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Paper for the House Committee meeting on 23 January 2015

Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice

Purpose

This paper reports on the deliberations of the Subcommittee on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 (L.N. 154 of 2014) and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice (L.N. 155 of 2014) ("the Commencement Notices").

Background

2. The Southeast New Territories ("SENT") Landfill, located in Tseung Kwan O ("TKO"), currently accepts municipal solid waste ("MSW"), construction waste and other special wastes (such as sewage sludge). According to the Administration, there have been continuous complaints from the local community about the environmental nuisance caused by the operation of the SENT Landfill in recent years, with odour being a major subject of dissatisfaction. In view of the growing number of residential buildings in TKO, the Administration considers that the use of the SENT Landfill should be changed to accept construction waste only so that the odour arising from MSW and other wastes could be removed at root.

3. Against the above background, the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (L.N. 188 of

2013) and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (L.N. 189 of 2013) ("the Amendment Regulations") were gazetted on 29 November 2013 and tabled at the Legislative Council ("LegCo") meeting of 4 December 2013. The Amendment Regulations aim to implement a package of legislative measures to ensure that MSW diverted from the SENT Landfill would be properly handled by the network of refuse transfer stations ("RTSs")¹ and that any potential traffic and environmental impact could be minimized. Taking into account the views of the LegCo Subcommittee on the Amendment Regulations, the Administration proposed certain amendments to L.N. 188 of 2013 (see paragraph 5).

The Amendment Regulations

4. L.N. 188 of 2013 amends the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L) —

- (a) to require refuse collection vehicles ("RCVs") driven into a specified landfill or RTS to be equipped with a metal tailgate cover and a waste water sump tank which comply with certain specified standards, and to empower the Director of Environmental Protection ("DEP") to examine such RCVs to check whether they meet the relevant requirements; and
- (b) to specify the SENT Landfill as a designated waste disposal facility which accepts only construction waste of a specified type² so that the SENT Landfill will no longer accept MSW or other wastes.

5. By a resolution made and passed by LegCo on 22 January 2014 (L.N. 13 of 2014), L.N. 188 of 2013 has been amended in respect of, *inter alia*, the driver's or his employer's liability for non-compliance with the retrofitting requirements in relation to RCVs.

¹ Refuse transfer station is a facility that compacts MSW for bulk transfer. There are currently six RTSs, being West Kowloon Transfer Station, Shatin Transfer Station, Island West Transfer Station, Island East Transfer Station, North Lantau Transfer Station and Northwest New Territories Transfer Station and seven Outlying Islands Transfer Facilities. They are located in different parts of the territory forming a network that helps to achieve a balanced distribution of facilities for the transfer of MSW in bulk to the landfills.

² Construction waste containing not more than 50% by weight of inert construction waste, i.e. rock, rubble, boulder, earth, soil, sand, concrete, asphalt, brick, tile, masonry or used bentonite.

6. L.N. 189 of 2013 amends the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M) —

- (a) to open Shatin Transfer Station ("STTS") for use by private waste collectors³;
- (b) to prescribe the charges for the disposal of waste at STTS; and
- (c) to reduce the charges for the disposal of waste at Island East Transfer Station and Island West Transfer Station to the same levels as those for STTS and West Kowloon Transfer Station ("WKTS").

The Commencement Notices

7. To bring into effect the relevant provisions of the Amendment Regulations, the Commencement Notices, i.e. L.N. 154 of 2014 and L.N. 155 of 2014, were gazetted on 12 December 2014 and tabled at the LegCo meeting of 17 December 2014.

8. By L.N. 154 of 2014, the Secretary for the Environment ("SEN") appoints 1 April 2015 as the day on which L.N. 188 of 2013 (except sections 3 and 7) comes into operation. Consequently, with effect from 1 April 2015, RCVs entering a specified landfill or RTS are to be equipped with the devices referred to in paragraph 4(a) above and DEP will be able to conduct compliance checks on such RCVs. However, the designation of the SENT Landfill to accept only construction waste as mentioned in paragraph 4(b) above will come into operation at a later date to be appointed by SEN when the refuse transfer system is ready to receive MSW diverted from the SENT Landfill and the waste collection trade has adjusted to using other RTSs including WKTS and STTS.

9. By L.N. 155 of 2014, SEN appoints 1 March 2015 as the day on which L.N. 189 of 2013 comes into operation. Accordingly, all the measures regarding RTSs referred to in paragraph 6 above are to come into operation on 1 March 2015.

³ STTS currently only serves the Food and Environmental Hygiene Department and its contractors. The STTS was recommended to be opened for use by private waste collectors to supplement the existing RTSs which are already opened to them as an alternative waste disposal facility to the SENT Landfill and help address the demand for disposal facility in the eastern part of the territory.

The Subcommittee

10. At the House Committee meeting held on 19 December 2014, Members agreed to form a Subcommittee to study the Commencement Notices. The membership list of the Subcommittee is in **Appendix**.

11. Under the chairmanship of Hon Cyd HO Sau-lan, the Subcommittee has held one meeting on 9 January 2015 with the Administration to examine the Commencement Notices.

12. To allow sufficient time for the Subcommittee to compile a report to the House Committee, a resolution was passed at the Council meeting of 14 January 2015 to extend the scrutiny period to 4 February 2015.

Deliberations of the Subcommittee

13. The Subcommittee supports the appointment of the dates specified in the two Commencement Notices for bringing into operation the legislative measures for the diversion of MSW from the SENT Landfill for the proper handling of the diverted MSW. During the scrutiny of the Commencement Notices, the Subcommittee has examined the progress of the implementation of waste diversion from the SENT Landfill and various related matters.

Progress of waste diversion from the SENT Landfill

14. Members note that sections 3 and 7 of the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (L.N. 188 of 2013), which specify the SENT Landfill as a designated waste disposal facility that accepts only construction waste of a specified type and will no longer accept MSW or other wastes, are not covered in the Commencement Notices. The Administration has indicated that these provisions would come into operation towards the end of 2015 after the completion of the planned re-routing by the Food and Environmental Health Department ("FEHD") of its collection services to make available more RTS capacity at WKTS and STTS to cope with MSW to be diverted from the SENT Landfill, and subject to satisfactory progress of the diversion preparatory work.

15. Some members have enquired whether it is possible for the SENT Landfill to stop receiving MSW within the current LegCo session, whereas some other members have expressed concern that private waste

collectors should be allowed sufficient time to prepare for the requirements before the Amendment Regulations come fully into operation. Members consider that the waste collection trade needs adequate time to re-route their waste collection services and to discuss with service users the impact on the operating costs and to negotiate the contract terms for renewal of waste collection service contracts.

16. The Administration has advised that FEHD has started re-routing its refuse collection service to make available more RTS capacity at WKTS and STTS to cope with MSW to be diverted from the SENT Landfill. The Administration expects that even if FEHD is able to complete the re-routing arrangements by mid-2015, the waste collection trade will need a further few months to adjust to using WKTS and STTS or other designated waste facilities. To ensure smooth implementation of the waste diversion under the Amendment Regulations, the Administration considers it appropriate to separately appoint a date closer to end-2015 for the SENT Landfill to cease accepting MSW subject to satisfactory progress of the diversion preparatory work. Meanwhile, the computer system in STTS has been upgraded and minor improvement works have been completed so that the transfer station could receive waste from private collectors starting from 1 March 2015.

17. The Administration has further advised that it will continue to maintain close and regular liaison with the waste collection trade. The Administration has previously indicated to the trade that it would seek funding approval from the Finance Committee ("FC") for the extension of the SENT Landfill. When FC has approved the funding proposal, the Administration would then make arrangement for the remaining provisions of the Amendment Regulations to come into effect after a period of time when the trade has had reasonable time to make the necessary adjustment to their operations.

18. FC approved the funding proposal for the extension of the SENT Landfill on 5 December 2014, and the Administration would soon meet with the waste collection trade again to remind them to expedite arrangements to adjust their waste collection routes. Depending on the progress in the re-routing of waste collection service and adjustment of contract terms, the Administration intends to gazette a commencement notice before the end of the current LegCo session to specify a date around end-2015 on which the part of the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 that specifies the SENT Landfill as a designated disposal facility to accept only construction waste will come into operation.

19. The Administration has undertaken to report to the Panel on Environmental Affairs on the progress on the various measures under the waste diversion plan before the commencement notice referred to in paragraph 18 was gazetted and tabled in LegCo.

Retrofitting of RCVs

20. The Chairman has expressed concern about whether private waste collectors are able to complete retrofitting of all the RCVs with metal tailgate covers and waste water sump tanks by 1 April 2015 when RCVs entering a specified landfill or RTS will have to be equipped with these devices as specified under L.N. 154 of 2014 and whether the Administration has any contingency measures in case the retrofitting works are not completed by then.

21. The Administration has assured the Subcommittee that since only about 22 RCVs were still in the process of being retrofitted with the specified metal tailgate covers and waste water sump tanks as of early January 2015, it expects that all works will be completed before the commencement date of 1 April 2015.

Utilization of landfill gas

22. Some members consider that the Administration should maximize the use of landfill gas from landfills, whether for electricity generation or conversion to heat.

23. The Administration has explained that landfill gas is constantly being collected from landfills and flared if not completely used. The landfill gas from the SENT Landfill, after treatment, would be converted to synthetic natural gas and fed into the Hong Kong and China Gas Company Limited's supply grid at the Tseng Lan Shue Offtake Station. This would help reduce carbon emissions arising from the flaring of unused landfill gas. Similar arrangement has been made to maximize the use of surplus landfill gas from the Northeast New Territories Landfill. The Administration will continue to liaise with the gas and power companies on the possible use of surplus landfill gas from the West New Territories ("WENT") Landfill.

Recovery and recycling of wood waste

24. Some members consider that when the SENT Landfill ceases to

accept MSW, the Administration should make arrangements for wood waste currently disposed of at the SENT Landfill to be delivered to the wood recycler in the EcoPark rather than to other landfills for disposal. They have suggested that legislative or administrative measures should be introduced to make wood waste separation and recovery mandatory, and that the Administration should enlist assistance from relevant trade associations to promote such efforts.

25. The Administration has advised it has received positive response from major wood waste producers and collectors to its appeals to them to separate wooden pallets at source and deliver these materials direct to the EcoPark or other suitable recyclers for processing. The Administration also advised that it was prepared to transfer waste wooden pallets from WKTS to the pier at the WENT Landfill in Nim Wan for collection by any interested recyclers including the EcoPark wood waste recycler for further processing.

Recommendation

26. The Subcommittee raises no objection to the two Commencement Notices. The Subcommittee does not propose any amendment.

Advice sought

27. Members are invited to note the deliberations of the Subcommittee as set out above.

Council Business Division 1
Legislative Council Secretariat
21 January 2015

**Subcommittee on Waste Disposal (Designated Waste Disposal Facility)
(Amendment) Regulation 2013 (Commencement) Notice 2014 and
Waste Disposal (Refuse Transfer Station) (Amendment) Regulation
2013 (Commencement) Notice**

Membership list

Chairman Hon Cyd HO Sau-lan, JP

Members Hon CHAN Hak-kan, JP
Hon Frankie YICK Chi-ming
Dr Hon Kenneth CHAN Ka-lok
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

(Total : 9 members)

Clerk Mr Derek LO

Legal Adviser Mr Bonny LOO