### 立法會 Legislative Council

LC Paper No. CB(1) 405/04-05 (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 second meeting held on Thursday, 25 November 2004, at 2:30 pm in the Chamber of the Legislative Council Building

**Members present**: Hon CHOY So-yuk (Chairman)

Hon Miriam LAU Kin-yee, GBS, JP Hon Emily LAU Wai-hing, JP Hon LI Fung-ying, BBS, JP Hon Audrey EU Yuet-mee, SC, JP

Hon LEE Wing-tat

Hon Andrew LEUNG Kwan-yuen, SBS, JP

Hon KWONG Chi-kin

**Members absent**: Hon LEE Cheuk-yan

Hon Abraham SHEK Lai-him, JP

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)

Mr T K CHENG

Senior Environmental Protection Officer

(Facilities Development)

#### Civil Engineering and Development Department

Mr Michael LEUNG

Chief Engineer/Fill Management

#### Department of Justice

Miss Shandy LIU

Senior Government Counsel

## Attendance by invitation

#### : Hong Kong Dumper Truck Drivers Association

Mr HO Hung-fai

Secretary

#### Hong Kong Construction Sub-Contractors Association

Mr Selwyn NG

Committee

#### **Hong Kong Construction Association**

Mr Derek ZEN

Vice-Chairman and Environmental Committee

#### **Environmental Contractors Management Association**

Dr Kelvin CHENG

Chairperson of Waste Management Committee

#### Hong Kong Waste Disposal Industry Association

Mr TAM Chi-wah

Vice-Chairman

#### Motor Transport Workers General Union

Mr KONG Wing-shing

Staff

#### Contractor's Authorised Signatory Association Ltd

Mr LO Fu-wah

Chairman

#### Hong Kong Waste Management Association

Mr Frank WAN Newsletter Editor

Hong Kong General Building Contractors Association

Mr Joseph NG President

**Hong Kong Institution of Engineers** 

Ir Dr Greg WONG Vice President

**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

Miss Mandy POON Legislative Assistant (1)4

#### I Confirmation of minutes

(LC Paper No. CB(1) 308/04-05

-- Minutes of the meeting held on 12 November 2004)

The minutes of the meeting held on 12 November 2004 were confirmed.

#### II Meeting with deputations and the Administration

#### Meeting with deputations

- (a) Hong Kong Dumper Truck Drivers Association
  (LC Paper No. CB(1) 314/04-05(01) -- Submission from the Association (Chinese version only))
- (b) HK, KLN & NT Grab Mounted Lorries Association Ltd

- (c) Hong Kong Construction Sub-Contractors Association
- (d) Hong Kong Construction Association
  (LC Paper No. CB(1) 329/04-05(01) -- Submission from the Association (English version only))
- (e) Environmental Contractors Management Association
  (LC Paper No. CB(1) 314/04-05(02) -- Submission from the Association (English version only))
- (f) Hong Kong Waste Disposal Industry Association
  (LC Paper No. CB(1) 314/04-05(03) -- Submission from the Association (Chinese version only))
- (g) Motor Transport Workers General Union
- (h) Contractor's Authorised Signatory Association Ltd
  (LC Paper No. CB(1) 314/04-05(04) -- Submission from the Association (English version only))
- (i) Hong Kong Waste Management Association
  (LC Paper No. CB(1) 314/04-05(05) -- Submission from the Association)
- (j) Hong Kong General Building Contractors Association
- (k) Hong Kong Institution of Engineers
  (LC Paper No. CB(1) 314/04-05(06) -- Submission from the Institution (English version only))

#### Written submissions from organizations not attending the meeting

(LC Paper No. CB(1) 314/04-05(07) -- Submission from the Hong Kong General Chamber of Commerce (English version only) LC Paper No. CB(1) 314/04-05(08) -- Submission from the Working

Group on Construction Waste,
Provisional Construction Industry
Co-ordination Board (English
version only)

LC Paper No. CB(1) 314/04-05(09) -- Submission from the Real Estate Developers Association of Hong Kong (English version only)

LC Paper No. CB(1) 314/04-05(10) -- Submission from the Advisory Council on the Environment (English version only))

Meeting with the Administration

(LC Paper No. CB(1) 314/04-05(11) -- List of follow-up actions arising from the discussion on 12 November 2004

LC Paper No. CB(1) 314/04-05(12) -- Administration's response to LC Paper No. CB(1) 314/04-05(11))

- 2. The Committee deliberated (Index of proceedings attached at **Annex A**).
- 3. The Administration was requested to -
  - (a) provide written response to submissions from deputations; and
  - (b) discuss with the trade with a view to reaching a consensus on issues, including the need and the level of the proposed deposit for billing account as well as the extension of the credit period for payment of disposal charges from 30 days to 45 days, before the Subcommittee meeting on 3 December 2004.
- 4. <u>Members</u> agreed to advance the fifth meeting on 9 December 2004 to Tuesday, 7 December 2004, at 8:30 am
- 5. The meeting ended at 4:23 pm.

Council Business Division 1
<u>Legislative Council Secretariat</u>
6 December 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 Thursday, 25 November 2004, at 2:30 pm in the Chamber of the Legislative Council Building

Time marker	Speaker	Subject(s)	Action required
000000 - 000117	Chairman	Confirmation of minutes of the meeting held on 12 November 2004 (LC Paper No. CB(1) 308/04-05)	
000118 - 000441	Chairman	Invitation of deputations to join the visit to the South East New Territories Landfill on 30 November 2004 to observe the mock operation of the charging scheme	
000442 - 001159	Mr HO Hung-fai Hong Kong Dumper Truck Drivers Association (HKDTDA)	Expression of views as set out in LC Paper No. CB(1) 314/04-05(01)	
001200 - 002036	Mr Derek ZEN Environmental Committee for Hong Kong Construction Association (HKCA)	Expression of views (LC Paper No. CB(1) 329/04-05(01))  (a) the Construction Waste Disposal Charging Scheme (the Scheme) would provide the incentive to reduce waste;  (b) request for using tender closing dates before the commencement of the Scheme as the dividing line for exemption from paying disposal charges;  (c) request for waiving of the deposit requirement for registered contractors; and  (d) request for extension of credit period from 30 to 45 days	

Time marker	Speaker	Subject(s)	Action required
002037 - 002206	Dr Kelvin CHENG Waste Management Committee for Environmental Contractors Management Association (WMCECMA)	Expression of views as set out in LC Paper No. CB(1) 314/04-05(02)	
002207 - 002315	Mr TAM Chi-wah Hong Kong Waste Disposal Industry Association (HKWDIA)	Expression of views as set out in LC Paper No. CB(1) 314/04-05(03)	
002316 - 002353	Mr KONG Wing-shing Motor Transport Workers General Union (MTWGU)	The Scheme should not create additional workload for transport workers	
002354 - 002537	Mr LO Fu-wah Contractor's Authorised Signatory Association Ltd (CASA)	Expression of views as set out in LC Paper No. CB(1) 314/04-05(04)	
002538 - 002717	Mr Frank WAN Hong Kong Waste Management Association (HKWMA)	Expression of views as set out in LC Paper No. CB(1) 314/04-05(05)	
002718 - 002835	Mr Joseph NG Hong Kong General Building Contractors Association	Expression of views -  (a) support for the Scheme but objection against the levy of deposit;  (b) request for waiving of the deposit requirement for registered contractors; and  (c) request for extension of credit period from 30 to 45 days	
002836 - 004506	Chairman Administration	Administration's response to deputations' views as set out in HKDTDA's submission (LC Paper No. CB(1) 314/04-05(01))	The Administration to provide written response to submissions from deputations

Time marker	Speaker	Subject(s)	Action required
004507 - 004820	Chairman Administration	Explanation on the deposit arrangement for the Scheme (LC Paper No. CB(1)314/04-05(12))	
004821 - 004920	Chairman Administration	Discussion on the exemption of contracts with tender closing dates before the commencement of the Scheme -  Administration's concern that some smaller projects might not have to go through a tender process but consideration would be given to the proposal of adopting "tender closed" instead of "contract awarded" prior to commencement of the scheme as the basis for exemption.	The Administration to consider exempting contracts tendered instead of awarded before the commencement of the Scheme
004921 - 005037	Chairman Administration	Extension of credit period	The Administration to consider extending the credit period
005038 - 005130	Chairman Administration	Discussion on waiving of the deposit requirement for contractors on Buildings Department's Register of General Building Contractors.  Administration's concern that these registered contractors were not assessed on their financial position upon renewal of registration	
005131 - 005137	Ms Emily LAU	Declaration of interest that the Frontier had received donations from HKCA	

Time marker	Speaker	Subject(s)	Action required
005138 - 010030	Chairman Mr HO Hung-fai, HKDTDA Dr Kelvin CHENG, WMCECMA Mr Derek ZEN, HKCA	Discussion on -  (a) need for contingency plans to deal with safety and queuing problems associated with electricity outage, failure of weighbridge etc;	
		<ul><li>(b) need for deposit arrangements; and</li><li>(c) need to step up publicity as many one-man companies might not be aware of the impact of the Scheme</li></ul>	
010031 - 010816	Administration	Administration's response -	
		(a) need for deposit requirement to safeguard against non-payment or disappearance of account holders;	
		(b) consideration would be given to reducing the level of deposit to alleviate trade's concern over cash flow problems;	
		(c) a wide publicity programme would be launched before the implementation of the Scheme to remind contractors of minor projects to open billing accounts for waste disposal;	
		(d) efforts would be made to notify one-man companies about the Scheme;	
		(e) performance pledge on turnaround time at disposal facilities to be maintained; and	
		(f) sufficient reception facilities would be made available to deal with disposal of waste	

Time marker	Speaker	Subject(s)	Action required
010817 - 011159	Mr TAM Chi-wah, HKWDIA Administration	Administration's explanation on contingency arrangements for inclement weather -  (a) announcements would be made when reception facilities had to be closed due to typhoon; and  (b) roads leading to tipping face at landfill would be covered with gravel to avoid slipping	recton required
011200 - 011214 011215 - 011554	Chairman  Ir Dr Greg WONG	Declaration of interest that the Democratic Alliance for Betterment of Hong Kong and/or the Hong Kong Progressive Alliance had received donations from HKCA  Expression of views as set out	
011213 - 011334	Hong Kong Institution of Engineers	in LC Paper No. CB(1) 314/04-05(06)	

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Time marker	Speaker	Subject(s)	Action required
011555 - 012218	Ms Miriam LAU Administration	Member's concern -  (a) need to define polluters so that developers and contractors would be made aware of their responsibility for waste reduction;	
		(b) publicity should be stepped up to remind contractors of minor projects to open billing accounts for waste disposal to ensure that such a responsibility would not be shifted to waste haulers;	
		(c) telephone hotlines for billing accounts should be made available to the public;	
		(d) the deposit requirement was in essence a pre-payment arrangement except that disposal charges had to be levied on a monthly basis; and	
		(e) the deposit of \$350 per chit was too heavy a financial burden on the construction industry, particularly those contractors of minor projects	

Time marker	Speaker	- 7 - Subject(s)	Action required
Time marker	Бреаксі	Subject(8)	renon required
012219 - 012428	Administration	Administration's response -  (a) explanation on the rationale for setting the deposit at \$350 per chit;  (b) publicity programme to be launched before the implementation of the Scheme;	
		<ul> <li>(c) hotlines would be provided to facilitate users in opening billing accounts; and</li> <li>(d) arrangements would be made to notify management companies and relevant organizations on the need to comply with the Scheme</li> </ul>	
012429 - 012945	Chairman Ms Miriam LAU Ms Emily LAU Administration	Members' request that details, such as the level of deposit and length of credit period, would need to be agreed upon before the passage of the two Regulations  Administration's agreement to discuss with the trades on the level of deposit and the extension of credit period and to report the outcome of discussion at the meeting on 3 December 2004  Members' agreement to advance the fifth meeting on 9 December 2004 at 8:30 am	The Administration to discuss with the trade with a view to reaching a consensus on issues, including the need and the level of the proposed deposit for billing account as well as the extension of the credit period for payment of disposal charges from 30 days to 45 days, before the Subcommittee meeting on 3 December 2004

Time marker	Speaker	Subject(s)	Action required
012946 - 013359	Ms Emily LAU ALA4 Chairman Ms Emily LAU Mr LEE Wing-tat Mr KWONG Chi-kin	Discussion on the legislative time table -  (a) scrutiny period of the Regulations could not be extended beyond 5 January 2005;  (b) Ms Emily LAU's request that minor differences needed to be resolved to facilitate early implementation of the Scheme which had been dragged on for years;  (c) Mr LEE Wing-tat's support for the two Regulations and declaration of interest that the Democratic Party had received donations from HKCA; and  (d) Mr KWONG Chi-kin's support for the passage of	
013400 - 013700	Administration	Discussion on the need and	
	Ms Miriam LAU Ms Emily LAU	level of deposit -  Members supported the need for deposit but considered that the level should be revised downwards	

Time marker	Speaker	Subject(s)	Action required
013701 - 014044	Chairman Ms Miriam LAU Ms LI Fung-ying	Discussion on waiving of deposit for registered contractors -	
		(a) The Chairman's support for the waiving of deposit for registered contractors as they would unlikely evade payment;	
		(b) Ms Miriam LAU's view that the deposit arrangement should be applied across the board with no exceptions granted to registered contractors; and	
		(c) Ms LI Fung-ying's view that it would be discriminatory to waive deposit for some contractors	
014045 - 014155	Mr TAM Chi-wah HKWDIA	Deposit arrangement should be applied to all to ensure impartiality	
014156 - 014217	Mr LO Fu-wah CASA	Registered contractors would not evade payment as this would jeopardize their registration with the relevant government departments	
014218 - 014355	Administration	Administration's explanation that deposit for registered contractors should not be waived as their financial position was not subject to review upon renewal of registration	
014356 - 014557	Mr TAM Chi-wah MTWGU Administration	Discussion on subcontracting	
014558 - 014707	Mr HO Hung-fai HKDTDA Administration	Concern about shifting of responsibility to waste haulers	

Time marker	Speaker	Subject(s)	Action required
014708 - 014918	Ms Emily LAU Chairman Ms Miriam LAU	Deputations to keep in view the latest developments	

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