

Waste Disposal (Amendment) Bill 2005

Clinical Waste Control Scheme

Introduction

This note provides supplementary information on the specific issues in respect of the Clinical Waste Control Scheme raised by Members at the first meeting of the Bills Committee held on 8 July 2005.

Duties of Various Parties in the Clinical Waste Management Chain

2. Under the proposed clinical waste control scheme, clinical waste producers will be required to arrange for disposal of their clinical waste at a licensed disposal facility. They are deemed to have discharged their duty if they have consigned their waste to a licensed clinical waste collector. A code of practice will be issued to provide guidance on the segregation, packaging, labelling, collection, handling, storage, transport and disposal of clinical waste.

3. To facilitate small clinical waste producers (e.g. private clinics) who prefer to carry small quantities of clinical waste to the licensed disposal facility, healthcare professionals will be allowed to transport not more than 5 kg of clinical waste to a licensed disposal facility.

4. Clinical waste collectors and disposal facility operators will be required to obtain a licence from the Director of Environmental Protection (the Authority) and comply with the licence conditions. Clinical waste collectors will be required to deliver the clinical waste to a licensed clinical waste disposal facility.

5. The licensed clinical waste collector is required to adopt a trip ticket system. The trip ticket is a record for each consignment of waste and is designed to track movement of waste from the source of waste generation to the licensed disposal facility. Licensed clinical waste collectors will be responsible for including the particulars of the waste handed over by the clinical waste producers in the trip ticket, and shall keep a copy of the trip ticket for inspection by the Authority. The collector shall also give a copy of the trip ticket to the waste producers for record.

6. A chart showing the responsibilities of the three parties in the clinical waste management chain is shown at Annex I.

Sanctions

7. The penalty for various offences imposed on clinical waste producers and clinical waste collectors under the proposed clinical waste control scheme is set out in Annex II. The level of penalty is broadly in line with that for offences relating to the handling of chemical waste.

8. Section 23(3) of the Waste Disposal Ordinance (the Ordinance) provides that where a licence issued under the Ordinance is in force and the Authority considers it necessary in the public interest, the Authority may, by notice in writing to the holder of the licence -

- a) impose new or amended terms or conditions, and cancel a licence as from a specified date if the holder fails to observe any such term or condition,
- b) cancel the licence as from a specified date,
- c) revoke or amend or add to any notice previously given under this subsection, or any part of such notice.

Cost Recovery

9. In accordance with the User Pays Principle, we propose to levy a charge for the reception and treatment of clinical waste at the Chemical Waste Treatment Centre (CWTC). Having regard to the current level of charges for chemical waste and our assessment of acceptance of the affected trades, we propose to recover 31% of the variable operation cost of the CWTC initially. We will review the charge one year after implementation of the control scheme. We will increase the charge incrementally with a view to eventually recovering in full the variable operation cost in accordance with prevailing government-wide general guidelines for fees and charges increases, taking into account affordability and acceptability.

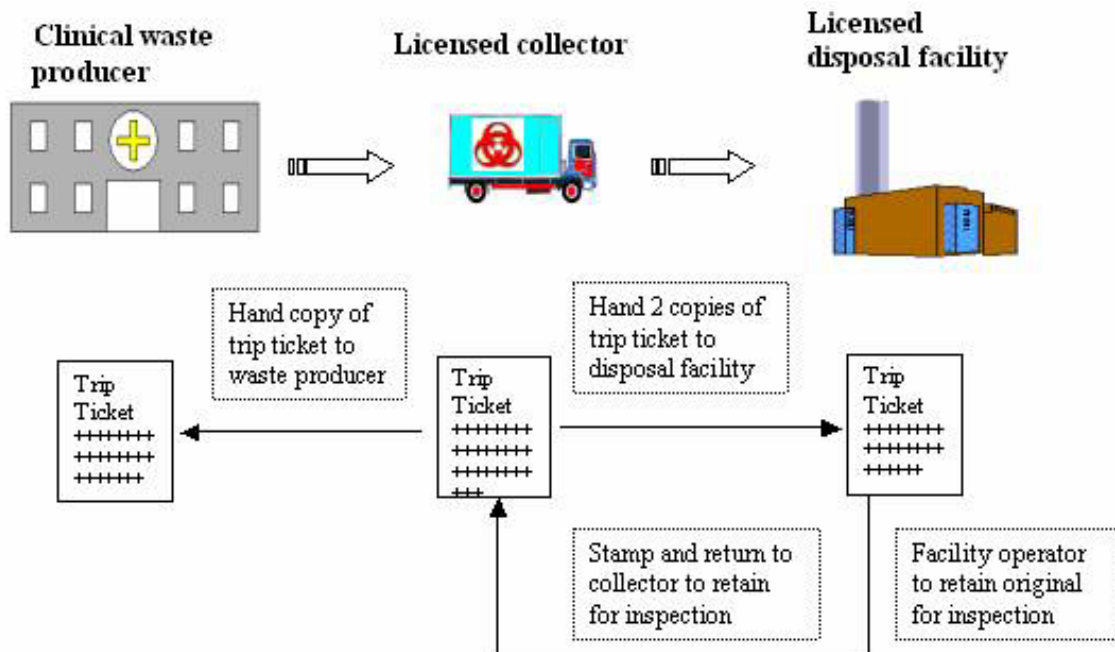
Exclusion of dead animals, animal tissues, organs and body parts from veterinary sources and Chinese medicine practice from the definition of “clinical waste”

10. Animal carcasses and tissues generated at veterinary clinics are, in general, of low risk with regard to public health. This includes animals that are destroyed at government animal management centres. Notification of diseases to the Director of Agriculture, Fisheries and Conservation is required under the Public Health (Animals and Birds) Ordinance (Cap.139) if significant risk to public health is suspected or diagnosed. Management and disposal of animal carcasses and tissues generated from these cases will be dealt with according to the kind of disease involved. Dead animals, animal tissues, organs and body parts generated from veterinary sources are therefore excluded from the definition of clinical waste.

11. Some dead animals and animal tissues, organs and body parts, such as seahorse or earthworm are used as medicine administered during Chinese medicine practice. Such materials arising from Chinese medicine practice are neither obnoxious nor infectious and hence would not be classified or controlled as clinical waste.

Environmental Protection Department
July 2005

Responsibilities of the Parties in the Clinical Waste Management Chain



- Waste Producers**
- Follow code of practice to properly package , label and store the clinical waste
 - Arrange for proper disposal of clinical waste at a licensed disposal facility

- Waste Collectors**
- Obtain licence from EPD and comply with licence conditions
 - Safe collection and transportation of waste
 - Complete trip ticket details and provide a copy to waste producer
 - Carry trip tickets during collection and transport of clinical waste
 - Deliver clinical waste to a licensed disposal facility
 - Keep copy of trip tickets for inspection
 - Required to submit records of trip tickets to EPD

- Waste Disposal Facility Operators**
- Obtain licence from EPD and comply with licence conditions
 - Complete trip ticket details and provide a copy to waste collector
 - Keep copy of trip tickets for inspection
 - Required to submit records of trip tickets to EPD

Annex II

Penalties under the Clinical Waste Control Scheme

Offence	Proposed Sanction
Waste Producer	
Does not arrange for proper disposal of clinical waste	\$200,000
Healthcare professional does not comply with requirements in relation to the delivery of clinical waste	\$100,000
Waste Collector	
Collection of clinical waste without a waste collection licence or without an authorization	\$100,000
Licensed collector does not comply with the waste collection licence conditions	1 st offence : \$100,000 2 nd and subsequent offence : \$200,000
Licensed collector fails to deliver clinical waste to a licensed disposal facility within 24 hours or as specified by the Authority	\$100,000 and 6-month imprisonment