

**Waste Disposal (Amendment) Bill 2005**  
**Administration's Response to Members' request made at**  
**the 9<sup>th</sup> meeting of the Bills Committee held on 20 December 2005**

**Provide information on the charges for disposal of imported waste at local landfill in the situation where the arrangement for recycling had fallen through and the imported waste could not be returned to the state of export in some overseas jurisdictions; and**

**Consider increasing the charge payable by an applicant for disposal of imported waste under proposed section 20DA(6)(a) in order to deter parties from using local landfills for disposal of imported waste. The Administration's proposal of imposing charges on the basis of recovery of the administrative cost (approximate cost of \$9,500) and the full cost of disposal at the landfill (\$125 per tonne) were considered inadequate.**

We do not consider it necessary to increase the charge payable by an applicant for the disposal of imported non-hazardous waste at local landfills under section 20DA(6)(a) since the measures as proposed under Clauses 10 and 11 of the Bill would have already provided sufficient deterrent effect –

- Under Clauses 10 and 11 of the Bill, we have proposed that it will be an offence to dispose of imported non-hazardous waste without proper authorization. Any person who, without prior authorization, disposes of imported non-hazardous waste will commit an offence and is liable for the first offence to a fine of \$ 200,000 and to imprisonment for 6 months, and for a second and subsequent offence to a fine of \$ 500,000 and to imprisonment for 2 years.
  - Under Clause 10 of the Bill, an authorization for disposal of imported non-hazardous waste at local landfills will not be granted if the import was made under the disguise of recycling.
2. As proposed under Clause 10 of the Bill, an authorization will not be granted by the Director of Environmental Protection (DEP) unless the applicant is able to fully satisfy the following conditions –
- a) the import of the waste concerned into Hong Kong was for the purpose of reuse, or a reprocessing, recycling or recovery

operation, and did not require a permit under the Waste Disposal Ordinance;

- b) it is not practicable to make alternative arrangement for the imported waste to be used, whether in Hong Kong or elsewhere, for the purpose of reuse, or a reprocessing, recycling or recovery operation, in a manner acceptable to the DEP;
- c) it is not practicable to return the imported waste to the state of export.

The above provisions are to cater for the rare cases where eventual disposal at our landfill is unavoidable. The subject of additional deterrent effect is not applicable here.

3. The applicant, in applying for an authorization, has to furnish information on the details of the original arrangement for a reprocessing, recycling or recovery operation, the reasons why the arrangement cannot be carried out, and proof of any attempt in making alternative arrangement. Any person who, in the course of applying for an authorization, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in material particular will commit an offence and will be liable to a fine of \$ 200,000 and to imprisonment for 6 months.

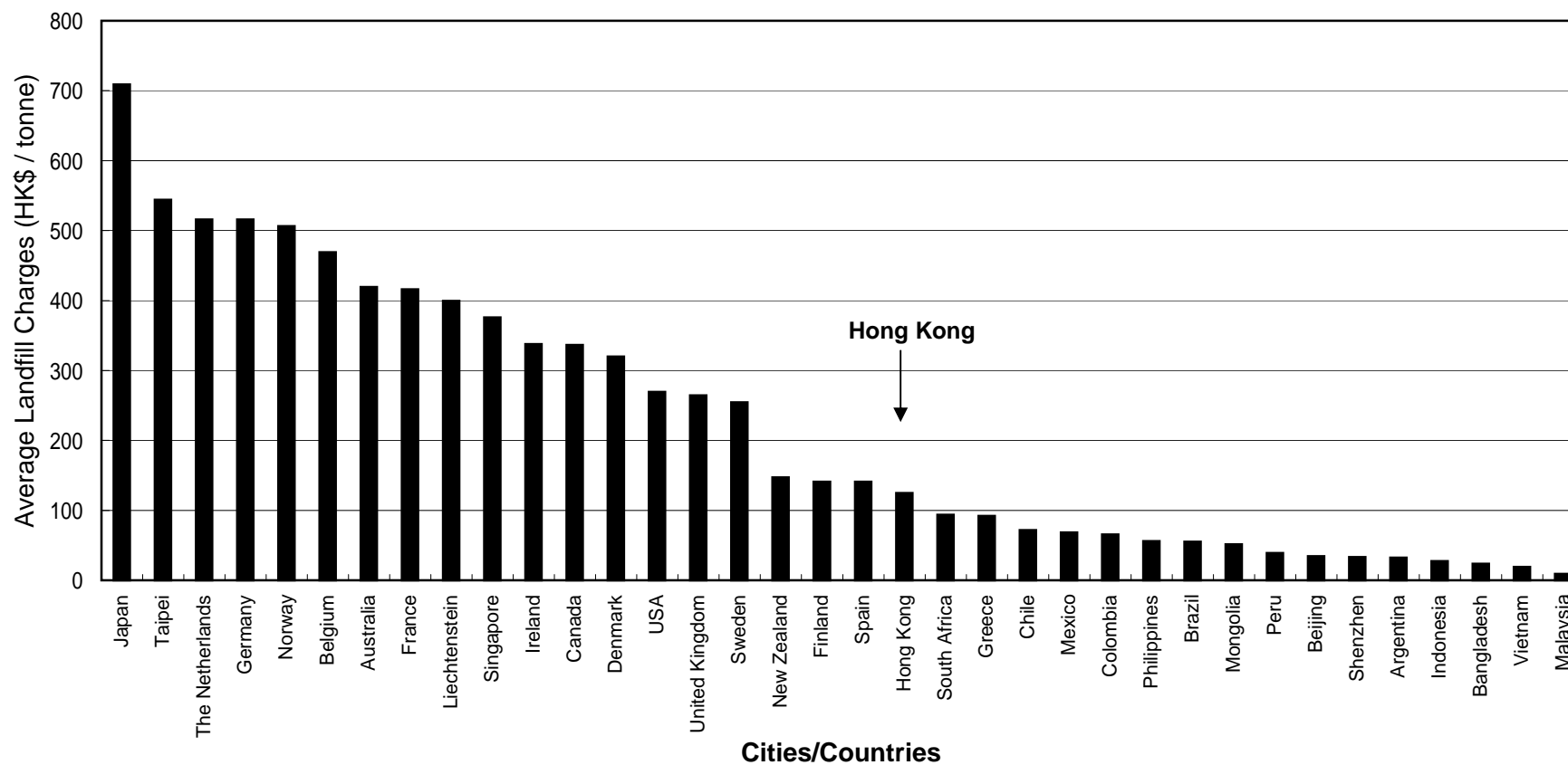
4. As for overseas experience, we are not aware of any overseas jurisdictions which impose similar legislative control on the disposal of imported non-hazardous waste. Most landfills are privately owned and operated in many overseas countries, and the landfill disposal costs as summarized in the Annex are provided only for Members' reference.

**Clauses 8 and 9 – propose Committee Stage amendments to delete 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”**

5. The proposed Committee Stage amendments will be submitted to the Bills Committee separately.

**Environmental Protection Department  
January 2006**

### Landfilling Charges of Other Cities/Countries



**Remarks:**

1. The landfilling charge in Hong Kong is \$125 per tonne.
2. The landfilling charges of other countries are gathered from various documents/publications, which may be calculated under different conditions and assumptions, and cover large variations between countries and cities. The charges rates vary according to exchange rates.
3. Information is extracted from the document CB(1)1636/03-04(16) previously submitted by EPD in 2004 to the Bills Committee on the Waste Disposal (Amendment)(No.2) Bill 2003.