

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

This note sets out the Administration's response to the letter of the Legal Service Division of the Legislative Council Secretariat dated 12 December 2013 on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 ("DWDF Amendment Regulation").

Section 3 of the DWDF Amendment Regulation

In the Chinese text of section 3A(2) of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L), “第3” appears twice. Please amend the Chinese text of section 3 of the Regulation so that it is the first “第3” in section 3A(2) of Cap. 354L to be repealed.

2. We will prepare the relevant amendment accordingly.

Section 4 of the DWDF Amendment Regulation

(a) New Section 3B(1) of Cap. 354L

Please clarify whether a vehicle which is equipped with devices designed for loading and compacting any waste (including household waste or trade waste) generally is a vehicle equipped with devices specifically designed for loading and compacting household waste or trade waste. Further, is there any vehicle which is only equipped with devices specifically designed for loading household waste or trade waste (or both) without also compacting such waste?

3. There are different types of vehicles that are used for the collection of waste. Our proposal to introduce equipment standard requirements applies specifically to those that are commonly known as refuse collection vehicles ("RCVs"). These RCVs are purpose-built vehicles for the collection of municipal solid waste, i.e. household waste and/or trade waste. They are characterized as having been equipped with (i) loading devices to load garbage from the collection bins and (ii) compactors to reduce waste volume, therefore enhancing cost effectiveness in their operation.

4. Whether section 3B(1) applies to a particular vehicle depends on (i) whether the vehicle is equipped with loading and compacting devices and (ii) whether the loading and compacting devices are specifically designed for handling household waste and/or trade waste. In case a vehicle is equipped with loading and compacting devices, section 3B(1) will apply if the devices are specifically designed for the handling of household waste and/or trade waste. Whether it may also handle any other waste is not relevant.

5. On the other hand, for enhanced cost effectiveness in their operation, RCVs would be equipped with compacting devices for bulk reduction thus enabling the same vehicle to carry more waste in each collection trip. We are not aware of any waste collectors employing, for purposes served by RCVs, collection vehicles that are only equipped with devices specifically designed for loading household waste and/or trade waste without also compacting such waste.

(b) New Section 3B(2) of Cap. 354L

This new provision only applies to those vehicles that are driven into any of the designated waste disposal facilities specified in items 1, 2, 3 and 5 to 18 in column 2 of Schedule 1. Please explain the policy reason(s) for not including those designated waste disposal facilities specified in other items in column 2 of Schedule 1.

6. Designated waste disposal facilities to which the new section 3B(2) does not apply include (i) Chemical Waste Treatment Centre (cf. Item 4), which handles chemical waste and clinical waste; and (ii) other construction waste handling facilities, including two sorting facilities (cf. Item 19 and 20), two fill banks (cf. Item 21 and 22) and three barging points (cf. Item 23, 25 and 27) and public fill reception facility (cf. Item 26). These facilities are not relevant to this exercise since the new equipment standard requirements will apply to RCVs which collect household waste and/or trade waste and will not use them.

Section 5(3) of the DWDF Amendment Regulation

Should “the requirements in this Regulation” under new section 4(2)(e) of Cap. 354L rather be “the requirement in section 3B(3)”?

7. There is no need for amendment as the provision is to empower the Director to ensure that a vehicle within or entering or leaving a

designated waste disposal facility does comply with any requirements applicable under Cap. 354L. There is no need to just refer to the new section 3B(3) of Cap. 354L.

Sections 5(4) and (5) of the DWDF Amendment Regulation

As “第(2)(a)至(d)款” appears twice in the Chinese text of section 4(4)(a) of Cap. 354L, please amend the Chinese text of section 5(4) of the Regulation so as to repeal “第(2)(a)至(d)款” in section 4(4)(a) of Cap. 354L wherever appearing.

8. We will prepare the relevant amendment accordingly.

Please make similar amendment to the Chinese text of section 5(5) of the Regulation as “第(2)(c)或(d)款” also appears twice in the Chinese text of section 4(4)(b) of Cap. 354L.

9. We will prepare the relevant amendment accordingly.

Section 7 of the DWDF Amendment Regulation

Paragraphs (a) and (b) of both the English and Chinese texts to be inserted into item 1 of Schedule 2 to Cap. 354L seem to be out of alignment. Please clarify.

10. Paragraphs (a) and (b) of both the English and Chinese texts to be inserted into item 1 of Schedule 2 to Cap. 354L are actually in alignment. The impression that they are not so is merely caused by the open quotation mark appearing before paragraph (a). After the DWDF Amendment Regulation is enacted, those two paragraphs will be inserted into item 1 in alignment.

**Environmental Protection Department
December 2013**