

立法會
Legislative Council

LC Paper No. LS13/04-05

**Paper for the House Committee Meeting
on 5 November 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 October 2004**

Date of tabling in LegCo : 3 November 2004

Amendment to be made by : 1 December 2004 (or 5 January 2005 if extended by resolution)

PART I WASTE DISPOSAL FACILITIES AND WASTE DISPOSAL CHARGING SCHEME

Waste Disposal Ordinance (Cap. 354)

Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 (L.N. 165)

This Regulation amends the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) to specify, among other matters, the waste disposal facilities that are available for disposal of construction waste and the inert content specifications that the construction waste must conform to in order to be accepted for disposal at those facilities.

Waste Disposal (Charges for Disposal of Construction Waste) Regulation (L.N. 166)

2. This Regulation introduces a charging scheme for the disposal of construction waste at government waste disposal facilities. It replaces the Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub. Leg. K), which was made in 1995 but has not been brought into force. The proposed charge levels are \$125 per tonne at landfills, \$100 per tonne at sorting facilities and \$27 per tonne at public fill reception facilities. Instead of paying the charges through on-site payment arrangement, all waste disposal charges will be paid through a direct settlement system of billing accounts. Pure inert construction waste sorted out can be disposed

of at the public fill reception facilities at a much lower charge. If a load of construction waste contains more than 50 per cent by weight of inert construction waste, it can be taken to sorting facilities which will provide a sorting service at a charge. Landfills will only accept loads of construction waste containing not more than 50 per cent by weight of inert construction waste.

3. Both Regulations will come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works Bureau by notice published in the Gazette.

4. Members may refer to LegCo Brief File Ref: ETWB(E)55/03/113(2003) of 28 October 2004 from Environment, Transport and Works Bureau for background information.

5. The Bills Committee on the Waste Disposal (Amendment) Bill (which was enacted as the Waste Disposal (Amendment) Ordinance (17 of 2004)) had deliberated on the draft Regulations. Its suggestions of lowering the daily penalty for certain continuing offences, providing for defence of reasonable excuse in certain offences and substituting the on-site payment by the billing accounts have been incorporated into the Regulations. The Bills Committee was of the view that the proposed charging scheme should be implemented without delay and it had recommended the setting up of a subcommittee to study the Regulations after they were gazetted.

6. In the meantime, the Legal Service Division is continuing with the scrutiny of the legal and drafting aspects of the Regulations.

PART II CANCELLATION OF DESIGNATED PUBLIC MARKET

Public Health and Municipal Services Ordinance (Cap. 132)

Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 3) Order 2004 (L.N. 167)

7. By this Order made under section 79 of the Public Health and Municipal Services Ordinance (Cap. 132) (“the Ordinance”), the Director of Food and Environmental Hygiene has cancelled the designation of Stanley Temporary Market as a public market. This Order simultaneously amends the Tenth Schedule to the Ordinance by repealing Stanley Temporary Market.

Declaration of Markets Notice (Amendment) (No. 3) Declaration 2004 (L.N. 168)

8. By this Declaration made under section 79 of the Public Health and

Municipal Services Ordinance (Cap. 132) (“the Ordinance”), the Director of Food and Environmental Hygiene has declared that Stanley Temporary Market ceased to be a market to which the Ordinance applies. The Schedule to the Declaration of Markets Notice (Cap. 132 sub. leg. AN) is simultaneously amended by repealing Stanley Temporary Market.

9. No difficulties relating to the legal and drafting aspects of L.N.s 167 and 168 have been identified.

PART III COMMENCEMENT NOTICES

Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)

Mutual Legal Assistance in Criminal Matters (Portugal) Order (Cap. 525 Sub. Leg. L) (Commencement) Notice 2004 (L.N. 169)

10. The Secretary for Security specifies 7 November 2004 as the day on which the Mutual Legal Assistance in Criminal Matters (Portugal) Order (Cap. 525 Sub. Leg. L) will come into operation.

Fugitive Offenders Ordinance (Cap. 503)

Fugitive Offenders (Portugal) Order (Cap. 503 Sub. Leg. U) (Commencement) Notice 2004 (L.N. 170)

11. The Secretary for Security specifies 7 November 2004 as the day on which the Fugitive Offenders (Portugal) Order (Cap. 503 Sub. Leg. U) will come into operation.

12. No difficulties relating to the legal and drafting aspects of L.N.s 169 and 170 have been identified.

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
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