

# 立法會 *Legislative Council*

LC Paper No. CB(1)995/14-15(07)

Ref: CB1/PL/EA

## **Panel on Environmental Affairs**

**Meeting on 22 June 2015**

### **Background brief on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2015 prepared by the Legislative Council Secretariat**

#### **Purpose**

This paper provides background information on the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 (Commencement) Notice 2015 which relates to the waste diversion plan for the Southeast New Territories Landfill ("SENT Landfill"). It also gives a summary of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo") in the legislative sessions 2013-2014 and 2014-2015.

#### **Background**

2. The SENT Landfill<sup>1</sup>, located in Tseung Kwan O ("TKO"), currently accepts municipal solid waste ("MSW")<sup>2</sup>, construction waste<sup>3</sup> and other special wastes including sewage sludge. 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

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<sup>1</sup> The SENT Landfill is one of the three strategic landfills in Hong Kong, with the other two being the Northeast New Territories Landfill and the West New Territories Landfill located in Ta Kwu Ling and Nim Wan respectively.

<sup>2</sup> MSW comprises domestic waste as well as commercial and industrial waste.

<sup>3</sup> Construction waste is defined under the Waste Disposal Ordinance (Cap. 354) and Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N) to mean waste generated from construction works and abandoned. Construction waste can be classified as inert wastes (e.g. rock, rubble, soil, sand and concrete) and non-inert wastes (e.g. bamboo, timber and packaging waste). The law also clearly stipulates that construction waste should not contain any chemical waste, including asbestos.

dissatisfaction. As the SENT Landfill is closest to residential areas among the three strategic landfills in Hong Kong, and 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 only construction waste, so that the odour arising from MSW and other wastes could be removed at root from the landfill.

### Waste diversion plan for the SENT Landfill

3. To implement waste diversion from the SENT Landfill, the Administration devised a package of measures to ensure that the MSW diverted from the SENT Landfill can be properly handled by the network of refuse transfer stations ("RTSs")<sup>4</sup> and any potential traffic and environmental impact could be minimized ("the Waste Diversion Plan").

4. On 22 January 2014, the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (collectively "the Amendment Regulations") were passed by LegCo to make the necessary legislative amendments for implementing the following measures under the Waste Diversion Plan –

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

- (a) to specify the SENT Landfill as a designated waste disposal facility which accepted only construction waste of a specified type<sup>5</sup> so that the SENT Landfill would no longer accept MSW or other wastes;
- (b) to require refuse collection vehicles ("RCVs") to be driven into a specified landfill or RTS to be equipped with a metal tailgate cover and a waste water sump tank which complied with certain specified standard<sup>6</sup> to minimize leachate and odour from RCVs, and to empower the Director of Environmental Protection to examine such RCVs to check whether they met the relevant requirements;

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<sup>4</sup> RTS is a facility that compacts MSW for bulk transfer. There are currently seven RTSs, being West Kowloon Transfer Station, Shatin Transfer Station ("STTS"), Island West Transfer Station, Island East Transfer Station, North Lantau Transfer Station, Northwest New Territories Transfer Station and 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 waste in bulk to the landfills.

<sup>5</sup> Construction waste containing not more than 50% by weight of inert construction waste.

<sup>6</sup> The Environmental Protection Department ("EPD") has launched a Subsidy Scheme for Retrofitting Refuse Collection Vehicles in January 2014 to subsidize all private RCV owners in Hong Kong to install the specified devices.

*Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013*

- (c) to open STTS for use by private waste collectors<sup>7</sup>;
- (d) to prescribe charges for the disposal of waste at STTS; and
- (e) 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<sup>8</sup>.

5. The Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice (collectively "Commencement Notices")<sup>9</sup> were passed by LegCo on 4 February 2015 to appoint the dates of effecting most of the provisions of the Amendment Regulations. Accordingly, the requirement for RCVs entering a specified landfill or RTS to be equipped with the devices referred to in paragraph 4(b) above has taken effect from 1 April 2015, whereas all the measures regarding RTSs in paragraphs 4(c) to (e) have come into operation from 1 March 2015.

6. According to the Administration, the date of designation of the SENT Landfill to accept only construction waste will be prescribed by a notice (i.e. the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 (Commencement) Notice 2015) to be gazetted subject to readiness of the refuse transfer system to receive MSW diverted from the SENT Landfill and adjustment of the waste collection trade to using certain RTSs for waste diversion.

### **Members' views and concerns**

7. The Panel on Environmental Affairs ("the Panel") was consulted on the package of measures under the Waste Diversion Plan at the meeting on 28 October 2013, and received updates on the progress of related work and the

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<sup>7</sup> Previously STTS only served the Food and Environmental Hygiene Department ("FEHD") and its contractors. The STTS was recommended to be opened for use by private waste collectors to supplement the existing RTSs which were 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.

<sup>8</sup> Reducing the waste handling charges of the specified RTSs was to address the concern that RCVs might not use the service of RTSs if the charges were high, and to maximize the utilization of RTSs to tie in with the Waste Diversion Plan.

<sup>9</sup> The Commencement Notices were gazetted on 12 December 2014 and tabled before LegCo on 17 December 2014.

proposed commencement dates of the relevant provisions of the Amendment Regulations at the meeting on 27 October 2014. Related issues were also discussed at the meetings of the respective subcommittees formed to study the Amendment Regulations and the Commencement Notices. The major views and concerns expressed by members of the Panel and the subcommittees are highlighted in the ensuing paragraphs.

#### Timing for implementing waste diversion

8. While some Members considered that the SENT Landfill should be stopped from receiving MSW as early as possible, some other Members emphasized that private waste collectors should be allowed sufficient time to prepare for the waste diversion. In particular, adequate time should be given for the trade to re-route their waste collection services, discuss with service users the impact on the operating costs and negotiate the contract terms for renewal of waste collection service contracts.

9. The Administration advised that FEHD would be able to complete re-routing of its refuse collection service by mid 2015 to make available more RTS capacity at the RTSs where practicable so as to cope with MSW to be diverted from the SENT Landfill. However, it would take some more months for private waste collectors to adjust to using RTSs or other designated waste facilities. The Administration would continue to liaise with the trade and remind them to expedite the arrangements. The Administration would appoint a date closer to end 2015 for the SENT Landfill to cease accepting MSW subject to satisfactory progress of the diversion preparatory work.

10. The Administration further advised that it had been adopting a multi-pronged approach to reduce environmental impacts arising from the SENT Landfill on the local community. For instance, it would optimize marine routing for fill transportation so as to reduce the number of dump trucks running in TKO. Besides, after the Sludge Treatment Facility in Tuen Mun had come into operation by 2015<sup>10</sup>, sludge transported to the SENT Landfill would be reduced progressively before the landfill commenced to receive construction waste only.

#### Potential traffic and environmental impacts arising from waste diversion

11. There were concerns from Members that after the SENT Landfill had been designated to receive only construction waste, the other two landfills would have to shoulder a higher share of odorous waste. There would also be

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<sup>10</sup> According to the Administration, the first phase of construction works of the sludge treatment facility was substantially completed in October 2014. Testing and commissioning of the first phase was completed and operation is targeted to be in the first half of 2015. The construction and commissioning of the second phase will complete in 2016-2017.

nuisance and potential traffic impacts due to transportation of the diverted waste over a longer distance to the two landfills. The Administration advised that the waste diverted from the SENT Landfill would be delivered to RTSs for compaction and onward transportation to other landfills, which would significantly minimize the problems of odour during transportation, and the waste collection trade would be encouraged to maximize their use of RTSs. It was also expected that after FEHD had completed the planned diversion, the traffic flow of RTSs at peak hours would be reduced.

12. On Members' concerns about the environmental nuisances caused by the construction trucks carrying dusty load to the SENT Landfill, the Administration advised that EPD would remind the construction trade of the need to adopt adequate measures to prevent dust nuisance in construction sites. In addition, EPD, the Hong Kong Police Force and FEHD would jointly conduct regular blitz operations by setting up road blocks at the roads leading to landfills to check the RCVs and dump trucks passing by. Closed-circuit televisions had also been installed at black spots to deter fly-tipping.

13. Members noted that TKO residents were worried about the toxicity of the construction waste to be deposited in the SENT Landfill. The Administration explained that construction waste was well defined under the existing legislation clearly stipulating that construction waste should not contain any chemical waste, including asbestos. Under the Construction Waste Charging Scheme, records were kept on the disposal of construction waste and spot checks were made on waste loads. As the engagement of registered qualified asbestos professionals was mandatory for the demolition of building structures with asbestos-containing materials, it was unlikely that asbestos would be mixed with other construction waste for disposal at landfills.

#### Capacity of STTS and provision of more RTSs

14. Some Members queried whether the capacity of STTS could accommodate the increased quantities of waste to be delivered by private waste collectors. There was a suggestion that the Administration should increase the provision of RTSs. The Administration advised that each RTS had its own design capacity and the MSW diverted from the SENT Landfill would only take up the unused capacity of STTS. Besides, FEHD was re-routing its refuse collection services to deliver more FEHD-collected MSW to other waste treatment facilities, thereby making available more capacity at STTS to handle the MSW diverted from the SENT Landfill.

#### Impact on the waste collection trade

15. As private waste collectors would have to arrange additional refuse collection routes to transport MSW diverted from the SENT Landfill to other

landfills and pay a charge if they chose to use the service of RTSs, some Members conveyed concerns about the potential increase in the operating costs of the waste collection trade as a result of waste diversion. The Administration advised that FEHD had been discussing with its contractors who would be affected by the waste diversion the future arrangements for their waste collection services, and was prepared to assist them in making the necessary adjustments to their RCV routes and collection schedules.

### Retrofitting of RCVs

16. Some Members doubted whether private waste collectors were able to complete retrofitting of all their RCVs with metal tailgate covers and waste water sump tanks by 1 April 2015 when RCVs entering a specified landfill or RTS would have to be equipped with these specified devices. Members enquired whether the Administration had any contingency measures in case the retrofitting works could not be completed in time.

17. The Administration advised that since only about 22 RCVs were still in the process of being retrofitted with the specified devices as of early January 2015, it was envisaged that all the retrofitting works would be completed by 1 April 2015. In fact, some private RCV owners intended to apply for the ex-gratia payment under the scheme on "Phasing Out Pre-Euro IV Diesel Commercial Vehicles" to replace their old RCVs instead of undertaking retrofitting works. To encourage RCV owners to continue to enhance the environmental performance of their vehicles, the Administration and the waste collection trade were studying the feasibility of introducing trade-led incentive schemes to promote good practices among RCV operators.

### **Council questions**

18. At the Council meetings on 2 July and 3 December 2014, Dr Hon Elizabeth QUAT raised questions relating to the SENT Landfill and disposal of construction waste. Issues covered in the question included measures to ensure that the SENT Landfill would not accept construction waste which was hazardous to health; the timeframe for all private RCVs to be equipped with a metal tailgate cover and waste water sump tank; and whether the Administration had any plan to require that skips used for transportation of construction waste should be of closed type. The Council questions and the Administration's replies are hyperlinked in the **Appendix**.

### **Latest development**

19. The Administration will brief members on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2015 at the Panel meeting on 22 June 2015.

### **Relevant papers**

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

Council Business Division 1  
Legislative Council Secretariat  
16 June 2015

**Waste Disposal (Designated Waste Disposal Facility) (Amendment)  
Regulation 2013 (Commencement) Notice 2015**

**List of relevant papers**

<b>Council/ Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
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. <a href="#">CB(1)107/13-14(03)</a>)</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. <a href="#">CB(1)107/13-14(04)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)499/13-14</a>)</p>
House Committee	10 January 2014	<p>Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (LC Paper No. <a href="#">CB(1)726/13-14</a>)</p>
Panel on Environmental Affairs	27 October 2014	<p>Administration's paper on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" (LC Paper No. <a href="#">CB(1)87/14-15(03)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)243/14-15</a>)</p> <p>Administration's supplementary paper on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" (LC Paper No. <a href="#">CB(1)183/14-15(01)</a>)</p>



<b>Council/ Committee</b>	<b>Date of meeting</b>	<b>Paper</b>
Legislative Council	17 December 2014	Legislative Council Brief on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" issued by the Environment Bureau/Environmental Protection Department (File Ref: <a href="#">EP193/10/01/06</a> )
House Committee	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" (LC Paper No. <a href="#">CB(1)456/14-15</a> )

**Hyperlinks to relevant Council Questions:**

<b>Date</b>	<b>Council Question</b>
2 July 2014	Council question raised by Dr Hon Elizabeth QUAT <a href="http://www.info.gov.hk/gia/general/201407/02/P201407021484.htm">http://www.info.gov.hk/gia/general/201407/02/P201407021484.htm</a>
3 December 2014	Council question raised by Dr Hon Elizabeth QUAT <a href="http://www.info.gov.hk/gia/general/201412/03/P201412030418.htm">http://www.info.gov.hk/gia/general/201412/03/P201412030418.htm</a>