

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance
(Chapter 354)

WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY) (AMENDMENT) REGULATION 2013 (COMMENCEMENT) NOTICE 2015

INTRODUCTION

This brief informs Members that the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2015 (“Commencement Notice”), at Annex A, will be published in the Gazette on 3 July 2015.

BACKGROUND

2. In view of the growing residential developments in Tseung Kwan O and the local residents’ concern over the odour arising from the South East New Territories (“SENT”) Landfill, we intend to change the use of the SENT Landfill (and its extension) to receive only construction waste¹. As a result, other types of waste including municipal solid waste (“MSW”) will have to be diverted to other waste management facilities. The Waste Diversion Plan (“WDP”) for SENT Landfill is therefore formulated to ensure that the diverted MSW from SENT Landfill can be properly handled in the existing waste collection system and to minimise any potential traffic and environmental impact caused.

¹ 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.

3. On 22 January 2014, the Legislative Council (“LegCo”) enacted the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2013 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (collectively “Amendment Regulations”) to amend the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L; “WD(DWDF)Reg”) and the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354 sub. leg. M; “WD(RTS)Reg”) and passed a resolution on the amendments proposed by the Secretary for the Environment (“SEN”) for implementing the following legislative measures under the WDP –

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

- (a) under the new Section 3B of the WD(DWDF)Reg, to require certain refuse collection vehicles (“RCVs”) driven into a specified landfill or refuse transfer station must be equipped with the specified devices² in good working conditions and, under the amendment to section 4 of the WD(DWDF)Reg, to empower the Director of Environmental Protection to conduct compliance check on such RCVs;
- (b) under the amended Section 3A(2) and Schedule 2 of the WD(DWDF)Reg, to specify SENT Landfill to receive only construction waste that contains not more than 50% by weight of inert construction waste; and

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

- (c) under all the amended WD(RTS)Reg, to reduce fees for disposal of waste at Island East Transfer Station (“IETS”) and Island West Transfer Station (“IWTS”) and to allow Shatin Transfer Station (“STTS”) to be used by a registered account-holder at a prescribed fee.

4. The Waste Disposal (Designated Waste Disposal Facility)

² The specified devices include a metal tailgate cover and a waste water sump tank.

(Amendment) Regulation 2013 (Commencement) Notice 2014 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice were passed by the LegCo on 4 February 2015 to appoint the effective dates of the Amendment Regulations (except for the measure stated in paragraph 3(b)). Accordingly, the measures mentioned in paragraphs 3(a) and 3(c) became effective on 1 April 2015 and 1 March 2015 respectively.

5. As for the measure mentioned in paragraph 3(b), it will come into operation on a date to be appointed by SEN in a separate commencement notice. The intention is to allow sufficient lead time for the Administration, the waste collection trade and other stakeholders to carry out the necessary preparatory work.

6. On 22 June 2015, the LegCo Panel on the Environmental Affairs (“Panel”) was briefed on the progress of the preparatory work and consulted on the proposed effective date of 6 January 2016 for the measure mentioned in paragraph 3(b). The Panel noted the progress and had no objections to the proposed effective date.

THE COMMENCEMENT NOTICE

7. SEN has made the Commencement Notice to the effect that the amendments to Section 3A(2) and Schedule 2 of the WD(DWDF)Reg will come into operation on 6 January 2016 to specify SENT Landfill to receive only construction waste that contains not more than 50% by weight of inert construction waste.

PREPARATION FOR IMPLEMENTATION

8. The following paragraphs summarize the progress of the various preparatory work under the WDP -

Extension of Refuse Transfer Service at the STTS to Private Waste Collectors

9. The STTS has been operating smoothly since its opening up to private waste collectors on 1 March 2015. Thus far STTS has not experienced operational difficulties such as queuing of RCVs outside the

station or received any environmental complaint arising from the diversion exercise. The waste collection trade welcomed the use of the STTS which is at a convenient location for their operation. From March to May 2015, the STTS received an average of 120 tpd of privately collected waste, mainly arising from Sha Tin and Tai Po.

Reduction of fee for use of Refuse Transfer Service on Hong Kong Island

10. Upon the reduction of fee for use of the IETS and IWTS as from 1 March 2015, the same level of fee of \$30 per tonne of waste is now applicable to the 4 urban RTSs³ which serve the areas that will be most affected when SENT Landfill stops receiving MSW. This measure encourages private waste collectors to deliver waste to the RTSs near to the waste sources and with unused capacity. Since the fee reduction, private waste intake at the IETS and IWTS has increased by 8% and 24% respectively.

Promotion of Refuse Transfer Service to Private Waste Collectors

11. To encourage those private waste collectors now using SENT Landfill as disposal site to shift to the RTS network, an extensive promotion programme has been launched. Apart from displaying publicity banners and posters and distribution of leaflets, we have embarked on more active engagement exercises, including a 2-week on-site survey with individual RCV drivers at SENT Landfill, outreach contact made to over 200 private waste collectors and a 3-month trial scheme for free use of the STTS by some 120 waste collectors to get familiarized with the station operation.

12. Since the launch of the engagement exercise in October 2014, there has been a notable increase in the number of registered accounts under the refuse transfer service from 418 to 469, and the total number of registered vehicles also increased from 1 064 to 1 161. In the coming months, we shall enhance the engagement effort and assist the SENT Landfill users to get prepared for shifting to the RTS network.

³ The 4 urban RTSs are West Kowloon Transfer Station (“WKTS”), STTS, IETS and IWTS.

Publicity to Inform the General Public

13. To alert the general public that SENT Landfill will soon cease to receive non-construction waste and remind those involved in property management to make timely alternative arrangement with their cleansing contractors, a radio API was produced and broadcast as from May 2015. We plan to launch a second stage of API in the 4th quarter of 2015 to further enhance publicity on the WDP and mobilize the community to get prepared.

Enforcement of New Equipment Standards on RCVs

14. New equipment requirements on RCVs came into effect on 1 April 2015 to enhance the environmental performance of RCVs. Starting from that date, all RCVs entering landfills or RTSs must be equipped with a metal tailgate cover and waste water sump tank of suitable construction and in good working condition. Offenders are liable to a maximum fine of \$100,000. We carry out regular check and inspections on RCVs arriving at landfills and RTSs on their compliance with the new equipment requirements. Between April and May 2015, we have carried out a total of 3 141 checks on RCVs and intercepted 28 RCVs for detailed inspection. They were all found to be complying with the requirements and no prosecution was initiated.

Re-routing of the Food and Environmental Hygiene Department's Collection Service

15. To make available sufficient RTS capacity at the WKTS and the STTS to cope with the MSW diverted from SENT Landfill, some collection services of Food and Environmental Hygiene Department ("FEHD") in some districts in Kowloon and the New Territories need to be re-routed to deliver waste to those RTSs with more unused capacity or directly to landfills.

16. As at 1 June 2015, FEHD has completed the re-routing of collection service in 3 districts, and that in other districts are scheduled for re-routing in the period from July to September 2015. We assess that the re-routing of collection service in these districts would make available sufficient RTS capacity to cope with the MSW being diverted from the SENT Landfill. We would however keep the situation under review and

stand ready to put into effect additional re-routing as and when necessary.

Liaison with Stakeholders

17. A working group was set up with representatives from the waste collection trade, property management and government departments in March 2014, and 5 meetings have been held so far. Members of the working group have provided full support to the WDP, assisted to disseminate the latest information through their trade communication channels, reflected the trades' concerns for discussion and provided constructive comments in refining the WDP. We shall continue with this communication platform until the WDP is fully accomplished.

18. To provide a channel for direct communication with individual waste collectors, property management companies and other stakeholders, two briefing/discussion sessions were arranged in May 2015, with about 100 participants taking part. First-hand information was disseminated on the different measures of the WDP associated with SENT Landfill stopping reception of MSW, how it will affect their business and service and advice on timely preparation to cope with the change in waste disposal outlets. The participants were active in sharing their views and reflecting the problems they encountered. The discussions were fruitful and the ideas exchanged were useful for refining the WDP.

LEGISLATIVE TIMETABLE

19. The Commencement Notice will be published in the Gazette on **3 July 2015** and tabled at LegCo on **8 July 2015** for negative vetting.

ENQUIRIES

20. For enquiries on this brief, please contact Mr. C.K. CHEN at 2872 1700 or email to ckchen@epd.gov.hk.

**Environment Bureau/Environmental Protection Department
June 2015**

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

1

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

Under section 1 of the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (L.N. 188 of 2013), I appoint 6 January 2016 as the day on which sections 3 and 7 of the Regulation come into operation.

Secretary for the Environment

2015