

立法會
Legislative Council

Ref : CB2/BC/13/04

LC Paper No. CB(2)1933/05-06
(These minutes have been seen
by the Administration)

Bills Committee on Waste Disposal (Amendment) Bill 2005

Minutes of the 13th meeting
held on Tuesday, 21 February 2006 at 4:30 pm
in Conference Room B 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 CHOY So-yuk, JP
Hon LI Fung-ying, BBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon KWOK Ka-ki

Public Officers attending : Environmental Protection Department

Mr FAN Wai-ming, Raymond
Deputy Director of Environmental Protection (2)

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

Action

I. Confirmation of minutes of meetings

(LC Paper No. CB(2)1175/05-06 – Minutes of meeting on 24 January 2006

LC Paper No. CB(2)1178/05-06 – Minutes of meeting on 7 February 2006)

The minutes of the meetings held on 24 January 2006 and 7 February 2006 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(2)1167/05-06(01) – Administration's response concerning clinical waste collection arrangement for outlying islands and consultation with the Hong Kong Medical Association on CSAs to Group 6 in Schedule 8

LC Paper No. CB(2)1167/05-06(02) – Administration's response concerning its consultation with the Kwai Tsing District Council

LC Paper No. CB(2)1167/05-06(03) – Administration's response concerning clauses 18(b), 24(a) and 25 of the Bill)

Action

LC Paper No. CB(2)1167/05-06(04) – Proposed CSAs to be moved by the Administration

LC Paper No. CB(2)1183/05-06(01) – Marked-up copy of the additional draft Committee Stage Amendments prepared by the Legal Service Division

LC Paper No. CB(2)1183/05-06(02) – Letter of Assistant Legal Adviser dated 17 February 2006 to the Administration

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)

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

Adm

3. The Bills Committee noted that the Kwai Tsing District Council remained opposed to the proposed designation of the Chemical Waste Treatment Centre in Tsing Yi to treat clinical waste. In order to address the concerns of the Kwai Tsing District Council, the Administration was requested to –

- (a) provide before 7 March 2006 a written response to members' request that as a means to gain acceptance by the local community of the Kwai Tsing district, the Administration should consider providing facilities for the betterment of the district;
- (b) include the response in (a) above in the speech to be delivered by the Secretary for the Environment, Transport and Works during the resumption of the Second Reading debate on the Bill; and
- (c) continue to explore advanced technologies for the treatment of waste and report progress to the Panel on Environmental Affairs in due course.

(Post-meeting note : The Administration's responses on (a) above were issued to members vide LC Paper Nos. CB(2)1337/05-06(01), CB(2)1542/05-06(01) and CB(2)1561/05-06(01) on 8, 27 and 28 March 2006 respectively.)

Adm

4. In the course of examining the proposed Committee Stage amendments (CSAs) to be moved by the Administration, the Administration undertook to –

- (a) insert a footnote in the loose-leaf edition of the Laws of Hong Kong in relation to Schedule 9 to the effect that the formulation used in that Schedule (i.e. the states expressly named as read with the catch-all phrase of "any other state, or party to the Basel Convention ... " in the CSA to Schedule 9) represented all the states or parties included in Annex VII of the Basel Convention; and

Action

- (b) provide an updated set of CSAs to the Bills Committee before 7 March 2006.

(Post-meeting note : A finalised set of CSAs to be moved by the Administration was issued to members vide LC Paper No. CB(2)1257/05-06(01) on 27 February 2006.)

III. Any other business

5. As the Bills Committee concluded its deliberation, members supported that the resumption of the Second Reading debate on the Bill to take place at the Council meeting on 29 March 2006. The Chairman informed members that the deadlines for giving notice of resumption of the Second Reading debate and CSAs were 14 and 20 March 2006 respectively. The Bills Committee would report its deliberation to the House Committee on 17 March 2006.

6. The meeting ended at 6.16 pm.

Council Business Division 2
Legislative Council Secretariat
8 May 2006

**Proceedings of the 13th meeting of the Bills Committee on
Waste Disposal (Amendment) Bill 2005
on Tuesday, 21 February 2006 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000148	Chairman	Confirmation of minutes of meetings	
000149 - 000558	Chairman Admin Mr WONG Kwok-hing	Briefing by the Administration on clinical waste collection arrangement for outlying islands (LC Paper No. CB(2)1167/05-06(01)) Concern of members that only one waste collector would collect clinical waste for outlying islands Charges of collecting waste in outlying islands	
000559 - 000621	Admin	Briefing by the Administration on its consultation with the Hong Kong Medical Association on Committee Stage amendments (CSAs) to Group 6 in Schedule 8 (LC Paper No. CB(2)1167/05-06(01))	
000622 - 005825	Chairman Admin Miss CHOY So-yuk Mr WONG Kwok-hing Ms Emily LAU Dr LUI Ming-wah Mr Jeffrey LAM	Briefing by the Administration on its consultation with the Kwai Tsing District Council (LC Paper No. CB(2)1167/05-06(02)) Wording of the motion moved by the Kwai Tsing District Council (KT & DC) at the meeting of the Community Affairs Committee on 15 February 2006 KT & DC maintained its position to object to the treatment of clinical waste at the Chemical Waste Treatment Centre (CWTC) in Tsing Yi Assurance from the Administration that dioxin emissions from CWTC was acceptable by international standard Information on dioxin emissions at CWTC and studies on dioxin levels in humans in Hong Kong	

Time marker	Speaker	Subject(s)	Action Required
		<p>provided to the Bills Committee in LC Paper No. CB(2)2346/04-05(02)</p> <p>Members and the Administration discussed the following measures to address concerns of KT & DC –</p> <ul style="list-style-type: none"> (a) provision of monitoring reports on emissions of CWTC to KT & DC on a more frequent basis when CWTC commenced to treat clinical waste; (b) access to data of dioxin emission at CWTC on the website; (c) improvement on the working relationship between the Environmental Protection Department and KT & DC; and (d) priority to be accorded to the requests of KT & DC on the provision of certain district facilities <p>The Administration undertook to –</p> <ul style="list-style-type: none"> (a) include in the speech to be delivered by the Secretary for the Environment, Transport and Works during the resumption of the Second Reading debate the Administration’s response to members’ request that as a means to gain acceptance by the local community of the Kwai Tsing district, the Administration should consider providing facilities for the betterment of the district; and (b) continue to explore advanced technologies for the treatment of waste and report progress to the Panel on Environmental Affairs in due course 	<p>Admin to follow up</p>
005826 - 010733	Chairman Admin ALA7	Scrutiny of the proposed CSAs to the Bill (LC Paper Nos. CB(2)1167/05-06(03) and 1183/05-06(01))	

Time marker	Speaker	Subject(s)	Action Required
		<p>Clause 18(b) – Administration’s view on the need for two Chinese renditions for “authorization” in proposed section 23D(e), i.e. “授權” and “批准”, and whether the Chinese rendition for “authorization” in this and other sections of the Waste Disposal Ordinance (WDO) could be standardized in the context of the provisions</p> <p>Clarification on the policy of proposed section 23D(e) regarding the powers of authorized officers to examine and make copies of records kept pursuant to any requirement under WDO, or of any licence and permits issued thereunder</p>	
010734 - 011345	Admin Chairman Ms LI Fung-ying Dr LUI Ming-wah	<p>Sixth Schedule – Chinese rendition for “assembly”</p> <p>Seventh Schedule – Chinese translation for the newly added entry 1180</p>	
011346 - 013343	Chairman Admin ALA7 Ms Emily LAU Miss CHOY So-yuk	<p>Briefing by the Administration on the proposed CSAs to Schedule 9 which described the entities that were subject to the Basel Ban (LC Paper Nos. CB(2) 1073/05-06(01), 1167/05-06(03), 1183/05-06(02) and 1190(01))</p> <p>The Administration’s explanation that the draft CSAs were proposed to address Greenpeace’s concern about the time gap before legislative amendment to include any new member of the Organization for Economic Co-operation and Development (OECD) and European Union (EU) in Schedule 9 could be put in place</p> <p>ALA7’s proposal to replace the expression “or party to the Basel Convention” in the draft CSA with “or parties included in Annex VII of the Basel Convention” so as to be consistent with the heading of Schedule 9 be adopted</p>	

Time marker	Speaker	Subject(s)	Action Required
013344 - 013926	Chairman Ms Emily LAU Admin Miss CHOY So-yuk	<p>The Bills Committee agreed that the resumption of the Second Reading debate on the Bill would take place at the Council Meeting on 29 March 2006</p> <p>The Administration advised the following –</p> <ul style="list-style-type: none"> (a) a funding approval of over \$50 million would be sought from the Finance Committee for carrying out modification works at CWTC for treatment of clinical waste; and (b) the Waste Disposal (Clinical Waste) (General) Regulation would be introduced into LegCo in around September 2006 <p>The Administration was requested to provide to the Bills Committee on or before 7 March 2006 the following –</p> <ul style="list-style-type: none"> (a) a written response to members' request that as a means to gain acceptance by the local community of the Kwai Tsing district, the Administration should consider providing facilities for the betterment of the district; and (b) an updated set of CSAs 	Admin to follow up
013927 - 014531	Admin ALA7 Chairman Miss CHOY So-yuk	<p>Exchange of views on the draft CSA to Schedule 9 and ALA7's proposal</p> <p>The Bills Committee agreed that –</p> <ul style="list-style-type: none"> (a) the wording of the draft CSA to Schedule 9 proposed by the Administration should be adopted; (b) the Administration would expressly incorporate any new member of OECD and EU in Schedule 9 as soon as practicable; and (c) the Administration would insert a footnote in the 	Admin to follow up

Time marker	Speaker	Subject(s)	Action Required
		loose-leaf edition of the Laws of Hong Kong in relation to Schedule 9 to the effect that the formulation used in that Schedule (i.e. the states expressly named as read with the catch-all phrase of “any other state, or party to the Basel Convention ... ” in the CSA to Schedule 9) represented all the states or parties included in Annex VII of the Basel Convention	

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

Council Business Division 2
Legislative Council Secretariat
8 May 2006