

立法會
Legislative Council

LC Paper No. CB(1) 1634/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/4/03/2

**Bills Committee on
Waste Disposal (Amendment) (No. 2) Bill 2003**

**Minutes of the first meeting
held on Wednesday, 14 April 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Dr Hon LAW Chi-kwong, JP (Chairman)
Hon LEE Cheuk-yan
Hon Miriam LAU Kin-yee, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon LI Fung-ying, JP
Hon Michael MAK Kwok-fung
Hon Albert CHAN Wai-yip
Hon LEUNG Fu-wah, MH, JP
Hon Audrey EU Yuet-mee, SC, JP

Public officers attending : Environment, Transport and Works Bureau

Ms Doris CHEUNG
Deputy Secretary (Environment and Transport) E1

Ms Joyce HO
Principal Assistant Secretary (Environment and Transport)
E2 (Acting)

Environmental Protection Department

Dr Ellen CHAN
Assistant Director (Waste Facilities)

Mr Edmond HO
Principal Environmental Protection Officer (Waste Policy &
Services)

Civil Engineering Department

Mr Michael LEUNG
Senior Engineer/Port Works

Department of Justice

Miss Shandy LIU
Senior Government Counsel

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Council Secretary (1)2

I. Election of Chairman

Nominated by Ms CHOY So-yuk and seconded by Ms Emily LAU, Dr LAW Chi-kwong was elected Chairman of the Bills Committee.

II. Meeting with the Administration

(LC Paper No. CB(3) 234/03-04	-- The Bill
Ref: ETWB(E)55/03/113(2003)	-- The Legislative Council Brief
LC Paper No. LS26/03-04	-- Legal Service Division Report
LC Paper No. CB(1) 1497/03-04(01)	-- Background brief on Waste Disposal (Amendment)(No. 2) Bill 2003
LC Paper No. CB(1) 1497/03-04(02)	-- Marked-up copy of the Bill
LC Paper No. CB(1) 1497/03-04(03)	-- Assistant Legal Adviser's letters dated 31 December 2003 to the Administration and the latter's reply
LC Paper No. CB(1) 1497/03-04(04)	-- Information paper provided by the Administration)

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to -
 - (a) provide a comparison between Hong Kong and overseas countries on the following aspects -
 - (i) charging mechanism for landfills and the fee levels;
 - (ii) selective demolition;
 - (iii) punitive measures for indiscriminate demolition of buildings;
and
 - (iv) measures to foster an environment conducive to the development of recycling business for construction and demolition waste;
 - (b) advise the basis upon which the respective fees for different reception facilities were arrived at;
 - (c) consult the Legislature and the affected trades on the draft manual, including the reference table for determining the content of waste, for site staff of different reception facilities;
 - (d) seriously consider extending the direct payment system to cover both major and minor waste producers, thereby obviating the need to involve waste haulers to collect the charges from waste producers;
 - (e) clarify the employer-employee relationship under proposed section 16A, particularly in the event of subcontracting.
4. Members agreed to the following schedule of meetings -
 - (a) Wednesday, 28 April 2004, 12:45 pm
 - (b) Monday, 3 May 2004, 4:30 pm
 - (c) Thursday, 13 May 2004, 2:30 pm
 - (d) Friday, 21 May 2004, 10:45 am
 - (e) Thursday, 27 May 2004, 2:30 pm
 - (f) Thursday, 3 June 2004, 2:30 pm
5. The meeting ended at 12:45 pm.

**Proceedings of the meeting of the
Waste Disposal (Amendment) (No. 2) Bill 2003
Meeting on Wednesday, 14 April 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000045	Ms Miriam LAU Miss CHOY So-yuk Dr LAW Chi-kwong	Election of Chairman	
000046 - 000125	Chairman	Introductory remarks	
000126 - 001650	Administration	Power-point presentation on the main features of the Waste Disposal (Amendment) (No. 2) Bill 2003 (the Bill)	
001651 - 001923	Ms Miriam LAU	Enquiry on progress of consultation with the trades and propriety of relying on visual inspection to determine the waste content when such a decision was not subject to appeal	
001924 - 002306	Administration	Administration's explanation- (a) recent consultation with trades revealed support for abolition of gate fee system and requirement for all charges to be paid through billing accounts ; (b) determination of waste content to be based on weight and density; (c) appeal mechanism not allowed for practical reasons; (d) sorting facilities to be provided in the vicinity of landfills, and (e) trial on charging scheme to be conducted prior to implementation	

Time marker	Speaker	Subject(s)	Action required
002307 - 003002	Ms Miriam LAU Administration	<p>Discussion on the feasibility of extending direct settlement system to minor waste producers -</p> <p>(a) the Administration was considering the option of requiring all charges to be paid through billing accounts ; and</p> <p>(b) abolition of gate fee system might cause inconvenience to infrequent users</p>	
003003 - 003720	Chairman Ms Miriam LAU Administration	<p>Means to determine waste content -</p> <p>(a) determination of waste content based on weight and density;</p> <p>(b) reference table provided to facilitate determination of waste content; and</p> <p>(c) manuals for site staff to be worked out in consultation with Department of Justice and the Independent Commission Against Corruption to safeguard against possible abuse</p>	The Administration to consult the Legislature and the affected trades on the draft manual, including the reference table for determining the content of waste, for site staff of different reception facilities
003721 - 003935	Ms LI Fung-ying	Enquiry on objective criteria to determine waste content and whether driver of vehicle or employer of driver should be held liable for unlawful disposal of waste	
003936 - 004521	Chairman Administration Ms LI Fung-ying	Administration's explanation on clause 3, proposed section 16A, on the prohibition of unlawful disposal of waste	The Administration to clarify the employer-employee relationship under proposed section 16A, particularly in the event of subcontracting

Time marker	Speaker	Subject(s)	Action required
004522 - 005722	Ms Emily LAU	<p>Discussion on overseas experience in landfill charging and need for punitive measures against indiscriminate demolition</p> <p>Administration's explanation -</p> <p>(a) gate fee system adopted by most overseas countries;</p> <p>(b) deconstruction or selective demolition being practiced by some overseas countries; and</p> <p>(c) consideration being given to require all charges to be paid through billing accounts</p>	<p>The Administration to provide a comparison between Hong Kong and overseas countries on the charging mechanism for landfills and the fee levels, selective demolition, and punitive measures for indiscriminate demolition of buildings</p>
005723 - 010153	Mr Michael MAK Chairman Administration	<p>Discussion on measures to address the concern of waste haulers and basis upon which the respective fees for different reception facilities were arrived at</p>	<p>The Administration to advise on the basis upon which the respective fees for different reception facilities were arrived at</p>
010154 - 010617	Chairman Mr LEUNG Fu-wah	<p>Need for appeal mechanism on determination of waste content which could be affected by humidity and weather conditions as well as more stringent control such as mandatory requirement for waste producers to sign a form before waste haulers could deliver the waste for disposal (this would also provide the needed evidence for waste haulers to recover bad debts)</p>	

Time marker	Speaker	Subject(s)	Action required
010618 - 011210	Administration	<p>Administration's explanation -</p> <p>(a) mandatory requirement for a form to be signed by the waste producers before delivery of waste would involve legislative amendments and further consultation with the trades;</p> <p>(b) proposed charging arrangement would require the completion of a form in triplicate, setting out the billing account and the licence plate number of the vehicle; and</p> <p>(c) humidity and weather conditions to be taken into account in setting the reference table for assessing waste content</p>	
011211 - 011559	Chairman Mr Albert CHAN	<p>Member's concerns -</p> <p>(a) need for measures to reduce and recycle construction waste;</p> <p>(b) need to address concerns faced by waste haulers who had signed contracts with waste producers before the implementation of the Bill; and</p> <p>(c) problem of fly-tipping and illegal disposal of waste at private land designated for agricultural use</p>	

Time marker	Speaker	Subject(s)	Action required
011600 - 011830	Administration	Administration's explanation - (a) efforts being made to encourage sorting and recycling of construction waste; (b) construction contracts awarded before the commencement of the charging scheme would be exempted; and (c) enforcement actions would be stepped up against fly-tipping	
011831 - 012117	Mr Albert CHAN Chairman	Member's concerns - (a) need to work out policy on recycling of construction waste before implementing the charging scheme; and (b) implementation of charging scheme would aggravate the problem of illegal disposal of waste at agricultural land	
012118 - 012558	Mr LEE Cheuk-yan	Support for policy on recycling of construction waste and need to require all waste producers to open accounts for waste disposal in line with the polluter-pays principle	
012559 - 013218	Administration	Administration's explanation on measures to facilitate recycling of construction waste and options to require all charges to be paid through billing accounts	The Administration to seriously consider extending the direct payment system to cover both major and minor waste producers, thereby obviating the need to involve waste haulers to collect the charges from waste producers

Time marker	Speaker	Subject(s)	Action required
013219 - 014334	Ms Emily LAU	<p>Member's concerns -</p> <p>(a) need for measures to foster an environment conducive to the development of recycling business for construction and demolition waste; and</p> <p>(b) whether there was a need to empower the Director of Environmental Protection to enter without warrant to remove waste deposited illegally in places other than domestic premises on private land</p>	<p>The Administration to advise measures to foster an environment conducive to the development of recycling business for construction and demolition waste and how these compared with overseas countries</p>
014335 - 014034	Administration Ms Emily LAU	<p>Administration's explanation on strengthening control against illegal disposal and reduction of construction waste through sorting and recycling</p>	
014035 - 014443	Ms Miriam LAU Administration	<p>Discussion on progress of private sector involvement in operating waste disposal facilities and rationale for imposing charges for disposal of fill materials at public fill reception facilities</p>	
014444 - 015453	Chairman Ms Emily LAU Ms Miriam LAU Mr Albert CHAN	<p>Schedule of meetings</p>	