

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 34(2) of the Interpretation and General
Clauses Ordinance (Cap. 1))

WASTE DISPOSAL (CHARGES FOR DISPOSAL OF CONSTRUCTION
WASTE) REGULATION

- RESOLVED that the Waste Disposal (Charges for Disposal of
Construction Waste) Regulation, published in the Gazette
as Legal Notice No. 166 of 2004 and laid on the table of
the Legislative Council on 3 November 2004, be amended -
- (a) in section 2, by repealing the definition of
"contract" and substituting -
 - "contract" (合約) means a contract in writing
or a contract supported by sufficient
evidence in writing;"
 - (b) in section 3(4)(c), by adding "all" before "the
conditions of use";
 - (c) by repealing section 7(1) and substituting -

"(1) If the Director is satisfied that the construction waste intended to be delivered by a person or on his behalf to a prescribed facility for disposal is generated from construction work undertaken under a contract, the Director may, on application, give approval for that person to establish an exemption account solely in respect of that contract if -

(a) that contract has been awarded before the commencement of this section; or

(b) the closing date (if any) for submitting a tender for that contract is earlier than the commencement of this section.";

(d) by repealing section 9(2) and substituting -

"(2) Where the Director has approved the application to establish a billing account solely in respect of that contract, the main contractor shall ensure that -

(a) that billing account is used for paying any prescribed charge payable in respect of construction waste generated from construction work

undertaken under that contract;

and

- (b) that billing account is not used for paying any prescribed charge payable in respect of any other construction waste.”;

(e) in section 10 -

- (i) by repealing subsections (4) and (5) and substituting -

“(4) The Director shall refund to an account-holder the deposit or, if it has been applied under subsection (3), the balance (if any) -

- (a) upon the closure, at the account-holder’s request, of the billing account; or
- (b) upon the revocation of the billing account.

(5) The Director may, on his own initiative or at an account-holder’s request, refund to the account-holder the deposit or part of it if the Director is satisfied

that the deposit or that part is no longer required.";

(ii) by renumbering subsection (6) as subsection (7);

(iii) by adding -

"(6) In making a decision under subsection (5), the Director shall have regard to the factors that he considers relevant to the use of the billing account, including the amount of construction waste that the account-holder proposes to dispose of at any prescribed facility.";

(f) in section 18(2), by repealing "30 days" and substituting "45 days".