

立法會
Legislative Council

LC Paper No. CB(1) 308/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/SS/2/04/1

**Subcommittee on
Waste Disposal (Designated Waste Disposal Facility)
(Amendment) Regulation 2004 and
Waste Disposal (Charges for Disposal of Construction Waste) Regulation**

**Minutes of the first meeting
held on Friday, 12 November 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon CHOY So-yuk (Chairman)
Hon LEE Cheuk-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Members absent** : Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon KWONG Chi-kin
- Public officers attending** : Environment, Transport and Works Bureau

Ms Doris CHEUNG
Deputy Secretary (Environment and Transport)

Mrs Teresa WONG
Principal Assistant Secretary (Environment and Transport)

Environmental Protection Department

Dr Ellen CHAN
Assistant Director (Waste Facilities)

Department of Justice

Miss Shandy LIU
Senior Government Counsel

Civil Engineering and Development Department

Mr Michael LEUNG
Chief Engineer/ Fill Management

Environmental Protection Department

Mr T K CHENG
Senior Environmental Protection Officer
(Facilities Development)

Clerk in attendance : Miss Becky YU
Chief Council Secretary (1)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Council Secretary (1)2

I Election of Chairman

Ms Emily LAU, the member with the highest precedence among members who joined the Subcommittee, presided at the election of Chairman.

2. Mr Andrew LEUNG nominated Ms Emily LAU but the nomination was declined by Ms LAU. Ms CHOY So-yuk was nominated by Mr LEE Wing-tat and the nomination was seconded by Mr Andrew LEUNG. Miss CHOY So-yuk accepted the nomination. There being no other nomination, Miss CHOY So-yuk was declared Chairman of the Subcommittee.

II Meeting with the Administration

- (Ref : ETWB(E)55/03/113(2004) -- The Legislative Council Brief
LC Paper No. LS13/04-05 -- Legal Service Division Report
LC Paper No. CB(1) 208/04-05(01) -- Background brief on Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation
LC Paper No. CB(1) 208/04-05(02) -- Marked-up copy of the Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2004
LC Paper No. CB(1) 208/04-05(03) -- Waste Disposal (Charges for Disposal of Construction Waste) Regulation
LC Paper No. CB(1) 208/04-05(04) -- Paper provided by the Administration
LC Paper No. CB(1) 208/04-05(05) -- Assistant Legal Adviser's letter dated 8 November 2004 to the Administration
LC Paper No. CB(1) 208/04-05(06) -- Administration's response to CB(1) 208/04-05(05)
LC Paper No. CB(1) 208/04-05(07) -- List of concerns arising from the discussion at the meeting of the Bills Committee on Waste Disposal (Amendment)(No.2) Bill 2003 on 27 May 2004
LC Paper No. CB(1) 208/04-05(08) -- Administration's response to CB(1) 208/04-05(07))

3. Members agreed to the following schedule of meetings –

- (a) Thursday, 25 November 2004, at 2:30 pm;
- (b) Monday, 29 November 2004, at 8:30 am;
- (c) Friday, 3 December 2004, at 10:45 am; and
- (d) Thursday, 9 December 2004, at 2:30 pm.

4. Members agreed to conduct a site visit to the South East New Territories Landfill on Tuesday, 30 November 2004, to observe a mock operation of the charging scheme.

5. The Committee deliberated (Index of proceedings attached at **Annex A**).

6. The Administration was requested to –
- (a) keep the level of the daily fine for failure of main contractors to apply for billing accounts under review to ensure that it was sufficient to deter non-compliance. To also provide a progress report on the level of compliance after the charging scheme had been implemented for six months;
 - (b) ensure that there were clear and objective guidelines on the conditions to be imposed by the Director of Environmental Protection on approving an application to establish a billing account. To also consider revoking billing accounts only for repeated breach of conditions; and
 - (c) provide a paper explaining the policy intent and operation of the proposed deposit for a billing account.
7. The meeting ended at 12:16 pm.

Council Business Division 1
Legislative Council Secretariat
23 November 2004

**Proceedings of the meeting of the Subcommittee on
Waste Disposal (Designated Waste Disposal Facility)(Amendment) Regulation 2004 and
Waste Disposal (Charges for Disposal of Construction Waste) Regulation**

**Meeting on Friday, 12 November 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000207	Ms Emily LAU Ms CHOY So-yuk Mr LEE Wing-tat	Election of Chairman	
000208 - 001011	Chairman Ms Emily LAU Ms Miriam LAU Mr LEE Wing-tat Administration	Introductory remarks Invitation of deputations Schedule of meetings Visit to Tseung Kwan O Landfill to observe the mock operation of the charging scheme	The Clerk to invite deputations to attend the meeting on 25 November 2004
001012 - 001644	Administration Chairman	Briefing on the two Regulations	
001645 - 002056	Administration Chairman	Discussion on Administration's response to the list of concerns raised at the Bills Committee meeting on 27 May 2004 (LC Paper No. CB(1) 208/04-05(08)) – (a) principal contractors	

Time marker	Speaker	Subject(s)	Action required
002057 - 002710	Ms Miriam LAU Administration Chairman	<p>(b) determination of waste content by weight</p> <p>Members' concern about possible disputes arising from the determination of waste content and enquiry on the progress of talks with the trade in the Tripartite Working Group</p> <p>Administration's report on</p> <ul style="list-style-type: none"> - progress of consultation with the trades; - trial on determination of waste content on 14 October 2004 using the proposed reference tables, which were to be further refined; and - consultation with the Independent Commission Against Corruption on the operational guidelines for the charging scheme to prevent possible abuse 	
002711 - 002804	Ms Emily LAU Chairman	Need to invite trades to the visit to South East New Territories Landfill on 30 November 2004 to observe the mock operation of the charging scheme	

Time marker	Speaker	Subject(s)	Action required
002805 - 003407	Mr LEE Wing-tat Administration Chairman	Member's concern about the operation of the charging scheme Administration's explanation on the measures to facilitate the implementation of the scheme through the use of guidelines, reference tables and spot checks. A trial involving the trades would be conducted prior to the implementation of the scheme	
003408 - 003554	Mr LEE Cheuk-yan Chairman	Member's enquiry on the deposit system and measures to prevent fly tipping	

Time marker	Speaker	Subject(s)	Action required
003555 - 004018	Ms Miriam LAU Administration Chairman	<p>Members' enquiry on whether waste haulers carrying construction and demolition waste with over 50% inert content could choose to dispose of their waste in landfills rather than sorting facilities if they were willing to pay the higher landfill charges</p> <p>Administration's explanation that waste haulers carrying such waste loads would be directed to sorting facilities which were adjacent to landfills. Arrangements would be made to facilitate waste haulers in delivering their waste so that they would not be turned away twice by the facility operators</p>	
004019 - 004345	Administration Ms Emily LAU Chairman	<p>(c) proposed daily fine to be reduced from \$5,000 to \$1,000</p> <p>Members' concern about the deterrent effect of the daily fine after the reduction and request for the provision of a progress report on the level of compliance after the charging scheme had been implemented for six months</p>	<p>The Administration to keep the level of the daily fine for failure of main contractors to apply for billing accounts under review to ensure that it was sufficient to deter non-compliance. To also provide a progress report on the level of compliance after the charging scheme had been implemented for six months</p>

Time marker	Speaker	Subject(s)	Action required
004346 - 004751	Administration Chairman Administration	<p>(d) power of Director of Environmental Protection (DEP) to impose conditions for granting billing accounts</p> <p>Member's enquiry on the conditions under which DEP would revoke billing accounts and the need to provide allowance for first time non-compliance</p> <p>The Administration's explanation on the payment mechanism, including levy of surcharge upon non-payment. Briefly, charges had to be paid within 30 days from the date of notice, failure of which would result in a surcharge of 5% to be paid within 14 days. If the prescribed charges and surcharge were still not paid, DEP might suspend the account and would issue a final notice requiring the outstanding amount to be settled within 14 days. DEP might revoke the account if the final demand notice was not settled on time</p>	

Time marker	Speaker	Subject(s)	Action required
004752 - 005900	Mr LEE Cheuk-yan Administration Chairman	<p>Members' enquiry on the conditions imposed by DEP for approving billing accounts and concern about need for deposit</p> <p>Administration's explanation on the deposit system which was meant to prevent abuse of the charging scheme. The deposit was worked out on the basis of an average charge of around \$370 per waste load. For very large waste loads, these would probably be delivered by vessels</p>	
005901 - 010015	Administration Chairman	Member's concern about the heavy financial burden arising from the requirement for deposits to be paid upfront	
010016 - 010106	Administration Chairman	(e) references to "particulars", "information" and "supporting materials"	
010107 - 010359	Administration Chairman Ms Emily LAU	(f) defence of reasonable excuse	

Time marker	Speaker	Subject(s)	Action required
010400 - 010819	Administration Ms Miriam LAU	(g) consultation with the trade on the charging arrangement for disposal of inert materials Member's request for the Administration to consult the trade associations for barge operators as well	The Clerk to invite views from the trade associations for barge operators
010820 - 010859	Administration	(h) review of the wording "from time to time"	
010900 - 011355	Administration Chairman	(i) the policy intent of allowing DEP to impose other conditions for granting a new account to the account-holder of a revoked billing account Member's concern about the need for clear and objective guidelines on the conditions to be imposed by DEP on approving an application to establish a billing account	The Administration to ensure that there were clear and objective guidelines on the conditions to be imposed by DEP on approving an application to establish a billing account. To also consider revoking billing accounts only for repeated breach of conditions
011356 - 012548	Ms Emily LAU Administration Chairman	Discussion on the deposit system and members' concern about the financial implications associated with the system	The Administration to provide a paper explaining the policy intent and operation of the proposed deposit for a billing account
012549 - 012645	Administration	(j) application for exemption accounts	

Time marker	Speaker	Subject(s)	Action required
012646 - 012853	Administration Chairman	(k) determination of inert content of waste load	
012854 - 013045	ALA4 Chairman Ms Miriam LAU	Extension of scrutiny of the Regulations	

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