measures to recover and reuse recyclable waste and provide related land and facility support; and</p> <p>(d) accord priority to environmental products in Government procurement and encourage the private sector to use recycled materials in making products.</p>	
000633 – 001031	Chairman 反對擴建將軍澳堆填區關注組	<p>Presentation of views by 反對擴建將軍澳堆填區關注組 –</p> <p>(a) the Government should not extend the South East New Territories ("SENT") Landfill and to set a time for its closure;</p> <p>(b) the designation of the SENT Landfill to receive construction waste only would not mitigate the environmental and traffic impact on the vicinity as refuse collection vehicles ("RCVs") would still travel to the area for disposal of construction waste; and</p>	

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		(c) the Government should manage municipal solid waste ("MSW") in a more holistic manner, in particular on source separation of waste for recovery and recycling.	
001032 – 001421	Chairman Hong Kong Waste Disposal Industry Association ("HKWDIA")	Presentation of views by HKWDIA (LC Paper No. CB(1)608/13-14(01)) HKWDIA supported the Government's one-off subsidy scheme for retrofitting RCVs with the new equipment, and urged the Government to further discuss with the waste collection trade the transitional arrangements for diverting MSW from the SENT Landfill.	
001422 – 001854	Chairman Construction Industry Council ("CIC")	Presentation of views by CIC– (a) the Government should ensure a smooth transition to implement the measures under the two amendment regulations, taking into account the terms of existing works contracts in relation to dump sites, as well as the adequacy of public facilities for disposal of waste diverted from the SENT Landfill; and (b) CIC had conducted various initiatives and consultancy studies to promote good construction practices for waste reduction (e.g. building information modeling, prefabrication construction process and using green/recycled materials).	
001855 – 002231	Chairman Mr SIU Tak-hung	Presentation of views by Mr SIU Tak-hung – (a) diversion of waste from the SENT Landfill (which did not charge disposal fees) to fee-charging refuse transfer stations ("RTSs") or to other landfills farther away from the waste source would increase the operating costs on the private waste collection trade; (b) as the West Kowloon Transfer Station ("WKTS") had nearly reached its design capacity, it might not be able to cope with the additional waste diverted from the SENT Landfill and the waiting time for disposal at WKTS would increase; and	

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		(c) the Government should consider abolishing fees for all RTSs.	
002232 – 002356	Chairman 龍春秀女士	<p>Presentation of views by 龍春秀女士–</p> <p>(a) waste diversion from the SENT Landfill to fee-charging RTSs might render the business of small and medium-sized waste collectors unviable; and</p> <p>(b) the Government should consider abolishing fees for all RTSs and extending the opening hours of RTSs.</p>	
002357 – 002800	Chairman Environmental Contractors Management Association ("ECMA")	<p>Presentation of views by ECMA (LC Paper No. CB(1)639/13-14(01))</p> <p>The major views of ECMA were –</p> <p>(a) the Government should assess and mitigate the potential environmental and traffic impact on RTSs and landfills after waste diversion from the SENT Landfill;</p> <p>(b) the facilities of RTSs and landfills should be sufficiently enhanced to handle additional waste after diversion;</p> <p>(c) RTS fees should be abolished; and</p> <p>(d) ECMA supported the new equipment standard requirements for RCVs, but did not agree that RCV drivers should be solely liable for penalty for non-compliance.</p>	
002801 – 003051	Chairman The Hong Kong Association of Property Management Co., Ltd ("HKAPM")	<p>Presentation of views by HKAPM–</p> <p>(a) supported the designation of the SENT Landfill to accept only construction waste;</p> <p>(b) the Government should step up efforts in the separation of waste at source, the extension of existing landfills and building incineration facilities for waste treatment;</p> <p>(c) waste diversion should be carefully implemented to minimize adverse impact on the operating costs and service quality of</p>	

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		<p>the waste collection trade; and</p> <p>(d) the Government should speed up and provide adequate subsidy for RCV retrofitting works.</p>	
003052 – 004419	Chairman Administration	<p>The Administration's consolidated responses to the deputations' views and suggestions –</p> <p>(a) the "Hong Kong: Blueprint for sustainable use of resources for 2013-2022" released in May 2013 had mapped out a comprehensive strategy, targets and action plans for waste management in the coming 10 years, and waste diversion from the SENT Landfill was only one of the measures;</p> <p>(b) the implementation of waste diversion would minimize odour and other environmental nuisance caused by the operation of the SENT Landfill to its vicinity;</p> <p>(c) in view that the remaining capacity of the three existing landfills would soon be exhausted, it was necessary to seek for their extension and develop waste-to-energy facility in parallel;</p> <p>(d) commencement of waste diversion would be subject to the approval of the SENT Landfill extension by the Legislative Council, and the Administration would take into account a reasonable lead time for re-routing and sorting out contractual arrangements of the Food and Environmental Hygiene Department ("FEHD")/private waste collection services. Commencement of the equipment standard requirements for RCVs would proceed separately; and</p> <p>(e) the reduction of the rates of RTSs to the lowest existing fee level of RTSs represented a reasonable approach in balancing the practical considerations of mitigating the impacts on private waste collectors and upholding the "polluter pays" principle.</p>	

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004420 – 005201	Chairman Ms Emily LAU Administration	<p>Ms Emily LAU requested the Administration to consider abolishing RTS fees and extending the opening hours of RTSs.</p> <p>The Chairman enquired about the comparison of the waiting time for disposal at RTSs and the SENT Landfill.</p> <p>The Administration advised that –</p> <ul style="list-style-type: none"> (a) currently, most of the RTSs opened 16 hours per day to receive waste and this should facilitate the use by the trade; (b) during the peak hours at WKTS, the waiting time was about 20 to 25 minutes for all vehicles before they were allowed to pass through the in-bound weighbridge, which was about the same as the vehicle turnaround time at the SENT Landfill; (c) apart from WKTS, there was no queuing problem outside RTSs. The waiting time at WKTS would be reduced after FEHD's RCVs currently using WKTS were diverted to other RTSs/landfills, and completion of enhancement/modification works for WKTS; and (d) fee abolition for all RTSs would attract other private waste collectors to use RTSs located near the population centres and business areas to the extent that their design capacity would be exceeded thus causing queuing and other problems to the facilities. 	
005202 – 010230	Chairman Mr POON Siu-ping Mr Tony TSE HKWDIA ECMA Administration	<p>Mr POON Siu-ping requested the Administration to clarify whether RCV owner or driver should be held liable for non-compliance of RCV equipment standards.</p> <p>Mr Tony TSE opined that enforcement actions should be taken against the RCV owner or driver as appropriate in light of the actual circumstances of each individual case.</p> <p>HKWDIA considered that the liabilities in question should take into account that fact that the parties responsible for retrofitting RCVs with the specified equipment, its daily</p>	

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		<p>maintenance and operation would vary with the mode of business operation of individual waste collector. Both the RCV owner and driver should bear the respective responsibilities as appropriate.</p> <p>ECMA considered it a responsibility of RCV owners to install and maintain the specified equipment in good conditions, and the legal burden should not be taken up by the driver.</p> <p>The Administration advised that under the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 ("DWDF Amendment Regulation"), users of waste disposal facilities would commit an offence if their RCV vehicles driven into landfills/RTSs did not conform with the equipment standard requirements. The provision did not make a distinction of liabilities for RCV owner or driver.</p>	
010231– 011043	Chairman Mr Tony TSE Dr Elizabeth QUAT Administration	<p>Mr Tony TSE said that the Administration should consider the appropriateness of reducing the RTS fees by taking into account the impact on the operating costs of waste collection trade after waste diversion, and whether more RCVs would be attracted to particular RTSs due to lower fees.</p> <p>Dr Elizabeth QUAT expressed concern about the remaining capacity of RTSs, WKTS in particular, to cope with additional MSW.</p> <p>The Chairman enquired how the additional MSW diverted from the SENT Landfill would be taken up by RTSs/landfills.</p> <p>The Administration explained the re-routing of FEHD waste collection services and the estimated utilization of RTSs by FEHD/private waste collectors after waste diversion and RTS fee reduction, as set out in LC Paper No. CB(1)581/13-14(04).</p>	
011044 – 011434	Chairman Dr Elizabeth QUAT Ms Emily LAU HKWDIA ECMA	<p>In reply to Dr Elizabeth QUAT, HKWDIA and ECMA explained the operation of the private waste collection trade and pointed out that waste from commercial establishments (in particular restaurants) was usually collected in</p>	

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	Administration	<p>the evening hours and disposed at RTSs the next morning, which would therefore likely clash with the arrivals of RCVs from FEHD during the peak hours (8:00 am to 2:00 pm).</p> <p>Ms Emily LAU urged the Administration to liaise with FEHD and the trade for better coordination of RCV arrivals at RTSs.</p> <p>The Administration undertook to follow up Ms LAU's suggestion.</p>	
011435 – 013207	Chairman Ms Emily LAU Dr Elizabeth QUAT HKWDIA ECMA Administration	<p>Ms Emily LAU considered that the Administration should explore the abolition of RTS fees so that the increased operating costs of the waste collection trade would not be passed onto the public after waste diversion.</p> <p>Dr Elizabeth QUAT expressed concern about a double levy if waste producers had to pay the weight-based levy on waste in future in addition to RTS fees.</p> <p>In reply to Ms Emily LAU and Dr Elizabeth QUAT, HKWDIA and ECMA advised that –</p> <p>(a) abolition of RTS fees would be an incentive for the trade to dispose waste at RTSs nearest to the waste sources; and</p> <p>(b) the Administration might prescribe a "grace period" exempting the trade from RTS fees so that the trade could have time to adjust their routes and vary the terms of contracts with their clients after waste diversion.</p> <p>The Administration advised that –</p> <p>(a) the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 did not include a grace period. However, the Administration might consider opening up the Shatin Transfer Station ("STTS") for route familiarization by the private trade before waste diversion; and</p> <p>(b) RTS fee abolition was inappropriate taking into account the "polluter pays" principle, the remaining capacity of RTSs, possible deterioration of queuing problem at the</p>	

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		<p>more popular RTSs, potential diversion of waste from sources not affected by the Waste Diversion Plan to WKTS.</p> <p>The Chairman requested the Administration to provide a written response to the issues raised by the deputations and members at the meeting.</p>	<p>The Administration to take actions as per paragraph 3(b) to (g) of the minutes.</p>
013208 – 013857	Chairman Administration	<p>Briefing by the Administration on its written response to issues arising from the discussion at the meeting held on 23 December 2013</p> <p>(LC Paper No. CB(1)639/13-14(04))</p>	
013858 – 015234	Chairman Ms Emily LAU Ms Cyd HO Dr Elizabeth QUAT Administration	<p>In reply to Ms Emily LAU, Ms Cyd HO and Dr Elizabeth QUAT's requests, the Administration undertook to discuss with the private waste collection trade on the transitional arrangements, and take into account the progress of private waste collection trade's re-routing and contract variation in deciding the commencement date of the legislative amendments.</p> <p>The Chairman requested the Administration to compare the impact on the utilization of RTSs and the operating costs of the private waste collection trade under the RTS fee reduction vis-à-vis fee abolition for all RTSs.</p>	<p>The Administration to take actions as per paragraph 3(a) of the minutes.</p>
015235 – 015352	Chairman Ms Cyd HO	<p>Members agreed in principle on the Administration's proposed amendments to the DWDF Amendment Regulation set out in LC Paper No. CB(1)665/13-14(01), subject to the advice, if any, from the legal adviser to the Subcommittee on their legal and drafting aspects.</p>	
015353 – 020106	Chairman Ms Emily LAU Ms Cyd HO Administration	<p>Legislative timetable and follow-up arrangements on issues arising from the meeting</p> <p>Date of next meeting</p>	