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

**Background brief
prepared by the Legislative Council Secretariat**

Purpose

1. This paper provides background information on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 ("the DWDF Amendment Regulation") and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 ("the RTS Amendment Regulation"), and gives a brief account of the views and concerns expressed by Members on the "Waste Diversion Plan" ("the WDP") for the Southeast New Territories ("SENT") Landfill and other complementary measures to facilitate the diversion of waste through the existing waste collection system and minimize the consequential traffic and environmental impacts.

Background

2. Hong Kong relies principally on landfills to treat its waste. At present, municipal solid waste ("MSW") (comprising domestic waste as well as commercial and industrial waste) is collected, transferred and disposed of at the three strategic landfills, namely, the SENT Landfill in Tseung Kwan O ("TKO"), the Northeast New Territories ("NENT") Landfill at Ta Kwu Ling, and the West New Territories ("WENT") Landfill at Nim Wan. The Government anticipates that the remaining capacities of the SENT Landfill, the NENT Landfill and the WENT Landfill will be exhausted one by one by 2019 if waste levels continue to increase at the present rate.

3. In May 2013, the Environment Bureau issued the document "Hong Kong: Blueprint for Sustainable Use of Resources 2013-2022" ("the Action Blueprint"), which maps out strategies, targets, policies and action plans for waste management for the coming 10 years. As the SENT Landfill will be exhausted by the end of 2015, the Government considers that timely extension of the landfill is crucial as an integral part of Hong Kong's waste management strategy set out in the Action Blueprint.

The Waste Diversion Plan

4. Amongst the three strategic landfills, the SENT Landfill is the closest to major residential developments. As TKO develops and newly erected residential buildings have become increasingly close to the SENT Landfill, there were more local complaints about the environmental nuisance caused by the operation of the SENT Landfill. To address TKO residents' concerns on air quality, odour and dust arising from the operation of the SENT Landfill, the Government has proposed the WDP under which MSW will be diverted away from the SENT Landfill.

The SENT Landfill to receive construction waste only

5. The WDP comprises the designation of the SENT Landfill to receive only construction waste by amending the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) ("the DWDF Regulation") and other complementary measures as set out below to ensure that the diverted MSW can be properly handled in the existing waste collection system and minimize any potential traffic and environmental impact arising from such diversion.

Refuse Transfer Stations to receive more MSW diverted from the SENT Landfill

6. At present, most of the MSW going through the seven refuse transfer stations ("RTSs") (where waste is compacted for bulk transfer) is collected by the Food and Environmental Hygiene Department ("FEHD"). To achieve the proposed waste diversion, FEHD is arranging to deliver some MSW it collects to the NENT Landfill direct without going through the RTS network. FEHD will also re-route its existing MSW collection services such that when the SENT Landfill ceases to accept MSW, more FEHD-collected MSW will go through the North Lantau Transfer Station, the Island East Transfer Station ("IETS") and the Island West Transfer Station ("IWTS"). With these measures, more RTS capacity (mainly at the West Kowloon Transfer Station ("WKTS") and some at the Sha Tin Transfer Station ("STTS")) will be available to handle the MSW diverted from the SENT Landfill.

7. Amongst the seven RTSs, STTS is the only one exclusively used by FEHD and its contractors. To mobilize the spare capacity of STTS, the Government has proposed to amend the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M) to open up STTS for use by private waste collectors ("PWCs"). To provide the necessary incentives to PWCs for using the RTSs which serves the most affected areas when the SENT Landfill ceases to receive MSW (i.e. WKTS, STTS, IETS and IWTS), the Government has proposed to charge a low fee at \$30 per tonne, which is the current fee level of WKTS and the lowest in the RTS system, for these four RTSs.

Retrofitting of refuse collection vehicles

8. To address complaints from the local community about the odour arising from the unsatisfactory hygienic conditions of some refuse collection vehicles ("RCVs"), the Government has proposed to amend the DWDF Regulation to require all RCVs used for delivering waste to landfills, RTSs and any other new designated waste disposal facilities to be equipped with a metal tailgate cover and a waste water sump tank for more effective avoidance of nuisance arising from their operations. On 15 November 2013, the Finance Committee approved the funding application of \$18.8 million for providing a one-off subsidy to assist private RCV owners to retrofit their vehicles for meeting the new equipment standards.

The Amendment Regulations

9. The DWDF Amendment Regulation seeks to –
- (a) specify the SENT Landfill as a designated waste disposal facility accepting only construction waste of a specified type; and
 - (b) require RCVs entering certain designated waste disposal facilities to be equipped with a metal tailgate cover and a waste water sump tank that comply with specific standards.
10. The RTS Amendment Regulation seeks to –
- (a) reduce the charges for the disposal of waste at IETS and IWTS; and
 - (b) open up STTS for use by PWCs at a fee.

Deliberation by the Panel on Environmental Affairs

11. The Panel on Environmental Affairs ("the Panel") discussed the proposal to designate the SENT landfill to receive construction waste only on 27 May 2013. The Panel was consulted on the administrative and legislative measures relating to the WDP for the SENT Landfill at its meeting on 28 October 2013. The major concerns raised by members on the proposed waste diversion and the complementary measures are summarized in the ensuing paragraphs.

12. On the designation of the SENT Landfill for the reception of only construction waste, some members 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 NENT Landfill and the WENT Landfill as these two landfills would have to shoulder a higher share of odorous waste. There were also concerns about the traffic and environmental impacts as some RCVs would have to travel a longer distance to deliver waste to the NENT and WENT Landfills when the SENT Landfill ceased to receive MSW.

13. As regards the use of RTSs, some members were concerned about the increased operating costs of PWCs 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 the RTS service. They opined that the Administration should review the RTS charging strategy to attract more PWCs to use the RTS service to reduce the volume of MWS. The Administration should also set up more refuse collection points with waste compaction equipment in different districts. Some other members expressed concern about the adequacy of the RTSs' capacities to cope with the sudden increase in the quantities of waste going through the RTS network. They urged for the provision of more RTSs in various districts for receiving and compacting MSW before it was transferred to landfills for disposal.

14. While members generally supported the retrofitting of RCVs to enhance their environmental performance, they urged the Administration to closely monitor the retrofitting process to ensure that all private RCVs would meet the proposed equipment standard. The Administration should also consider developing a set of technical specifications for RCVs for compliance by the waste collection trade in the long run. There were also views that more efforts should be made to maximize the service lives of the three landfills through waste reduction and recycling. Education and promotion programmes should be launched to enhance public awareness of proper waste management. A member suggested that the Administration should consider setting up on-site food waste treatment facilities in residential estates to reduce the odorous smell and size of food waste before delivery to landfills.

Latest development

15. The DWDF Amendment Regulation and the RTS Amendment Regulation were gazetted on 29 November 2013 and tabled in the Council on 4 December 2013. At the House Committee meeting on 6 December 2013, Members agreed that a subcommittee should be formed to examine the two Amendment Regulations.

Relevant papers

16. A list of relevant papers is set out in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
12 December 2013

Appendix

List of relevant papers

Council/ Committee	Date of meeting	Paper
Panel on Environmental Affairs	27 May 2013	<p>Administration's paper on "Environmental infrastructure projects (a) 5163DR: Northeast New Territories landfill extension (b) 5164DR: Southeast New Territories landfill extension (c) 5165DR: West New Territories landfill extension" (LC Paper No. CB(1)1079/12-13(01)) http://www.legco.gov.hk/yr12-13/english/panels/ea/papers/ea0527cb1-1079-1-e.pdf</p> <p>Background brief on "Extension of landfills" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1079/12-13(02)) http://www.legco.gov.hk/yr12-13/english/panels/ea/papers/ea0527cb1-1079-2-e.pdf</p> <p>Minutes of meeting (LC Paper No. CB(1)1536/12-13) http://www.legco.gov.hk/yr12-13/english/panels/ea/minutes/ea20130527.pdf</p>
Panel on Environmental Affairs	28 October 2013	<p>Administration's paper on "Administrative and Legislative Measures Relating to the 'Waste Diversion Plan' for the Southeast New Territories Landfill" (LC Paper No. CB(1)107/13-14(03)) http://www.legco.gov.hk/yr13-14/english/panels/ea/papers/ea1028cb1-107-3-e.pdf</p> <p>Background brief on "Legislative amendments relating to the 'Waste Diversion Plan' for the Southeast New Territories Landfill" prepared by the Legislative Council Secretariat (LC Paper No. CB(1)107/13-14(04)) http://www.legco.gov.hk/yr13-14/english/panels/ea/papers/ea1028cb1-107-4-e.pdf</p>

Council/ Committee	Date of meeting	Paper
Legislative Council	4 December 2013	<p>Legislative Council Brief on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013" issued by the Environment Bureau/Environment Protection Department on 29 November 2013 (File Ref: (7) in EP CR 9/150/38)</p> <p>http://www.legco.gov.hk/yr13-14/english/subleg/brief/188_189_brf.pdf</p>