

立法會
Legislative Council

LC Paper No. CB(1) 529/04-05
(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 fourth meeting
held on Friday, 3 December 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

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

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 Meeting with the Administration

- (LC Paper No. CB(1) 345/04-05(01) -- List of follow-up actions arising from the discussion on 25 November 2004
- LC Paper No. CB(1) 386/04-05(01) -- List of follow-up actions arising from the discussion on 29 November 2004
- LC Paper No. CB(1) 386/04-05(02) -- Administration's response to LC Papers No. CB(1) 345/04-05(01) CB(1) 386/04-05(01)
- LC Paper No. CB(1) 386/04-05(03) -- Administration's response to summary of deputations/views)

Clause-by-clause examination of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation

- (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(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))

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

2. The Administration was requested to -
 - (a) review the proposed disposal charge for refuse transfer stations in outlying islands which was currently set with reference to the landfill charge of \$125 per tonne. The proposed fee level might not be appropriate for wasteload containing 100% inert materials;
 - (b) alert the trades about the confusion which might arise if a billing account for a contract with a value of \$1 million or above was used to cover other contracts each with a value under \$1 million. To also discuss with them the desirability and practicability of using separate billing accounts for contracts with a value of \$1 million or above and contracts each with a value under \$1 million;
 - (c) consider imposing a validity period on billing accounts for contracts with a value of \$1 million or above if these accounts were also used to cover other contracts each with a value under \$1 million; and
 - (d) consider applying an uniform rate of deposit for all billing accounts, including those with a contract value under \$1 million, to avoid possible disputes.
3. Members agreed to hold another meeting on Thursday, 9 December 2004, at 2:30 pm.
4. The meeting ended at 12:48 pm

Council Business Division 1
Legislative Council Secretariat
17 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 Friday, 3 December 2004, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 - 000123	Chairman	Introductory remarks	
000124 - 001010	Administration	<p>Report on the discussion with the trades on the deposit arrangement and -</p> <p>(a) level of deposit would be reduced to \$300 per chit;</p> <p>(b) deposit for accounts with contracts each of a value of \$1 million or above would be charged at a minimum of \$10,000 for 100 chits. Deposit on a pro-rata basis would be paid if additional chits were required;</p> <p>(c) trades' request for extending payment period from 30 to 45 days was accepted; and</p> <p>(d) the Hong Kong Construction Association accepted the revised deposit arrangement while the Hong Kong General Building Contractors Association and the Contractor's Authorized Signatory Association (CASA) had reservations on the arrangement</p>	

Time marker	Speaker	Subject(s)	Action required
001011 - 001739	Ms Miriam LAU Administration	<p>Member's concern about the differential treatment between major and minor contracts and the financial burden on contractors undertaking minor projects</p> <p>Administration's explanation on the operation of billing accounts -</p> <p>(a) every contract with a value of \$1 million or above had to be covered by a specific account and subject to a minimum deposit requirement;</p> <p>(b) several contracts each with a value under \$1 million could be covered under one account but the deposit would be calculated at \$300 per chit</p>	
001740 - 002120	Ms LI Fung-ying Administration	<p>Member's request that the deposit for billing accounts of contracts with an aggregated value of over \$1 million should also be charged at \$10,000 for 100 chits</p> <p>Administration's concern about possible abuse of the deposit arrangement and misuse of chits if too many chits were issued</p>	
002121 - 002414	Ms Miriam LAU Administration Chairman	Discussion on CASA's letter which was tabled at meeting	The Administration to further consult the trades on the revised deposit arrangement with a view to reaching an agreement before the meeting on 7 December 2004
002415 - 002638	Administration	Administration's response to the list of follow-up actions arising from the discussion at the meeting on 25 and 29 November 2004 (LC Paper No. CB(1) 386/04-05(02))	

Time marker	Speaker	Subject(s)	Action required
002639 - 004640	Administration Chairman Ms Miriam LAU	<p>Continuation of examination of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation</p> <p>Schedules 1 to 4</p> <p>Member's concern about the proposed disposal charge for refuse transfer stations in outlying islands which was currently set with reference to the landfill charge of \$125 per tonne. Consideration should be given to charging disposal of inert waste at \$27 per tonne in line with the public fill reception facilities</p> <p>Administration's explanation -</p> <p>(a) as the waste from refuse transfer stations was to be transported and disposed of at landfills, the charging rate of \$125 per tonne which was based on the operating cost should apply; and</p> <p>(b) experience showed that there would unlikely be large amount of inert waste to be disposed of at outlying islands. Apart from disposal at refuse transfer stations, waste producers on outlying islands had a choice of transporting construction waste by sea to Mui Wo, which would in turn be taken by vehicles to the public fill reception facility there at a charge of \$27 per tonne</p>	<p>The Administration to review the proposed disposal charge for refuse transfer stations in outlying islands which was currently set with reference to the landfill charge of \$125 per tonne. The proposed fee level might not be appropriate for wasteload containing 100% inert materials</p>

Time marker	Speaker	Subject(s)	Action required
004641 - 005805	Administration Chairman Ms Miriam LAU Ms Emily LAU Ms Audrey EU	<p>Definition of construction work and construction waste</p> <p>Members' request for inclusion of sludge generated from sewage treatment works (STWs) as construction waste to reflect more accurately the extent of the waste problem and the polluter-pays principle</p> <p>Administration's explanation -</p> <p>(a) sludge was generated as a result of waste water treatment rather than construction works and hence should not be included as construction waste. Dredged mud was disposed of at mud pits in East Sha Chau rather than waste disposal facilities and therefore should also not be covered by the construction waste charging scheme; and</p> <p>(b) construction waste generated from Government projects was also subject to charging under the scheme</p>	

Time marker	Speaker	Subject(s)	Action required
005806 - 013049	Administration Ms Miriam LAU Chairman Ms Audrey EU ALA4 Ms Emily LAU Mr Abraham SHEK	Section 3 - Conditions for disposal of construction waste at prescribed facilities Members' concern - (a) confusion would arise if the billing account for a contract with value of \$1 million or above was allowed to cover other contracts each with a value under \$1 million; this was also inconsistent with the provision under section 3(2) which stated that the billing account must be "one established solely in respect of that contract" and would render it difficult to monitor individual accounts; (b) contractors who were able to secure a contract of value over \$1 million could take advantage of such an arrangement by tagging on all their smaller contracts to the billing account for the contract with a value at \$1 million or above and enjoy the minimum deposit level; (c) need to set out a validity period for billing accounts for contracts with a value of \$1 million or above to avoid possible abuse; (d) the provision of a flat rate of deposit for all billing accounts would avoid possible disputes; (e) the provisions under section 3 worked in theory but not in practice as there were no means to ascertain from which project the waste was generated;	The Administration to - (a) alert the trades about the confusion which might arise if a billing account for a contract with a value of \$1 million or above was used to cover other contracts each with a value under \$1 million. To also discuss with them the desirability and practicability of using separate billing accounts for contracts with a value of \$1 million or above and contracts each with a value under \$1 million; (b) consider imposing a validity period on billing accounts for contracts with a value of \$1 million or above if these accounts were also used to cover other contracts each with a value under \$1 million; and (c) consider applying a uniform rate of deposit for all billing accounts, including those with a contract value under \$1 million, to avoid possible disputes

Time marker	Speaker	Subject(s)	Action required
		<p>(f) there were no provisions for the opening of billing accounts for contracts with a value under \$1 million; and</p> <p>(g) need to have separate billing accounts for contracts with a value of \$1 million or above and those with a value under \$1 million</p>	
013050 - 014208	Administration	<p>Administration's explanation -</p> <p>(a) the purpose of requiring separate billing account for contract with a value of \$1 million or above was meant to prevent the shifting of responsibility for payment of waste disposal charges from main contractors to subcontractors and waste haulers;</p> <p>(b) the proposal of allowing the use of the billing account for contract with a value at \$1 million or above to cover contracts each with a value under \$1 million was made in response to the trades' (especially small and medium enterprises) request of minimizing their administrative work and cost in managing various billing accounts;</p> <p>(c) validity period would need to be set for exemption billing accounts. The same arrangement could be applied to other accounts; and</p> <p>(d) the provisions for the opening of billing accounts are set out in Part 3 of the Regulation</p>	

Time marker	Speaker	Subject(s)	Action required
014209 - 014908	Ms Miriam LAU Administration	<p>Discussion on delivery of construction waste to public fill reception facilities by vessels</p> <p>Member's concern that disposal of inert waste from outlying islands at the public fill reception facility at Mui Wo was not possible because it would not accept barges</p> <p>Administration's explanation -</p> <p>(a) prior approval had to be sought for delivery of construction waste to public fill reception facilities by vessels;</p> <p>(b) due to the diminishing demand of public fill for reclamation, inert construction waste was temporarily stored at the public fill reception facilities at Tseung Kwan O and Tuen Mun; and</p> <p>(c) as construction waste from outlying islands would be dumped in landfills, the charging rate of \$125 per tonne which was based on the operating cost of landfills would apply</p>	
014909 - 015009	Chairman Administration	<p>Chairman's enquiry on the disposal of construction waste arising from the demolition of Hung Hom Peninsula</p> <p>Administration's response -</p> <p>(a) the developer had been requested by DEP to submit a detailed waste management plan; and</p> <p>(b) the subject would be further discussed at the Housing Panel meeting on 6 December 2004</p>	

Time marker	Speaker	Subject(s)	Action required
015010 - 015418	Mr Abraham SHEK Chairman Administration	Discussion on charging mechanism for delivery of construction waste by vessels	
015419 - 015548	Administration	Section 4 - Powers to inspect waste and determine whether charge is payable	
015549 - 020009	Administration Chairman Ms LI Fung-ying Ms Emily LAU Ms Miriam LAU Mr Abraham SHEK	Section 5 - Application for billing account for disposal of construction waste	
020010 - 020206	Chairman Ms Emily LAU Ms Miriam LAU Mr Abraham SHEK Ms Audrey EU	The sixth meeting would be held on Thursday, 9 December 2004, at 2:30 pm	