

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

Summary of views/concerns
(as at 12 May 2004)

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Construction waste disposal charging scheme (the Scheme)	Hong Kong Kowloon & NT Grab-Mounted Lorries Association Ltd (GLAL) (LC Paper No. CB(1)1636/03-04(01))	Not opposing to the Scheme in principle but waste haulers should not be held responsible for collection of the charge.	<p>We propose to establish a direct payment system requiring major waste producers (i.e. any principal contractor who undertakes a construction work valued \$1 million or above) to open billing accounts and pay waste disposal charges to the Government direct. These major waste producers are mainly construction contractors who generate about 70 - 80% of construction waste.</p> <p>For the remaining 20-30% of construction waste mostly arising from renovation works, to address waste haulers' concerns about possible cashflow and bad debt problems, we now propose to remove on-site payment and to require all charges to be paid through billing accounts.</p> <p>Under the latest proposal, instead of levying charges on waste produced by minor waste producers through waste haulers, all charges would need to be paid through billing accounts.</p>

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Construction waste disposal charging scheme (the Scheme)	Hong Kong Construction Sub-Contractors Association	Need for clear delineation of responsibilities among principal contractors, sub-contractors and waste haulers in the disposal of construction waste.	Similar to the existing section 16A regarding the offence of unlawful depositing of waste, the proposed new section 16A(1) provides that a person commits an offence if he deposits or causes or permits to be deposited waste in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place. We consider that offence under section 16A should continue to be defined by a person's act or behaviour, regardless of his status or commercial relationship with other parties. A person will not be criminally liable if he has not committed the act described in the provision.
	Greenpeace (LC Paper No. CB(1)1653/03-04(01))	Consideration should be given to extending the charging scheme to municipal solid waste in the long run.	With the experience gained from implementing the charging scheme for construction waste, we aim to extend the charging scheme to cover also municipal solid waste in the long-term.

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Construction waste disposal charging scheme (the Scheme)	Friends of the Earth (FoE) (LC Paper No. CB(1)1636/03-04(02))	The Scheme is one but not all of the Government waste management initiatives. A comprehensive and long-term waste management system should be formulated for Hong Kong's sustainable development.	<p>We have been adopting a comprehensive waste management strategy, which comprises three key elements, namely waste prevention and recovery in the first place; followed by reuse and recycling; and finally treatment and disposal of unrecyclable waste. The proposed construction waste disposal charging scheme is one of the essential components as it provides economic incentive for waste producers to reduce/recycle waste.</p> <p>Waste prevention and recycling is one of our major focus areas to tackle the waste problem. We have been implementing measures to promote waste prevention and recycling and achieved satisfactory progress so far. However, we cannot count on waste prevention and recovery alone in dealing with the waste problem since not all wastes are recyclable. We are now identifying the appropriate large-scale waste treatment technologies to reduce the volume of waste requiring disposal. We are also examining the feasibility to extend the existing landfills to serve as final repositories for waste that cannot be treated.</p>

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Construction waste disposal charging scheme (the Scheme)	Hong Kong Construction Association (HKCA) (LC Paper No. CB(1)1636/03-04(03))	Consideration should be given to exempting all construction contracts tendered before the commencement of the Scheme as the provision for landfill charge may not have been included in these contracts;	We propose to exempt contracts with contract award date before commencement of the charging scheme is due to that there would be several months between the enactment of the legislation and commencement of the charging scheme to allow contractors to factor in the disposal costs in tenders.
		Chit system should be implemented across the construction industry, including the private sector, otherwise the Scheme may result in drastic increase in illegal dumping of waste;	<p>At present, public works contracts involving disposal of construction materials are required to implement a trip-ticket system under the waste management plan to ensure that different types of construction materials go to the appropriate reception sites. This could help deter illegal waste disposal as contractors failing to comply with the trip-ticket system could risk the loss of tendering opportunities for government contracts.</p> <p>The Working Group on Construction Waste formed under the Provisional Construction Industry Coordination Board will, among other things, consider how best to extend the waste management plan to the private sector.</p>
		Contingency plan for breakdown of weighbridge should be worked out;	We are considering adopting the current contingent arrangement for charging the disposal of waste at refuse transfer stations i.e. the charge of all waste loads will be calculated as only one tonne during complete weighbridge breakdown.

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Construction waste disposal charging scheme (the Scheme)	HKCA	Liability of contractor and sub-contractor under proposed section 16A should be clearly spelt out; and	Similar to the existing section 16A regarding the offence of unlawful depositing of waste, the proposed new section 16A(1) provides that a person commits an offence if he deposits or causes or permits to be deposited waste in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place. We consider that offence under section 16A should continue to be defined by a person's act or behaviour, regardless of his status or commercial relationship with other parties. A person will not be criminally liable if he has not committed the act described in the provision.
		Consultation on the operational details of the Scheme with all stakeholders should be conducted before actual implementation of the Scheme.	<p>We will set up a tripartite working group with representatives from the construction industry, waste haulers and the waste facility operators to discuss the operational details of the charging scheme. We will take into account the trades' comments when drawing up the operational manual for site staff of different waste disposal facilities.</p> <p>A dry run period will be scheduled to try out the procedures and make refinements as appropriate before actual implementation of construction waste disposal charging.</p>

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Construction waste disposal charging scheme (the Scheme)	Motor Transport Workers General Union (MTWGU)	Not opposing to the Scheme in principle but waste haulers should not be held responsible for collection of the charge.	<p>We propose to establish a direct payment system requiring major waste producers (i.e. any principal contractor who undertakes a construction work valued \$1 million or above) to open billing accounts and pay waste disposal charges to the Government direct. These major waste producers are mainly construction contractors who generate about 70 - 80% of construction waste.</p> <p>For the remaining 20-30% of construction waste mostly arising from renovation works, to address waste haulers' concerns about possible cashflow and bad debt problems, we now propose to remove on-site payment and to require all charges to be paid through billing accounts.</p> <p>Under the latest proposal, instead of levying charges on waste produced by minor waste producers through waste haulers, all charges would need to be paid through billing accounts. Waste haulers' associations welcome this proposal.</p>

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Construction waste disposal charging scheme (the Scheme)	Business Environment Council (BEC) (LC Paper No. CB(1)1636/03-04(04))	Monitoring mechanism, including regular review of waste acceptance procedures, criteria for determination of waste content, control on illegal dumping and integration of waste management plans into construction contracts, should be put in place.	<p>We recognize the need to put in place objective guidelines to determine the content of waste load to avoid argument. Consider that the draft reference table attached to Paper CB(1) 1636/03-04(16) is the best practicable way to help determine the waste content. We will regularly review the reference table upon implementation of the charging scheme.</p> <p>To safeguard against possible abuses or malpractices, we are, in consultation with the ICAC and Department of Justice, working out management and control measures. We will review the monitoring system regularly.</p> <p>We have strengthened legal provisions in the Bill to control illegal waste disposal and will step up enforcement actions.</p> <p>Currently, all contractors of Government works projects are required to prepare and implement waste management plans. The Working Group on Construction Waste formed under the Provisional Construction Industry Coordination Board will, among other things, consider how best to extend the waste management plan to the private sector.</p>

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Construction waste disposal charging scheme (the Scheme)	Working Group on Construction Waste under the Provisional Construction Industry Co-ordination Board (PCICB) (LC Paper No. CB(1)1636/03-04(05))	The Scheme is able to uphold the polluter pays principle and provide the necessary incentive for waste reduction.	Agreed.
	Hong Kong Dumper Truck Drivers Association (HKDTDA) (LC Paper No. CB(1)1669/03-04(01))	A working group comprising representatives from the Government, the trade and the Legislature should be set up to discuss operational details before and after the implementation of the Scheme;	<p>We will set up a tripartite working group with representatives from the construction industry, waste haulers and the waste facility operators to discuss the operational details of the charging scheme. We will take into account the trades' comments when drawing up the operational manual for site staff of different waste disposal facilities.</p> <p>A dry run period will be scheduled to try out the procedures and make refinements as appropriate before actual implementation of construction waste disposal charging. We will invite legislators to oversee the dry run.</p> <p>We will regularly review the operational procedures and monitoring mechanism after implementation of the charging scheme.</p>

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Construction waste disposal charging scheme (the Scheme)	HKDTDA	Legislation should be enacted to require all contractors who undertake construction or demolition works to open a billing account with the Government;	<p>As there may not be any contracts as such for small scale works, it would be difficult to define who the contractors are for these works. Also, as there are a lot of construction, renovation and demolition works going on, many of which do not require approval from the Government before the works can take place e.g. renovation works, it would be highly difficult to identify the contractors, thus making enforcement not practicable.</p> <p>As suggested by the waste haulers, we now propose to remove on-site payment. Also, unlike the previous proposal to levy charges on waste produced by minor waste producers through waste haulers, our current proposal will require all charges to be paid through billing accounts.</p>
		A unified registration system for all vehicles entering landfills, sorting facilities and public fill reception facilities should be put in place to eradicate overloading;	The Road Traffic (Traffic Control) Regulations have already provided for sanctions against vehicle overloading.
		Consideration should be given to streamlining the working procedures for waste haulers; and	We will implement measures to streamline procedures and minimize waste haulers' waiting time at the facilities. We will seek the views of the trade on the proposed measures.

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Construction waste disposal charging scheme (the Scheme)	HKDTDA	A communication system on billing accounts should be established to ensure that waste haulers will not be held up at site gates due to account problems of contractors.	<p>We are looking into a number of possible ways to allow waste haulers to check the validity of the waste producers' billing accounts before taking the waste from the clients e.g. –</p> <ul style="list-style-type: none"> (a) implementing an automatic telephone enquiry system by which waste haulers can key in the account number printed on the chit and then check the validity of the account; (b) posting notice on the suspended and revoked accounts on the conspicuous places at the facilities on a regular basis; and (c) uploading information onto the website. <p>We will further discuss with the trade on the proposed measures.</p>
	Hong Kong Waste Management Association (HKWMA) (LC Paper No. CB(1)1636/03-04(06))	The Scheme should not be further delayed by frivolous debates over minute details as further delay will undermine public confidence on Hong Kong's sincerity and competence over waste management; and	Noted.
		Introduction of landfill charging will remove the present market distortion caused by public subsidy for waste disposal and allow recyclers to compete better with landfills.	Agreed.

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Construction waste disposal charging scheme (the Scheme)	Hong Kong Institute of Engineers (HKIE) (LC Paper No. CB(1)1636/03-04(07))	The Scheme should be extended to cover other types of wastes, including commercial, industrial and domestic wastes as soon as possible;	With the experience gained from the implementation of the charging scheme for construction waste, we aim to extend the charging scheme to cover also municipal solid waste in the long-term.
		Landfills should be used primarily for municipal solid waste and other difficult-to-manage types of wastes. Alternative recycling and disposal facilities should be made available for construction and demolition waste;	We have been carrying out various measures to prevent construction waste from being disposed of in landfills, which are designed for the disposal of municipal solid waste. We acknowledge the importance of providing alternative recycling and disposal outlets for construction waste, particularly there are now insufficient reclamation projects to absorb the construction materials as fill materials. In this regard, we have set up a temporary construction material recycling facility in Tuen Mun, and two temporary fill banks to stockpile soft inert construction materials for later use. We also plan to make available two sorting facilities adjacent to landfills which are “cheaper” alternatives to landfills.

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Construction waste disposal charging scheme (the Scheme)	HKIE	<p>The Scheme will provide incentives for investment and development of a viable waste recycling industry which will in turn create the much needed job opportunities. However, the Government should not be directly involved in the setting up and running of waste recycling facilities but to provide incentives, such as loans, cheap land, preferential procurement of recycled materials etc, to encourage private investment in this regard;</p>	<p>We have been implementing measures to facilitate the development of the recycling industry, which would in turn create job opportunities. For instance, we have been promoting the use of recycled construction material products, and funding research studies and trial projects on the recycling of construction materials.</p> <p>It is our policy to encourage private sector participation in operating the recycling facilities. We plan to involve the private sector in the establishment and operation of the two sorting facilities and the recycling facility.</p>
		<p>The Government should take the lead in coordinating the provision and management of excavation and fill resources before the implementation of the Scheme.</p>	<p>A mechanism is already in place to coordinate the management of excavation and fill resources for major public projects. A Public Fill Committee formed under the Civil Engineering Department coordinates and matches the cut and fill among the major public projects.</p>

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Construction waste disposal charging scheme (the Scheme)	Hong Kong Waste Disposal Industry Association (HKWDIA) (LC Paper No. CB(1)1636/03-04(08))	Support landfill charging in accordance with the polluter pays principle, but is strongly opposed to holding waste haulers responsible for the collection of disposal charges. Concern about monopolization of waste collection market by large enterprises as small enterprises may run out of business due to bad debts and cash flow problems arising from the Scheme;	<p>We propose to establish a direct payment system requiring major waste producers (i.e. any principal contractor who undertakes a construction work valued \$1 million or above) to open billing accounts and pay waste disposal charges to the Government direct. These major waste producers are mainly construction contractors who generate about 70 - 80% of construction waste.</p> <p>For the remaining 20-30% of construction waste mostly arising from renovation works, to address waste haulers' concerns about possible cashflow and bad debt problems, we now propose to remove on-site payment and to require all charges to be paid through billing accounts.</p> <p>Under the alternative proposal, instead of levying charges on waste produced by minor waste producers through waste haulers, all charges would need to be paid through billing accounts. Waste haulers' associations welcome this proposal.</p>

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Construction waste disposal charging scheme (the Scheme)	HKWDIA	Legislative or administrative measures should be put in place to ensure that contractors who undertake construction works valued under \$1 million will not pass on their responsibility for payment of disposal charges to waste haulers;	<p>We propose to make it a mandatory requirement for any principal contractor who undertakes a construction work valued \$1 million or above to open billing accounts and pay waste disposal charges to the Government direct. These major waste producers are mainly construction contractors who generate about 70 - 80% of construction waste. Non-compliance will be an offence under the Bill.</p> <p>For the remaining 20-30% of construction waste mostly arising from renovation works, to address waste haulers' concerns about possible cashflow and bad debt problems, we now propose to remove on-site payment as suggested by the waste haulers. We also propose to require all charges to be paid through billing accounts.</p> <p>Under the alternative proposal, instead of levying charges on waste produced by minor waste producers through waste haulers, all charges would need to be paid through billing accounts.</p>

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Construction waste disposal charging scheme (the Scheme)	HKWDIA	Representatives of the trade should be invited to meet with the Department of Justice and the Independent Commission Against Corruption to work out management and control measures to safeguard against abuses or malpractices by site staff. Monitoring committee should also be set up;	<p>Recognize the need to put in place management and control measures to safeguard against possible abuses or malpractices.</p> <p>We are, in consultation with the Department of Justice and the ICAC, working out management and control measures to safeguard against possible abuses or malpractices. We will take into account the comments of the trade before finalizing the control measures.</p> <p>We will also regularly review the operational procedures and monitoring mechanism by taking into account the trade's feedback after implementation of the charging scheme.</p>
		All vehicles entering landfills should have licences;	This is an operational issue not directly related to the charging scheme. We will discuss it with the trade separately.

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Construction waste disposal charging scheme (the Scheme)	HKWDIA	A communication mechanism should be set up; and	<p>We are looking into a number of possible ways to allow waste haulers to check the validity of the waste producers' billing accounts before taking the waste from the clients e.g. –</p> <ul style="list-style-type: none"> (a) implementing an automatic telephone enquiry system by which waste haulers can key in the account number printed on the chit and then check the validity of the account; (b) posting notice on the suspended and revoked accounts on the conspicuous places at the facilities on a regular basis; and (c) uploading information onto the website <p>We will further discuss with the trade the proposed measures.</p>
		Trip tickets should serve as confirmation of receipt of waste by waste haulers from waste producers and the former should not be required to sign any documents.	We understand from the waste haulers that they do not wish to sign any documents throughout the waste disposal process. Hence, there is no such requirement under our current proposed arrangements.

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Construction waste disposal charging scheme (the Scheme)	Conservancy Association (CA) (LC Paper No. CB(1)1636/03-04(09))	The Administration and the Legislature cannot be exculpated from putting private interest before public one should the Scheme be rejected or further delayed because of opposition from waste haulers; and	We agree that the charging scheme should be implemented as early as possible.
		The Scheme is only the first step to implement the polluter pays principle. Consideration should be given to extending the Scheme to cover clinical, commercial, industrial and household waste in due course.	With the experience gained from the implementation of the charging scheme for construction waste, we aim to extend the charging scheme to cover also municipal solid waste in the long-term.
	The Advisory Council on the Environment (ACE) (LC Paper Nos. CB(1)1636/03-04(10) and (11))	Support the Scheme which aims to provide an economic incentive for waste producers to reduce waste generation and to facilitate reuse and recycling; and	Noted.
		The proposed disposal charges will have minimal impact on domestic renovation works.	Noted.

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Construction waste disposal charging scheme (the Scheme)	Hong Kong General Chamber of Commerce (HKGCC) (LC Paper No. CB(1)1636/03-04(12))	The Scheme should be implemented as soon as possible but the Administration needs to address the concerns of waste haulers on the charging arrangements;	To address waste haulers' concerns about possible bad debt and cashflow problems, we have further revised the charging arrangement to remove on-site payment and require all charges to be paid through billing accounts.
		The Scheme should be implemented in parallel with a programme to encourage the adoption of sustainable construction practices by the construction industry so as to reduce construction and demolition materials at source; and	We have been carrying out various measures to encourage the construction industry to adopt practices to reduce construction and demolition materials at source. For instance, together with the Hong Kong Construction Association and the Real Estate Developers Association, the Environmental Protection Department has produced a set of publicity materials including a leaflet, posters and video for promoting waste reduction in the construction industry. Moreover, the Buildings Department has issued a Practice Note providing guidelines for waste minimization in the planning, design and construction for private developments. The proposed construction waste disposal charging scheme is one of the important measures to encourage reduction and recovery of construction materials.
		The ultimate goal is to implement landfill charging for other wastes, including domestic waste.	With the experience gained from the implementation of the charging scheme for construction waste, we aim to extend the charging scheme to cover also municipal solid waste in the long-term.

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Construction waste disposal charging scheme (the Scheme)	Hong Kong Kowloon Taxi & Lorry Owners' Association Ltd (LC Paper No. CB(1)1636/03-04(14))	Disposal charges should not affect the operating costs of the trades; and	Our latest proposed payment arrangement requires all charges to be paid through billing accounts, and the waste haulers would not be required to pay the charge upfront. Hence, implementation of the charging scheme should not affect their operating costs.
		Disposal charges collected should be ploughed back to assist recyclers.	Hypothecating the revenue arising from the charging scheme is not in line with Government's overall public finance policy. Nonetheless, we have been devoting resources in carrying out various measures to facilitate the development of the recycling trade e.g. setting up a temporary construction material recycling facility in Tuen Mun; funding research studies and trial projects on the sorting, reuse and recycling of construction materials etc.
	The Real Estate Developers Association of Hong Kong (REDA) (LC Paper No. CB(1)1653/03-04(02))	Apart from the Scheme, the Administration should bring the Building Regulations up to date to allow buildings to be built in a more efficient and less wasteful manner.	We support measures that could help reduce waste from the waste management perspective. We are consulting the relevant departments on the feasibility of the proposal.
Charges for landfills, sorting facilities and public fill reception facilities	GLAL	The proposed charges, which were set eight to nine years ago, are too high without taking into account the changing circumstances.	The proposed level of charges aim to recover the capital and recurrent cost of the facilities.

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Charges for landfills, sorting facilities and public fill reception facilities	HKCA	The proposed charges are too high and may encourage fly-tipping. Consideration should be given to charging \$60 per tonne for landfills, \$30 per tonne for sorting facilities and zero for public fill reception facilities.	<p>For the charging scheme to be effective, the charge levels must be able to create an incentive for waste producers to reduce construction waste.</p> <p>A reasonable level of landfill charge is necessary to create an environment conducive to the operation of sorting/recycling facilities which will provide alternative outlets for waste producers to dispose of construction materials instead of delivering them to landfills. There are in fact calls for a higher landfill charge to provide financial incentive for the industry to use alternative construction methods. To strike a balance, we consider the proposed charge level of \$125/tonne, which aim to recover the full capital and recurrent costs, is appropriate.</p>

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Charges for landfills, sorting facilities and public fill reception facilities	HKCA		<p>For the sorting charge, it cannot be so low as to invite abuse by users who will be tempted to take mixed waste with high non-inert content to the sorting facilities instead of landfills. Also, if the sorting facilities are to be run as private facilities, the private operators would set the sorting charge based on commercial principles.</p> <p>It is necessary and reasonable to impose a public fill charge to encourage the industry to adopt construction methods that would reduce the generation of inert public fill. It must be noted that with the decreasing number of reclamation projects in Hong Kong, the huge amount of inert public fill generated from construction works has become a substantial liability for which disposal outlets have to be made available.</p>
	BEC	Need for practical plans for landfills given that certain categories of waste are subject to charges while others are free of charge.	We will set up a tripartite working group with representatives from the construction industry, waste haulers and the waste facility operators to discuss the operational details of the charging scheme. We will take into account the trades' comments when drawing up the operational manual for site staff of different waste disposal facilities.

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Charges for landfills, sorting facilities and public fill reception facilities	PCICB	The proposed charges are reasonable and should be implemented without delay, subject to availability of a satisfactory settlement mechanism and arrangements to exempt construction projects awarded before commencement of the Scheme.	<p>The proposed payment arrangement which removes on-site payment and requires all charges to be paid through billing accounts are welcomed by the waste haulers.</p> <p>Also, we will exempt construction work awarded before the commencement of the charging scheme.</p> <p>Subject to the passage of the Bill, we aim to implement the charging scheme in 2005.</p>
	Hong Kong Association of Property Management Companies Ltd (HKAPMCL) (LC Paper No. CB(1)1636/03-04(13))	Proposed disposal charges to fully recover the capital and recurrent costs of landfills, sorting facilities and public fill reception facilities are acceptable but the Government should exercise tight control over costs.	Noted.

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<p>Charges for landfills, sorting facilities and public fill reception facilities</p>	<p>REDA</p>	<p>Consideration should be given to lowering the charge for sorting facilities as an economic incentive to encourage sorting of construction materials. In any event, the overall charging structure of the Scheme should be reviewed in two years after implementation.</p>	<p>To be effective, the proposed sorting charge needs to be set and maintained at a good relativity to the landfill charge of \$125 per tonne - it has to be lower than the landfill charge thereby providing a financial incentive for waste producers/haulers to go for sorting; and the charge cannot be so low as to invite abuse by users who will be tempted to take mixed waste with high non-inert content to the sorting facilities instead of landfills. We consider the proposed sorting charge of \$100 per tonne, which aims to recover the capital and recurrent costs, appropriate.</p> <p>Nonetheless, if the sorting facilities are to be run as private facilities, the private operators would set the sorting charge based on commercial principles.</p> <p>We will review the overall charging structure of the charging scheme after implementation.</p>

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Determination of waste content	GLAL	A clear and reasonable set of criteria for determination of waste content should be worked out.	We recognize the need to put in place objective guidelines to determine the content of waste load to avoid argument. The method needs to be simple, easy to understand and implement, or else, it may give rise to long transaction time at the weighbridge, which is a major concern of the trade.
	MTWGC	Clear guidelines for determination of waste content are essential.	We consider that the draft reference table attached to Paper CB(1) 1636/03-04(16) is the best practicable way to help determine the waste content. We will take into account the trade's comments before finalizing the reference table and will regularly review it after implementation of the charging scheme.
	BEC	Visual inspection to determine waste content may lead to disputes and frauds. As such, inspection should only be carried out by recognized, experienced and trained operators who have been approved by the Government.	We recognize the need to put in place objective guidelines to determine the content of waste load to avoid argument. We will only allow designated site staff who have received adequate training to carry out inspection of waste and determine the waste content. We will also carry out CCTV monitoring, supervisory checks and random load checks at the concerned facilities. We are discussing with ICAC to come up with measures to ensure adequate checks and balances.

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Determination of waste content	HKDTDA	To advise the basis upon which the Environmental Protection Department will determine the waste content;	We have provided in Paper CB(1) 1636/03-04(16) the draft reference table for determining the content of waste. We will further discuss with the trade the measures to determine the waste content.
		To invite the trade to participate in the discussion of prevention of possible abuse by site staff and in the formulation of a fair manual for site staff as well as the establishment of a monitoring committee; and	<p>We recognize the need to put in place management and control measures to safeguard against possible abuses or malpractices.</p> <p>We are, in consultation with the Department of Justice and the ICAC, working out management and control measures to safeguard against possible abuses or malpractices. We will take into account the comments of the trade before finalizing the control measures.</p> <p>We will also regularly review the operational procedures and monitoring mechanism by taking into account the trade's feedback after implementation of the charging scheme.</p>

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Determination of waste content	HKDTDA	To work out contingency measures to deal with queuing problem at gates.	<p>We will implement measures to avoid long waiting time at the facilities. For instance, we will upgrade the computer systems at the facilities and streamline procedures.</p> <p>We may need to turn away vehicles at the facilities for the cases of invalid chits, inappropriate waste content etc. These would inevitably lengthen the waiting time at the facilities. We are considering measures to avoid the above problems, hence minimize the waiting time at facilities -</p> <p>(a) Our proposed measures to allow waste haulers to check the validity of the waste producers' billing accounts before taking the waste from the clients should help minimize incidents of waste haulers taking invalid chits.</p> <p>(b) We will widely publicize that all charges need to be paid through billing accounts, and the need for pre-registration as billing account holder for waste disposal at the facilities. This should minimize the number of ad-hoc users without billing accounts turning up at the facilities.</p>

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Determination of waste content	HKDTDA		<p>(c) For turning away vehicles carrying waste of inappropriate waste content, an administrative arrangement will be set up between the sorting facilities and landfills, so that any truck load that has been rejected by one facility would be accepted by another type of facility.</p> <p>We will set up a tripartite working group with representatives from the construction industry, waste haulers and the waste facility operators to discuss the operational details of the charging scheme.</p>
	HKWMA	No exact scientific formula to determine the waste content which should be improved with time.	<p>Agreed. We recognize the need to put in place objective guidelines to determine the content of waste load to avoid argument. The method needs to be simple, easy to understand and implement, or else, it may give rise to long transaction time at the weighbridge, which is a major concern of the trade.</p> <p>We consider that the draft reference table attached to Paper CB(1)1636/03-04(16) is the best practicable way to help determine the waste content. We will regularly review the reference table after implementation of the charging scheme.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Determination of waste content	HKWDIA	Reference table for determining the waste content should be disclosed;	We have provided in Paper CB(1) 1636/03-04(16) the draft reference table for determining the content of waste. We will further discuss with the trade the measures to determine the waste content.
	REDA	Clear guidelines are necessary to assist site staff to determine upon visual inspection whether a particular waste load should be disposed of at certain facilities.	<p>We recognize the need to put in place objective guidelines to determine the content of waste load to avoid argument. The method needs to be simple, easy to understand and implement, or else, it may give rise to long transaction time at the weighbridge, which is a major concern of the trade.</p> <p>We consider that the draft reference table attached to Paper CB(1) 1636/03-04(16) is the best practicable way to help determine the waste content. We will regularly review the reference table after implementation of the charging scheme.</p> <p>Also, only designated site staff who have received adequate training will be allowed to carry out inspection of waste and determine the waste content. We are discussing with ICAC to come up with measures to ensure adequate checks and balances.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Measures to reduce and recycle construction waste	FoE	<p>Consideration should be given to -</p> <p>(a) encouraging construction developers to economize the use of materials from the perspective of resource conservation, and establishing a reward system to recompense environmentally responsible developers;</p>	<p>We have been encouraging and providing advice and assistance for the construction developers and contractors to adopt measures to prevent and minimize construction waste. For instance, together with the Hong Kong Construction Association and the Real Estate Developers Association, the Environmental Protection Department has produced a set of publicity materials including a leaflet, posters and video for promoting waste reduction in the construction industry. Moreover, the Buildings Department has issued a Practice Note providing guidelines for waste minimization in the planning, design and construction for private developments.</p> <p>From the waste management perspective, we welcome proposals that will help encourage developers to minimize construction waste. Regarding the specific proposals such as establishing a reward system to recompense environmentally responsible developers, we are consulting the relevant bureaux/departments on the feasibility of such proposals.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Measures to reduce and recycle construction waste	FoE	(b) promoting wider application of recycled concrete blocks; and (c) providing longer term sorting sites for sorting and recycling of construction materials.	To promote the use of recycled concrete blocks, we are preparing a technical circular revising the specifications for paving blocks in order to facilitate the use of concrete paving blocks made of recycled aggregates. We plan to make available two sorting sites to facilitate sorting and recycling of construction materials.
	BEC	Recycling should be encouraged as the ultimate solution to waste management. To facilitate development of recycling business, efforts should be made to guarantee the use of recycled products such as recycled aggregates in construction.	We have been carrying out measures to facilitate the development of the recycling business. One of the measures is to promote the use of recycled aggregates in Government projects so as to set an example for others to follow. We have also set up a temporary construction material recycling plant in Tuen Mun to process hard materials into recycled aggregates for use in 80 public works projects.
	PCICB	Instead of solely relying on charging mechanism, the industry should forge a close partnership with the Government to promote adoption of good practices and innovative construction techniques so as to achieve holistic management of construction waste. A new working group should be formed to take the lead on this important subject.	To dedicate special effort in encouraging and facilitating the construction industry to better manage construction waste, a Working Group on Construction Waste has been formed under the Provisional Construction Industry Coordination Board. The Working Group, led by the private sector with representatives from the industry and Government, will, among other things, pursue industry good practices and construction methods/techniques that will lead to waste reduction.

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Measures to reduce and recycle construction waste	Green Power (LC Paper No. CB(1)1669/03-04(02))	<p>Measures and related legislation should be put in place to -</p> <ul style="list-style-type: none"> (a) reduce the overall quantity of waste produced in Hong Kong; (b) encourage reuse and recycling of materials; (c) hold waste producers responsible for their waste so as to reduce the public financial burden incurred from disposal of waste; and (d) mitigate the impact of waste on the environment and ecology. 	<p>Our waste management strategy comprises three key elements, namely waste prevention and recovery in the first place; followed by reuse and recycling; and finally treatment and disposal of unrecyclable waste. We have been implementing various measures to promote waste prevention and recovery and achieved satisfactory progress so far.</p> <p>The proposed construction waste disposal charging scheme is one of the waste reduction measures which will provide economic incentives for waste producers to reduce and recycle waste. This is also in line with the polluter pays principle.</p> <p>As we cannot count on waste reduction and recycling alone in dealing with the waste problem since not all wastes are recyclable, we are identifying the appropriate large-scale waste treatment technologies to reduce the volume of waste requiring disposal.</p> <p>The implementation of the whole range of measures to reduce and recycle waste could minimize and mitigate the impact of waste on the environment.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Measures to reduce and recycle construction waste	HKGCC	The Administration to – (a) take on renewed effort to raise public awareness on the waste problem and to educate the public to reduce, reuse and recycle waste;	It is Government's ongoing task to promote waste prevention and recovery to the public. In this regard, we have been organizing publicity and public education programmes.
		(b) conduct a study on the costs and benefits of government intervention into recycling;	It is Government's committed policy to promote waste recovery and to facilitate development of the recycling industry. We will take into account all relevant factors, including the costs and benefits, when examining the appropriate measures.
		(c) look into measures to reduce packaging waste; and	We have been looking into different ways to reduce and handle packaging wastes. For instance, we are now examining the feasibility of introducing product responsibility schemes for plastic bags.
		(d) actively explore the option of using clean and efficient incinerators for bulk reduction of waste.	We invited expressions of interest from the local and international waste management industry in April 2002 on the selection of technologies for the development of large-scale waste management facilities in Hong Kong. We are now evaluating the proposed technologies in detail, with a view to selecting the technologies that are of the highest international environmental standards and cost-effective.

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Measures to reduce and recycle construction waste	REDA	To encourage a greater degree of recycling, consideration should be given to specifying the types of construction waste materials that may be reused in building works.	We have promulgated a technical circular about specifications for using recycled aggregates. We are now preparing a new technical circular with a view to promoting the use of recycled concrete blocks in Government projects.
Illegal disposal of waste	FoE	Stringent guidelines should be put in place to require for inclusion of waste disposal procedures in both public and private construction projects to prevent illegal and irresponsible disposal of waste;	<p>At present, public works contracts involving disposal of construction materials are required to implement a trip-ticket system under the waste management plan to ensure that different types of construction materials go to the appropriate reception sites. This could help deter illegal waste disposal as contractors failing to comply with the trip-ticket system could risk the loss of tendering opportunities for government contracts.</p> <p>The Working Group on Construction Waste formed under the Provisional Construction Industry Coordination Board will, among other things, consider how best to extend the waste management plan to the private sector.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Illegal disposal of waste	FoE	<p>Measures to strengthen control against illegal dumping should be introduced in parallel with the Scheme. The lack of clear distinction between “filling/storage” and “disposal of construction waste” on private farmland may turn New Territories into the biggest waste dumping ground. In this connection, a cross-departmental working committee should be set up to deal with these issues; and</p>	<p>The Waste Disposal Ordinance has already provided for sanctions against illegal disposal of waste. In order to deter people from avoiding the charges after implementation of the charging scheme, we have strengthened legal provisions against illegal disposal of waste in the Bill. We will also step up enforcement against illegal dumping.</p> <p>We share the concern that the implementation of the charging scheme might give rise to dumping problems in the New Territories. EPD and the concerned departments will take necessary enforcement action if there is evidence that the concerned activities violate the environmental and other relevant laws.</p> <p>The Administration is examining the best approach and regulatory regime to tackle the problem. We will report to the Bills Committee on our proposal to address the issue as soon as practicable.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Illegal disposal of waste	FoE	Punitive measures, such as ban from future land auction, should be imposed on developers who demolish buildings within a specified period of time.	<p>We are not aware of any overseas experiences in implementing punitive measures to prevent private developers from carrying out demolition works indiscriminately.</p> <p>The differential charges under the proposed construction waste disposal charging scheme (with landfill charge the highest and public fill charge the lowest) will provide economic disincentive for developers/contractors to demolish buildings indiscriminately as they would have to pay more for the disposal of mixed demolition materials.</p> <p>Regarding the specific proposals, we will consult the relevant bureaux/departments on their feasibility.</p>

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Illegal disposal of waste	Greenpeace	The Bill is not able to tackle the problem of indiscriminate demolition of buildings by developers as in the case of Hunghom Peninsula. Punitive measures should be imposed as deterrent.	<p>We are not aware of any overseas experiences in implementing punitive measures to prevent private developers from carrying out demolition works indiscriminately.</p> <p>The differential charges under the proposed construction waste disposal charging scheme (with landfill charge the highest and public fill charge the lowest) will provide economic disincentive for developers/contractors to demolish buildings indiscriminately as they would have to pay more for the disposal of mixed demolition materials.</p> <p>We will consult the relevant bureaux/departments on the specific measures to deter indiscriminate demolition of developments.</p>
	BEC	The implementation of the Scheme may increase the risk of fly-tipping, particularly by some small construction companies. As such, early control measures should be worked out.	The Waste Disposal Ordinance has already provided for sanctions against illegal disposal of waste. In order to deter people from avoiding the charges after implementation of the charging scheme, we have strengthened legal provisions against illegal disposal of waste in the Bill. We will also step up enforcement against flytipping.

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Illegal disposal of waste	HKIE	Appropriate punitive provisions should be included in law and in public tender documents to guard against fly-tipping.	<p>The Waste Disposal Ordinance has already provided for sanctions against illegal disposal of waste. In order to deter people from avoiding the charges after implementation of the charging scheme, we have strengthened legal provisions against illegal disposal of waste in the Bill. We will also step up enforcement against illegal dumping.</p> <p>At present, public works contracts involving disposal of construction materials are required to implement a trip-ticket system under the waste management plan to ensure that different types of construction materials go to the appropriate reception sites. This could help deter illegal waste disposal as contractors failing to comply with the trip-ticket system could risk the loss of tendering opportunities for government contracts.</p>
		Publicity campaign should also be launched to encourage the public to report any illegal dumping incidents.	We will launch publicity campaign to warn the public, business establishments and the construction industry of the legal consequences of flytipping, and appeal to all members of the public to report flytipping cases.

Subject/Clause	Organization	Concern/View	Administration's response and follow-up action
Illegal disposal of waste	ACE	The Administration to take new measures to strengthen control against fly-tipping which may be aggravated after implementation of the Scheme.	The Waste Disposal Ordinance has already provided for sanctions against illegal disposal of waste. In order to deter people from avoiding the charges after implementation of the charging scheme, we have strengthened legal provisions against illegal disposal of waste in the Bill. We will also step up enforcement against illegal dumping.

Council Business Division 1
Legislative Council Secretariat
12 May 2004