

立法會
Legislative Council

LC Paper No. LS66/04-05

**Paper for the House Committee Meeting
on 20 May 2005**

**Legal Service Division Report on
Waste Disposal (Amendment) Bill 2005**

I. SUMMARY

1. Objects of the Bill

To control the management of clinical waste and the disposal of imported waste, and to give effect to the Basel Ban in Hong Kong.

2. Comments

The content of the Bill is substantially the same as that of the Waste Disposal (Amendment) Bill 2003 ("the 2003 Bill") introduced into the Legislative Council on 25 June 2003. A Bills Committee was formed to scrutinize the 2003 Bill. Owing to the unavailability of a Bills Committee slot, it lapsed upon the dissolution of the last term of the Legislative Council.

The Bill -

- (a) extends the provisions relating to licensing of waste collection made under the Waste Disposal Ordinance (Cap. 354) ("the Ordinance") to cover "clinical waste";
- (b) provides that disposal of uncontaminated waste imported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste at a designated waste disposal facility requires an authorization granted by the Director of Environmental Protection ("the Director"); and
- (c) incorporates the Basel Ban into the Ordinance.

3. Public Consultation

- (a) According to the LegCo Brief, the Administration has consulted various interested parties on the Clinical Waste Control Scheme ("the Control Scheme") and the treatment of clinical waste by the Chemical Waste Treatment Centre ("CWTC").
- (b) The implementation of the Basel Ban by the Director administratively since December 1998 has been made known to both local and overseas traders prior to the implementation.

**4. Consultation with
LegCo Panel**

The outcome of consultation on the Control Scheme was discussed at the two joint meetings of the Panel on Environmental Affairs ("EA Panel") and the Panel on Health Services ("HS Panel") on 20 March 2002 and 23 May 2002 respectively. Concerns had been expressed by deputations on the proposal to treat clinical waste by incineration at the CWTS, capability of CWTS to treat clinical waste, the management of clinical waste and the implementation details and charging arrangement under the Control Scheme.

5. Conclusion

Since the Bill is substantially the same as the 2003 Bill and because of the concerns over the 2003 Bill expressed previously, Members may wish to form a Bills Committee to study the Bill in detail.

II. REPORT

Objects of the Bill

To control the management of clinical waste and the disposal of imported waste, and to give effect to the Basel Ban in Hong Kong.

LegCo Brief Reference

2. Members may refer to the LegCo Brief issued by Environmental Protection Department on 4 May 2005 (File Ref: EP 55/03/144) for background information.

Date of First Reading

3. 18 May 2005.

Background

4. The Waste Disposal (Amendment) Bill 2003 ("the 2003 Bill") was introduced into the Legislative Council on 25 June 2003. Pursuant to a decision of the House Committee at its meeting held on 27 June 2003, a Bills Committee was formed to scrutinize the 2003 Bill. Owing to the unavailability of a Bills Committee slot, the 2003 Bill lapsed upon the dissolution of the last term of the Legislative Council.

Comments

5. The content of the Bill is substantially the same as that of the 2003 Bill. The Bill amends the Waste Disposal Ordinance (Cap. 354) ("the Ordinance") in the following aspects:

(a) Implementation of a Clinical Waste Control Scheme ("the Control Scheme")

(i) The Bill defines "clinical waste" and extends the provisions relating to licensing of waste collection made under the Ordinance to cover clinical waste.

(ii) The Administration has indicated in the LegCo Brief that the Chemical Waste Treatment Centre ("CWTC") will be designated

as the facility to treat clinical waste and a disposal charge will be levied on clinical waste producers for use of the facility. Details of the Control Scheme will be set out in the Codes of Practice and the new Waste Disposal (Clinical Waste) (General) Regulation and the charge for use of CWTC will be prescribed in the new Waste Disposal (Charges for Disposal of Clinical Waste) Regulation; all of which are to be made under the Ordinance after the enactment of the Bill.

(b) Authorization for disposal of certain imported waste

- (i) Under the Ordinance, the import into Hong Kong of uncontaminated waste ("imported waste") for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste ("the specified purpose") does not require a permit issued by the Director of Environmental Protection ("the Director").
- (ii) The Bill provides that the disposal of any imported waste at a designated waste disposal facility requires an authorization granted by the Director upon his satisfaction that it is not practicable to make alternative arrangement for the imported waste to be used for the specified purpose in a manner acceptable to the Director and it is not practicable for the imported waste to be returned to the state of export. The Director may require payment of the cost of disposal of the imported waste.

(c) Incorporation of the Basel Ban into the Ordinance

- (i) In 1995, the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal agreed to ban the export of hazardous waste from state-members of the Organization for Economic Cooperation and Development, European Community and Liechtenstein to other states ("the Basel Ban").
 - (ii) According to the LegCo Brief, the Director has been implementing the Basel Ban administratively since December 1998.
 - (iii) The Bill proposes to incorporate the Basel Ban into the Ordinance.
6. (a) The provisions relating to the Basel Ban shall come into operation on the day on which the Bill is enacted and published in the Gazette.
- (b) Other provisions shall come into operation on a day to be appointed by

the Secretary for the Environment, Transport and Works by notice published in the Gazette.

Public consultation

7. According to the LegCo Brief, the following public consultations had been conducted before the introduction of the 2003 Bill into the Legislative Council:

- (a) In 1999, the Advisory Council on the Environment ("ACE") examined the Environmental Impact Assessment Study Report which concluded that CWTC was able to treat clinical waste in an environmentally acceptable manner and endorsed the Report. In April 2002, the ACE was further consulted on the Control Scheme and supported the proposal.
- (b) In November 2001, the Administration issued a Consultation Document on the Control Scheme to the medical, Chinese medical, dental, nursing and veterinary sectors, green groups, academic institutions, waste collectors and other related organizations and attended eight meetings and discussion forums to explain the Control Scheme to the parties concerned. Except Greenpeace and Kwai Tsing District Council, respondents to the Consultation Document generally supported the proposal.
- (c) The Administration consulted the shipping industry and other stakeholders in May 1999. Respondents either supported or had no comments on the proposal. As there has not been any change to this particular proposal since then, and given the limited impact the proposal has on the concerned industries, the Administration believes that further consultation would not be necessary.
- (d) The implementation of the Basel Ban by the Director administratively since December 1998 has been made known to both local and overseas traders prior to the implementation.

Consultation with LegCo Panel

8. The outcome of the consultation on the Control Scheme was discussed at the two joint meetings of the Panel on Environmental Affairs ("EA Panel") and the Panel on Health Services ("HS Panel") on 20 March 2002 and 23 May 2002 respectively. Deputations were invited to express their views at the latter meeting. The most contentious part of the Control Scheme was the proposal to treat clinical waste by incineration at the CWTS. While some deputations agreed to the use of CWTS to treat clinical waste as a short-term solution pending the formulation of a

comprehensive clinical waste management strategy, others were strongly opposed to incineration and held the view that less polluting non-incineration alternatives should be adopted to treat clinical waste. Concern was also raised on the capability of CWTS to treat clinical waste. On management of clinical waste, it was pointed out that proper training on the safe collection and transport of clinical waste should be provided to workers. Communication channels should be set up to ensure effective operation of the Control Scheme. The trade should also be consulted on the implementation details and charging arrangement under the Control Scheme.

9. Members may wish to refer to the minutes of the joint meetings of the EA Panel and the HS Panel on 20 March 2002 (LC Paper No. CB(1)1768/01-02) and 23 May 2002 (LC Paper No. CB(1)2307/01-02) for details.

Conclusion

10. Since the Bill is substantially the same as the 2003 Bill and because of the concerns over the 2003 Bill expressed previously, Members may wish to form a Bills Committee to study the Bill in detail.

Prepared by

LAI Shun-wo, Monna
Assistant Legal Adviser
Legislative Council Secretariat
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