

**立法會**  
**Legislative Council**

Ref : CB2/BC/13/04

LC Paper No. CB(2)1175/05-06  
(These minutes have been seen  
by the Administration)

**Bills Committee on Waste Disposal (Amendment) Bill 2005**

**Minutes of the 11<sup>th</sup> meeting**  
**held on Tuesday, 24 January 2006 at 4:30 pm**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Dr Hon KWOK Ka-ki

**Members absent** : Hon LI Fung-ying, BBS, JP  
Hon CHOY So-yuk, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP

**Public Officers attending** : Environmental Protection Department  
  
Mr FAN Wai-ming, Raymond  
Deputy Director of Environmental Protection (2)  
  
Mr WONG Yiu-kam, Benny  
Assistant Director (Environmental Compliance)  
  
Mr LEI Chee-kwong, Patrick  
Principal Environmental Protection Officer  
(Waste Policy)  
  
Mr NG Yau-wing, Alex  
Principal Environmental Protection Officer  
(Special Waste & Landfill Restoration)

Mr CHAN Shu-to, Kenneth  
Officer-in-charge (Territorial Control)

Mr YEUNG Kwok-on, Keith  
Senior Environmental Protection Officer  
(Territorial Control) 4

Dr HA Kwok-kuen, David  
Senior Environmental Protection Officer  
(Waste Policy) 2

Department of Justice

Ms IP Fung-king, Fanny  
Senior Assistant Law Draftsman

Department of Health

Dr HO Mang-yee, Mandy  
Consultant in Community Medicine

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Miss Monna LAI  
Assistant Legal Adviser 7

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

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Action

**I. Meeting with the Administration**

(LC Paper No. CB(2)940/05-06(01) – Checklist of outstanding issues

LC Paper No. CB(2)940/05-06(02) – Administration's response to the issues raised by members at the meeting on 10 January 2006

LC Paper No. CB(2)730/05-06(01) – Submission from Greenpeace on "Harmonizing Hong Kong's Waste Disposal Ordinance and China's Basel Convention Obligation"

LC Paper No. CB(2)874/05-06(01) – Administration's response to the submission of Greenpeace

Action

LC Paper No. CB(2)958/05-06(01) – Greenpeace’s counter comments on the Administration’s response

LC Paper No. CB(3)571/04-05 – The Bill

LC Paper No. CB(2)2171/04-05(01) – Marked-up copy of the Bill

LC Paper No. CB(2)2600/04-05(01) – Draft Waste Disposal (Clinical Waste) (General) Regulation

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Adm

2. The Administration was requested to –
  - (a) consult the Hong Kong Medical Association on the wording of the proposed Committee Stage amendments (CSAs) to empower the Director of Environmental Protection to define newly emerged infectious waste which posed significant health risk as “other wastes” under Group 6 clinical waste of Schedule 8;
  - (b) in relation to the Sixth and Seventh Schedules to the Waste Disposal Ordinance (WDO), provide information on the signatory states to the Basel Convention whose waste lists were modeled on the lists adopted by the Organisation for Economic Co-operation and Development, instead of the lists in the Basel Convention;
  - (c) in relation to Greenpeace’s comment that the Hong Kong Special Administrative Region had failed to comply with the Basel Convention which was a law, consult the Department of Justice and provide a legal opinion as to whether WDO, if amended by the Bill, would comply with the Basel Convention;
  - (d) provide information on the mechanism for handling complaints against the signatory states to the Basel Convention for non-compliance with the Convention, and whether complaints had been lodged against Hong Kong;
  - (e) provide information on Environmental Protection Department’s involvement in the Cluster on Transfrontier Shipments of Waste of the IMPEL Network on the enforcement measures taken by Hong Kong to stop illegal waste shipments; and
  - (f) provide an updated set of CSAs.

Action

**II. Any other business**

Date of next meeting

3. The Bills Committee noted that the next meeting would be held on 7 February 2006 at 4:30 pm.
4. The meeting ended at 6:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
17 February 2006

**Proceedings of the 11<sup>th</sup> meeting of the Bills Committee on  
Waste Disposal (Amendment) Bill 2005  
on Tuesday, 24 January 2006 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000222	Chairman Adm	Checklist of outstanding issues (LC Paper No. CB(2)940/05-06(01))	
000223 - 001140	Adm ALA7 Chairman Mr LEE Wing-tat Ir Dr Raymond HO Ms Emily LAU	Administration's response to the issues raised by members at the meeting on 10 January 2006 (LC Paper No. CB(2)940/05-06(02))  Proposed Committee Stage amendments (CSAs) to ensure consistency in the Chinese rendition of the word "practices" in clause 2(g) and Group 3 of Schedule 8  Proposed CSAs to empower the Director of Environmental Protection to define newly emerged infectious waste in relation to such "other wastes" that belonged to Group 6 of Schedule 8 by order in the Gazette  Consultation with the Hong Kong Medical Association on the wording of the proposed CSAs to Group 6 clinical waste  Consequential amendments to proposed section 37 of the Bill	<b>Admin to follow up</b>
001141 - 001528	Chairman Adm ALA7	Confirmation that the definition of "Dressings" in Group 5 clinical waste in Schedule 8 was the same as or comparable to the one adopted by the Hospital Authority and the Hong Kong Medical Association	
001529 - 001747	Chairman	Confirmation from Dr KWOK Ka-ki that the definition of "Dressings" in Group 5 clinical waste in Schedule 8 was the same as or comparable to the one adopted by the Hospital Authority and the Hong Kong Medical Association	

Time marker	Speaker	Subject(s)	Action Required
001748 - 003401	Adm Chairman	<p>Administration's response to the submission of Greenpeace and Greenpeace's counter response (LC Paper Nos. CB(2)730/05-06(01), 874/05-06(01) and 958/05-06(01))</p> <p>Highlights by the Administration on Greenpeace's concerns and the Administration's response –</p> <p>(a) Regarding the different definitions of “waste” used in the Waste Disposal Ordinance (WDO) and the Basel Convention, the definitions used in the WDO adequately covered those in the Basel Convention as evident from recent successful prosecution cases;</p> <p>(b) Regarding the lists of waste, the waste lists in the schedules to WDO and the Bill adequately covered those in the Basel Convention; and</p> <p>(c) Regarding the proposal to harmonize WDO with the Mainland practice, Hong Kong's reasons of not harmonizing WDO with the controlled waste list and import prohibitions put into place by the Mainland</p>	
003402 - 015041	Chairman Adm Dr LUI Ming-wah Mr LEE Wing-tat Mr WONG Kwok-hing Ms Emily LAU	<p>Concerns raised by members –</p> <p>(a) disparities between the hazardous wastes specified in the Seventh Schedule to WDO and those in Annex VIII to the Basel Convention;</p> <p>(b) reasons for not amending the Seventh Schedule to WDO by copying the list in Annex VIII to the Basel Convention;</p> <p>(c) impact of WDO not adopting the list in Annex VIII to the Basel Convention;</p> <p>(d) risks involved in adopting the list in Annex VIII to the Basel Convention to WDO;</p>	

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		<p>(e) reasons for WDO not adopting the definition of “waste” of Basel Convention;</p> <p>(f) time and work required if WDO was to be revamped to adopt the definitions and lists of wastes in the Basel Convention; and</p> <p>(g) reasons for Hong Kong not following Mainland’s controlled waste list and import prohibitions</p> <p>Administration responded with the following points –</p> <p>(a) the list of hazardous waste in the Seventh Schedule to WDO enacted in 1994/95 was modeled along the Organisation for Economic Co-operation and Development (OECD) lists. The list in Annex VIII, on the other hand, was included in the Basel Convention in 1998;</p> <p>(b) certain types of waste listed in Annex VIII made reference to hazardous properties in Annex III, which were not fully documented and the tests did not exist to define quantitatively the hazards. It was premature for WDO to adopt the list in Annex III &amp; VIII to the Basel Convention;</p> <p>(c) it was not uncommon for individual signatory states to the Basel Convention to modify the definitions and lists of wastes to suit their needs;</p> <p>(d) member states of European Union (EU) used both the OECD lists (within EU) and lists in the Basel Convention (outside EU);</p> <p>(e) amendments had been proposed to the Seventh Schedule to WDO to ensure that the hazardous waste listed in Annex VIII to the Basel Convention were sufficiently covered, e.g. AD220, a</p>	

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		<p>catch-all description, was included in the Schedule;</p> <p>(f) “waste” was defined in the Basel Convention as substances which were “disposed of”, while WDO defined it as substances which were “abandoned”. The current definition of waste in WDO had proven to be successful in curbing transboundary movement of hazardous waste as evident from recent successful prosecution cases;</p> <p>(g) practical difficulties in enforcing the definitions and lists of wastes in the Basel Convention as it would create confusion to the trade;</p> <p>(h) revamp of WDO for the purpose of adopting the definitions and lists of wastes in the Basel Convention was a big operation and posed great risks. It involved not only technical amendments to WDO but also a new round of consultation with the trade, and an assessment on the enforceability of the new controlled measures, given that the existing system had been used for over 10 years; and</p> <p>(i) it was not practical to follow the list of controlled wastes and import prohibitions adopted by the Mainland, as Hong Kong was a free port and also supported the spirit of the Basel Convention in respect of encouraging recycling of waste</p>	
015042 - 015616	Chairman Adm Mr LEE Wing-tat	<p>Mechanism was in place to monitor compliance of signatory states to Basel Convention</p> <p>Administration was requested to –</p> <p>(a) in relation to the Sixth and Seventh Schedules to WDO, provide information on the signatory states to the Basel</p>	<b>Admin to follow up</b>



Time marker	Speaker	Subject(s)	Action Required
		<p>Convention whose waste lists were modeled on the lists adopted by OECD, instead of the lists in the Basel Convention;</p> <p>(b) in relation to Greenpeace's comment that the Hong Kong Special Administrative Region had failed to comply with the Basel Convention which was a law, consult the Department of Justice and provide a legal opinion as to whether WDO, if amended by the Bill, would comply with the Basel Convention;</p> <p>(c) provide information on the mechanism for handling complaints against the signatory states to the Basel Convention for non-compliance with the Convention, and whether complaints had been lodged against Hong Kong;</p> <p>(d) provide information on Environmental Protection Department's involvement in the Cluster on Transfrontier Shipments of Waste of the IMPEL Network on the enforcement measures taken by Hong Kong to stop illegal waste shipments; and</p> <p>(e) provide an updated set of CSAs</p>	
015617 - 015633	Chairman	Date of next meeting	

**Note : The audio records of the above proceedings are kept at the LegCo Library**