

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

This note provides the supplementary information requested by the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 at its third meeting on 2 January 2014.

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 proposed by the Administration vis-à-vis fee abolition for all RTSs suggested by some members of the trade;*

The decision to use which waste disposal facilities is a commercial decision of the private waste collectors and it may vary depending on the location of their clients, the delivery time, charging of the facilities concerned and other relevant factors. It is very difficult to predict with high degree of reliability the relative impacts on utilization of RTSs under the two scenarios of RTS fee reduction as proposed by the Administration vis-à-vis proposed fee abolition for all RTSs as suggested by some members of the trades. However we consider it is likely that if fees of RTSs were abolished, those RTSs located near the population centres and business areas would attract more private waste collectors to the extent that their design capacity would be exceeded thus causing queuing problems to the facilities. These are likely to be the RTSs at West Kowloon, Shatin and North West New Territories. The consequential traffic and environmental impacts may lead to complaints from the communities in the vicinity in addition to the operation of the RTSs concerned. Apart from these practical issues, in principle we do not support the proposed fee abolition as it is contradictory to the polluter pays principle which is an essential waste reduction principle we should uphold. Deviating from this principle will have serious adverse impact on the waste reduction initiatives/programmes being pursued including the proposed implementation of municipal solid waste charging in the territory. Furthermore, many private waste collectors are already using RTSs, which shows that the current RTS fees are not unacceptable. The current proposal of the Administration to reduce

the rates of RTSs to the lowest existing fee level of RTSs represents a reasonable approach in balancing the practical considerations of mitigating the impacts to private collectors due to the imminent need of waste diversion upon exhaustion of the SENT Landfill or its change to receive only construction waste and upholding the principle of polluter pays.

- (b) *to advise whether the Administration will consider abolishing RTS fees to minimize the impact of waste diversion on the operating costs of private waste collection trade, and if not, the reasons;*

The overall impacts on the operating costs of private waste collectors will vary according to the operating conditions of the collectors. For example the location of their clients, the routing of waste collection and delivery, the sizes of the loads per trip are all relevant. To illustrate the complexity in estimating the costing implications, we have performed an estimate of indicative cost comparison of waste diversion from the SENT Landfill to other RTSs on the basis of an average payload of about 5 tonnes using three waste routes collecting from Hong Kong Island, Kowloon east and Kowloon central. For the case of waste collected in areas on Hong Kong Island by the private waste collector, it is expected that the waste delivery cost to the two RTSs located on Hong Kong Island will likely be marginally reduced (\$6 per tonne lower) than that delivered to the SENT Landfill when the RTS fees at these 2 RTSs is reduced to \$30 per tonne. For the case of waste collected in Kowloon central areas, it is anticipated that the waste delivery cost to the WKTS will be slightly increased (\$4 per tonne higher) in comparison with the delivery cost to the SENT Landfill. For the case of waste collected in Kowloon east areas, it is anticipated that the waste delivery cost to the STTS will be increased to a greater extent (some \$17 per tonne higher) when compared to the delivery to the SENT Landfill. However, there will be savings gained from transportation and disposal time, which could result in savings in other operational aspects although the actual extent could be worked out by the operators individually in view of the clients' locations. Overall speaking, provided that we could allow sufficient time for the private waste collectors to re-organize their collection routes and to notify the clients in adjusting the necessary waste collection fees to reflect the latest development, the assessment indicates that the change of operating costs is not commercially unviable.

- (c) *to address the concern that the potential increase in the operating costs of private waste collection trade as a result of waste diversion from the South East New Territories ("SENT") Landfill (which does not charge fees for disposal of municipal solid waste ("MSW")) to fee-charging RTSs may render the business of small operators unsustainable or force the operators to pass the increased cost onto the affected waste collection service users;*

Upon the designation of SENT Landfill to receive construction waste only and implementation of the Waste Diversion Plan, private waste collectors may need to adjust their collection schedules, collection routes as well as make necessary contract variation to their existing refuse collection contracts with their clients. We understand that a reasonable lead time is required for all these arrangements to be made and we would allow sufficient time for the trade to make the necessary preparation.

We note that some private waste collectors are currently not using any RTS service. These waste collectors do not have registered accounts under the existing RTS charging scheme and may not be familiar with the RTS operation. We are currently undertaking a survey to collect more information about these waste collectors. We will pay particular attention in assisting new RTS users in understanding the operation arrangement of RTSs and the RTS charging scheme by providing briefing sessions, service hotline, RTS site visits and/or familiarization programme to new users as necessary.

Upon obtaining the Legislative Council's approval, we intend to commence the implementation of the Waste Disposal (Refuse Transfer Station) Amendment Regulation 2013 at an earlier time for private waste collectors to enjoy the adjusted fees and to get used to using the appropriate RTS, as soon as the existing FEHD users have been diverted. During this transitional period, private waste collectors can choose to continue with their existing practice of delivering the waste directly to SENT Landfill or use the RTS facilities. This transitional period will allow the trade sufficient time to make the necessary arrangement. Nevertheless we encourage the trade to use the RTS service as early as possible because transporting the waste in bulk helps reduce traffic and vehicle emissions caused by long haulage of waste.

We will continue to liaise closely with the trade in drawing up the details of the waste diversion arrangements so as to ensure a smooth

implementation of the proposed Waste Diversion Plan. In addition, the Government will take a proactive role in publicizing the need for this waste diversion, such as issuing public notice and distributing leaflets, to facilitate the trade operators to liaise with their clients in adjusting the necessary waste collection fees to reflect the latest development.

#### Operation of RTSs

- (d) *to compare the time of refuse collection vehicles ("RCVs") waiting 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;*

For RTSs involved in this Waste Diversion Plan (i.e. WKTS, IETS, IWTS and STTS), the vehicle turnaround time (i.e. the time between passing through the in-bound and out-bound weighbridges) during peak or non-peak hours is in the range from 6 minutes to 15 minutes. For the SENT Landfill, it is about 20 to 22 minutes.

At present, apart from WKTS, there is no queuing problem outside the RTSs. As our proposed Waste Diversion Plan will aim at maintaining the total daily throughput within the design handling capacity of the concerned RTSs, we therefore do not anticipate that the situation will be adversely affected after its implementation. In the case of WKTS, we observe that most of the RCVs from FEHD arrive at the station during peak hours from 8:00 am to 2:00 pm. As such, during this period of time, there is a waiting time in the order of 20 to 25 minutes for all other vehicles before they are allowed to pass through the in-bound weighbridge. Under the proposed Waste Diversion Plan, FEHD's RCVs currently using WKTS are diverted to other RTSs/landfills and therefore it is anticipated that the peak hour traffic will be reduced to a great extent and thereby the waiting time will be shortened considerably. Furthermore, we are now implementing refurbishment and modification works at the WKTS to enhance the operational efficiency and overall performance of the RTS including the mitigation of the long waiting time.

RCVs currently using the SENT Landfill could benefit from the proposed Waste Diversion Plan. As indicated above, the total time for waste disposal at SENT Landfill is about 25 minutes, including a turnaround time of 20-22 minutes and 1-2 minutes waiting time before passing through the in-bound weighbridge. This is

comparatively longer than that at RTSs due to the longer travel distance from the weighbridge to the waste tipping location. Therefore, for those RCVs utilizing the RTS service under the proposed Waste Diversion Plan, we expect that they will achieve some time saving for their waste disposal operation.

(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 may deteriorate after implementation of waste diversion and the RTS fee reduction proposal;*

Please see explanations to item (d) above.

(ii) *how the facilities and operation of RTSs will be enhanced to shorten the waiting time; and*

As explained above, apart from WKTS, there is no queuing problem outside the RTSs. For the case at WKTS, enhancement and modification works are currently in progress in refurbishing waste handling equipment including the moving floors, compactors, cranes and the vessels. It is anticipated that these works will be significantly completed in the next several months and the operation will be further enhanced in the coming summer months.

At present, the WKTS contractor has also implemented some extra measures to shorten the queuing time, including the use of additional waste loaders at the tipping hall to increase the efficiency for waste handling and compaction before transfer. In addition, to facilitate the WKTS users, the contractor has implemented an SMS system to alert account users and FEHD when a long queuing time is expected so that they can consider going to other waste disposal facilities or using the facility at other non-peak hours.

(iii) *the feasibility to extend the operating hours of RTSs;*

In accordance with the Waste Disposal (Refuse Transfer Station) Regulation, Cap. 354M, an RTS may open for use by registered private waste collectors between 7:30 am and 11:30

pm. Currently most of the RTSs provide waste reception service for 16 hours per day, which are longer than the opening hours of the three landfills. Extending the operating hours of RTSs may bring additional traffic noise impact to the neighbouring communities of the station around midnight. In balancing the usage of RTSs and the possible nuisance, we consider that the existing operating hours of RTSs should remain.

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

*(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 service users (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*

Please see the responses to item (c) above.

*(ii) retrofit their RCVs with the new equipment to be specified in the Waste Disposal (Designated Waste Disposal Facility) Regulation;*

To help the waste collection trade to meet the proposed equipment standards of RCVs, a one-off subsidy scheme for private RCV owners to retrofit their vehicles will be launched later this month. We will take into account the progress of retrofitting works in the above subsidy scheme before appointing the commencement date of the amended regulation concerning the equipment standards of RCVs by notice in the Gazette separately.

Liability of non-compliance in relation to the new RCV equipment standards

*(g) to clarify whether enforcement will take into account the actual circumstances to determine the liable party (i.e. RCV owner or*

***RCV driver/user if they are not the same parties) in relation to non-compliance of the new RCV equipment standard, in particular whether RCV owners (who are not the RCV drivers/users or RTS/landfill users) will be liable for penalty if they failed to install the specified equipment for their RCVs.***

Under section 3B(2), if a person drives an RCV into a landfill or a refuse transfer station, the vehicle must conform with the equipment standard requirement. It follows that under the current proposal, only an RCV driver will commit an offence for contravening section 3B(2). Whether he is also the owner of the RCV concerned is irrelevant.

At the last two meetings, the Subcommittee discussed whether any person other than the RCV driver should instead be liable for contravention of section 3B(2). We consider it inappropriate to impose liability on the owner of an RCV. In practice, an RCV owner may not actually operate the waste collection business and therefore may not necessarily be the user of the relevant designated waste disposal facilities. That said, we would give due consideration to the views of individual Members and deputation and subject to the consensus of the Subcommittee in this regard, would be prepared to consider adjusting the offence provision to the effect that

- (a) if the RCV driver is acting on the instructions of his employer, then the employer rather than the RCV driver will be the person who commits an offence;
- (b) to better cater for unintended non-compliance (for example unexpected failure of the specified devices), the RCV driver or his employer may have a “due diligence” defence when charged for contravention of section 3B(2).

Subject to confirmation that the above reflects the Subcommittee’s consensus, we will propose the amendments at **Annex A**.

Environmental Protection Department  
7 January 2014

---

**Waste Disposal (Designated Waste Disposal Facility)  
(Amendment) Regulation 2013**

L.N. 188 of 2013

**Proposed amendment to new section 3B (back-up version for discussion  
by LegCo Subcommittee if required)**

**4. Section 3B added**

After section 3A—

**Add**

**“3B. Requirements for particular vehicles**

- (1) This section applies to a vehicle equipped with devices specifically designed for—
  - (a) loading household waste or trade waste (or both); and
  - (b) compacting household waste or trade waste (or both).
- (2) If a person drives the vehicle into any of the designated waste disposal facilities specified in items 1, 2, 3 and 5 to 18 in column 2 of Schedule 1 (*specified facility*), the vehicle must conform with the requirement in subsection (3).
- (3) The requirement is—
  - (a) the vehicle must be equipped with—
    - (i) a metal tailgate cover; and
    - (ii) a waste water sump tank;



- 
- (b) the construction of the cover and the tank must be suitable for—
- (i) ensuring safety to all persons present at the specified facility;
  - (ii) avoiding any nuisance, or any danger to health or the environment, arising from any activity in the specified facility; and
  - (iii) preventing disruption to the operation of the specified facility, or any relevant activity in the specified facility; and
- (c) the cover and the tank must be in good working condition.
- (4) If subsection (2) is contravened, the ~~driver of the vehicle~~following person commits an offence and is liable to a fine at level 6. —
- (a) (if the driver of the vehicle drives the vehicle into the specified facility on the instructions of the driver’s employer) the employer; or
- (b) (in any other case) the driver of the vehicle.
- (5) It is a defence for a person charged under subsection (4) to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”.