

**Waste Disposal (Amendment) Bill 2005 (The Bill)
Administration's Response to Members' request made at
the 8th meetings of the Bills Committee held on 6 December 2005**

Clause 5 of the Bill –To authorize the removal of waste received at an on-site collection point.

The complementary provisions of the draft Regulation, to be made under the Waste Disposal (Amendment) Ordinance after its enactment, are set out at Annex A. The changes to the previous draft Regulation submitted to the Bills Committee are highlighted in bold.

Clauses 8 and 9 of the Bill – 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 and export of waste into Hong Kong, should be deleted altogether from the Bill.**

2. The new section 20A(4)(f) of the Waste Disposal (Amendment) Bill stipulates that the issue of an import permit will not be in breach of Hong Kong’s obligations under the Basel Convention (the Convention), while section 20B(4)(g) stipulates that the issue of an export permit will not be in breach of Hong Kong’s obligations under the Convention. The two new sections are designed to reflect our current practice so that the permit applicants will be aware of the duty of the Director of Environmental Protection (DEP) to take into account Hong Kong’s obligations under the Convention as applied to Hong Kong when DEP considers a permit application for the import or export of waste.

3. We noted Members’ concern that the two proposed sections only refer generally to Hong Kong’s obligations under the Basel Convention as applied to it, rather than setting out specifically in a schedule to the Bill the obligations that DEP has to take into account in considering an application for an import

or export permit. In the light of the concern, we agree to delete the two proposed sections from the Bill.

Environmental Protection Department
December 2005

Draft Waste Disposal (Clinical Waste)(General) Regulation

9. Authorization for on-site collection point

(1) The Director may, on application by a person referred to in subsection (2), by notice in writing served on the person, authorize him to use the land or premises specified in the notice as an on-site collection point for such a period and subject to such terms and conditions as the Director considers appropriate and specifies in the notice.

(2) An application for the purpose of subsection (1) may only be made by a person who -

- (a) uses the land or premises concerned for any practice or establishment, research or laboratory practice referred to in the definition of “clinical waste” in section 2(1) of the Ordinance;
- (b) produces or causes to be produced clinical waste at the land or premises concerned; and
- (c) is not a licensed waste collector.

(3) **An authorization granted to a person** under subsection (1) to use any land or premises as an on-site collection point **is an authorization for the person to do the following**, without having a waste collection licence -

- (a) to use the land or premises specified in the notice for the receipt of clinical waste (whether delivered by or on behalf of himself or another person); and
- (b) **to cause or arrange for the clinical waste so received to be disposed of.**

(3A) Nothing in subsection (3)(b) prejudices section 3 or 4.

[Note: Section 9(4) to (8) is not amended, and is therefore omitted.]