

**立法會**  
**Legislative Council**

Ref : CB2/BC/13/04

LC Paper No. CB(2)817/05-06  
(These minutes have been seen  
by the Administration)

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

**Minutes of the eighth meeting  
held on Tuesday, 6 December 2005 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Audrey EU Yuet-mee, SC, JP (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Dr Hon KWOK Ka-ki
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Dr Hon LUI Ming-wah, SBS, JP  
Hon LI Fung-ying, BBS, 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 LEI Chee-kwong, Patrick  
Acting Assistant Director (Waste Management Policy)  
  
Mr CHAN Shu-to, Kenneth  
Officer-in-charge (Territorial Control)  
  
Dr HA Kwok-kuen, David  
Senior Environmental Protection Officer  
(Waste Policy) 2

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

Department of Justice

Ms IP Fung-king, Fanny  
Senior Assistant Law Draftsman

Ms Betty CHEUNG  
Senior Government Counsel

Department of Health

Dr HO Mang-yee, Mandy  
Principal Medical & Health Officer (5)

**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 meeting**  
(LC Paper No. CB(2)570/05-06 – Minutes of meeting on 8 November 2005)

The minutes of the meeting held on 8 November 2005 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(2)575/05-06(01) – Administration's response to the issues raised by members at the meeting on 22 November 2005

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))

Action

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

Adm

3. The Administration was requested to respond to a number of issues which are summarized below –

(a) clauses 8 and 9 – in respect of proposed sections 20A(4)(f) and 20B(4)(g) which stipulated that “that the issue of such permit is not in breach of Hong Kong’s obligations under the Basel Convention”, members requested the Administration to consider –

(i) whether the obligations under the Basel Convention as applied to Hong Kong should be spelt out specifically in a schedule to the Bill; and

(ii) whether the two proposed sections, which only stipulated one of the conditions to be considered by the authority for issuance of a permit for the import of waste into Hong Kong, should be deleted altogether from the Bill.

(b) clause 10 – the charge payable by an applicant for disposal of imported waste under proposed section 20DA(6)(a) should be increased to a higher level which would deter parties from using local landfills for disposal of imported waste, instead of a charge determined on the basis of cost recovery of the disposal (which was \$125 per tonne as advised by the Administration at the meeting).

Adm

4. The Bills Committee noted that in relation to proposed section 11(2) of the Bill, the Administration would propose complementary provisions to section 9(3) of the Waste Disposal (Clinical Waste) (General) Regulation. The Administration undertook to provide the revised Draft Regulation for scrutiny of the Bills Committee in due course.

### **III. Any other business**

5. The Bills Committee noted that the next meeting would be held on 20 December 2005 at 4:30 pm.

6. The meeting ended at 6:30 pm.

**Proceedings of the meeting of the Bills Committee on  
Waste Disposal (Amendment) Bill 2005  
on Tuesday, 6 December 2005 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000703	Chairman	Confirmation of minutes of meeting  Checklist of outstanding issues tabled at the meeting	
000704 - 001007	Adm Chairman	Administration's response to the issues raised by members at the meeting on 22 November 2005 (LC Paper No. CB(2)575/05-06(01))	
001008 - 001610	Chairman Adm ALA7	Clause-by-clause examination of the Bill  Clause 5 (proposed section 11) – Prohibition of collection of waste unless licensed or authorized  Administration's clarification that healthcare professionals who transported clinical waste generated in the course of their practices to a reception point or a collection point would not commit an offence under proposed section 11(2) as they would not be regarded as persons providing services under section 9  Complementary provisions to be made to section 9(3) of the Waste Disposal (Clinical Waste) (General) Regulation (Draft Regulation)  Provision of the revised Draft Regulation for scrutiny of the Bills Committee in due course	<b>Admin to follow up</b>          <b>Admin to follow up</b>
001611 - 002706	Chairman Adm ALA7 Ms Emily LAU	Differences between proposed section 11(1) and (2)  Reasons for adopting different drafting approach for proposed section 11(1) and (2)	

Time marker	Speaker	Subject(s)	Action Required
002707 - 002956	Chairman Adm	Clause 6 (proposed section 16) – Prohibition of unauthorized disposal of waste	
002957 - 003343	Adm Chairman Ms Emily LAU	Clause 7 (proposed section 19(2)) – Information as to waste delivered for disposal  Concern of the New Territories Manufacturers Association about the hefty increase in penalty for giving incorrect information from \$5,000 to \$100,000 and the Administration’s response	
003344 - 005046	Chairman Adm ALA7 Ms Emily LAU	Clause 8 (proposed section 20A(4)) – Permit required for the import of waste into Hong Kong  Implementation of international conventions applicable to Hong Kong in local legislation  Members’ concerns about the drafting of proposed section 20A(4)(f) in clause 8 –  (a) Hong Kong’s obligations under the Basel Convention were not specified in the Bill. It was noted that provisions of certain international conventions applicable to Hong Kong were specified in the schedule to the local legislation;  (b) all obligations, including future obligations, under the Basel Convention would automatically be binding on Hong Kong following passage of the Bill. LegCo was not given the opportunity to scrutinize or modify future obligations for adaptation in Hong Kong; and  (c) in connection with (b) above, the Bill would set an undesirable precedent for the mode of implementation of international conventions applicable to Hong Kong in local legislation  The Administration’s response was as follows –	

Time marker	Speaker	Subject(s)	Action Required
		<p>(a) the general approach of paragraph (f) was not unique. For example, one of the provisions in the Airport Authority Ordinance adopted the same approach; and</p> <p>(b) the general approach in the Bill was in order given the narrow scope of paragraph (f) i.e. breach of Hong Kong's obligations under the Basel Convention was only one of the considerations for the authority not to issue a permit for the import of waste into Hong Kong</p> <p>Having regard to members' views, the Administration agreed to review the current approach to consider –</p> <p>(a) whether the obligations under the Basel Convention as applied to Hong Kong should be spelt out specifically in a schedule to the Bill; and</p> <p>(b) whether paragraph (f), which only stipulated one of the conditions to be considered by the authority for issuance of a permit for the import of waste, should be deleted altogether</p>	<p><b>Admin to follow up</b></p>
005047 - 005104	Chairman	<p>Clause 9 (Proposed section 20B(4)) - Permit required for the export of waste from Hong Kong</p> <p>Members' concerns on proposed section 20B(4)(g) were the same as those on proposed section 20A(4)(f) in clause 8</p>	<p><b>Admin to follow up</b></p>
005105 - 013756	Chairman Ms Emily LAU Mr LEE Wing-tat Adm	<p>Clause 10 (Proposed section 20DA) – Authorization for disposal of certain imported waste</p> <p>Purpose of proposed section 20DA was to prevent disposal of imported waste in local landfills without authorization</p> <p>Reasons for parties to resort to Hong Kong for disposal of imported waste</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>Cases of illegal disposal of imported waste (about 30 per year), number of successful prosecutions (5 – 6 per year), and average volume of waste involved in each case</p> <p>Circumstances under which authorization would be granted for disposal of imported waste : it would be granted only if the waste was imported into Hong Kong genuinely for recycling purposes, and only if an applicant could prove that he had exhausted all possible recycling outlets and all means to return the imported waste to the state of export</p> <p>The charge payable by an applicant under proposed section 20DA(6)(a) was determined on the basis of cost recovery of the disposal of imported waste (\$125 per tonne), and excluded the capital cost of the disposal facility</p> <p>Administration’s explanation that persons who imported waste into Hong Kong without a permit (section 20A), or who were not granted authorization for disposal of certain imported waste (proposed section 20DA), would commit an offence and were liable to a fine of \$200,000 and to imprisonment of 6 months under section 20E</p> <p>Members’ concern that the charge payable by an applicant under proposed section 20DA(6)(a) was too low and would have the effect of encouraging more attempts to dispose of imported waste in Hong Kong</p> <p>Members’ proposal that the charge payable by an applicant under proposed section 20DA(6)(a) should be increased to a level which would deter parties from using local landfills for disposal of imported waste</p>	<p><b>Admin to follow up</b></p>
013757 - 013827	Chairman	Clause 11 (Proposed section 20E) – Offences under this part	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
013828 - 014219	Adm Chairman	Clause 12 (Proposed section 20F) – Seizure and disposal of waste following conviction	
014220 - 014402	Chairman Adm ALA7	Clause 13 (Proposed section 20I(1)) – Interpretation and application  Definition of “contaminated” waste in the Waste Disposal Ordinance and the Basel Convention	
014403 - 014853	Chairman Adm Mr LEE Wing-tat	Clause 14 (Proposed section 21) – Application for and grant of licences	
014854 - 015053	Adm Miss CHOY So-yuk Chairman	Clause 15 (Proposed section 21A) – Circumstances under which waste disposal licence for chemical or clinical waste is to be granted	
015054 - 015335	Adm Chairman	Clause 16 (Proposed section 22) – Effect of licences	
015336 - 015510	Miss CHOY So-yuk Adm Chairman Mr LEE Wing-tat	Clause 17 (Proposed section 23) – General provisions as to licences  Reasons for not combining proposed section 23(1A) and (1B) into one provision	
015511 - 15542	Chairman	Date of next meeting  Report by the Administration at the next meeting on the outcome of the consultation with the Kwai Tsing District Council on the proposal of setting up a committee to monitor the modification works and operation of the Chemical Waste Treatment Centre when it commenced to receive and treat clinical waste	

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