

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance (Cap. 354)

Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2011

Waste Disposal Ordinance (Application of Section 16) Notice 2011

INTRODUCTION

In order that the Clinical Waste Control Scheme (“the Control Scheme”) and the associated regulation on the disposal of clinical waste may commence operation on 1 August 2011, the following subsidiary legislation was made –

- (a) *Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2011* (“the Commencement Notice”, at **Annex A**): by the Secretary for the Environment pursuant to section 1(2) of the Waste Disposal (Amendment) Ordinance 2006 (“the Amendment Ordinance”) to appoint 1 August 2011 as the date on which the “remaining” sections of the Amendment Ordinance shall commence operation; and
- (b) *Waste Disposal Ordinance (Application of Section 16) Notice 2011* (“the Application Notice”, at **Annex B**): by the Director of Environment Protection (“the Director”) in exercise of her power conferred under section 38 of the Waste Disposal Ordinance (Cap. 354) (“WDO”) to appoint 1 August 2011 as the day on and from which section 16 of WDO is to apply in relation to clinical waste.

JUSTIFICATION

Background

2. The Amendment Ordinance was enacted in 2006 to, inter alia, provide the legal framework for implementing the Control Scheme which seeks to

regulate the handling, collection, delivery and disposal of clinical waste. Detailed regulatory requirements of the Control Scheme and the charge levied for the disposal of clinical waste have been set out respectively in the Waste Disposal (Clinical Waste) (General) Regulation (“the General Regulation”) and Waste Disposal (Charge for Disposal of Clinical Waste) Regulation (“the Charging Regulation”).

3. Certain provisions in the Amendment Ordinance and General Regulation came into operation on 19 November 2010 to enable clinical waste collectors and disposal facility operators to obtain the relevant licences before the commencement of the Control Scheme. The following are “remaining” provisions that have not yet been brought into operation:

- (a) Sections 3, 5 and 6 of the Amendment Ordinance;
- (b) All sections of the General Regulation (except for section 8); and
- (c) All sections of the Charging Regulation.

Commencement of the Control Scheme

4. The Commencement Notice will bring into operation the “remaining” sections of the Amendment Ordinance (cf. paragraph 3(a) above) on 1 August 2011. Amongst other things, these “remaining sections” prohibit the collection and disposal of clinical waste without licence or authorisation. By bringing the aforementioned sections into force, the remaining sections of the General Regulation and the Charging Regulation (cf. paragraph 3(b) and 3(c) above) will also come into operation automatically pursuant to section 1(1) and section 1 of the two regulations respectively. This will provide the necessary legal basis for the implementation of the Control Scheme on 1 August 2011.

Application of Section 16 of WDO in relation to clinical waste

5. Section 16 of WDO prohibits the use by any person of any land or premises for the disposal of waste unless the person has a licence from the Director or the circumstances fall within the specified exceptions. Nonetheless, the disposal of clinical waste is currently not regulated under this section.

6. Upon the commencement of the Control Scheme, producers of clinical waste will be required to consign clinical waste to a licensed waste collector for disposal at a land or premises authorized under (i) a waste disposal licence issued under sections 21 and 22 of WDO or (ii) an authorization from the Director pursuant to section 10(3) of the General Regulation. To tie in with

the new disposal requirement under the Control Scheme, the prohibition under section 16 of WDO should also apply to clinical waste on the date on which the Control Scheme commences operation and the Application Notice is made accordingly.

LEGISLATIVE TIMETABLE

7. The legislative timetable of the Commencement Notice and the Application Notice is as follows –

Publication in the Gazette	20 May 2011
Tabling at the LegCo	25 May 2011
Date of Commencement	1 August 2011

ENQUIRY

8. For any enquiries on the brief, please contact Mr Gordon WU, Administrative Officer (Waste Management Policy Division) of the Environmental Protection Department at 2594 6269.

Environmental Protection Department
May 2011

**Waste Disposal (Amendment) Ordinance 2006
(Commencement) Notice 2011**

Under section 1(2) of the Waste Disposal (Amendment) Ordinance 2006 (6 of 2006), I appoint 1 August 2011 as the day on which sections 3, 5 and 6 of the Ordinance come into operation.

Secretary for the Environment

2011

**Waste Disposal Ordinance (Application of Section 16)
Notice 2011**

Under section 38 of the Waste Disposal Ordinance (Cap. 354), I appoint 1 August 2011 as the day on and from which section 16 of the Ordinance is to apply in relation to clinical waste.

Director of Environmental Protection

2011

Explanatory Note

Section 16 of the Waste Disposal Ordinance (Cap. 354) (*Ordinance*) prohibits the use by any person of any land or premises for the disposal of waste unless the person has a licence from the Director of Environmental Protection (*Director*) or the circumstances fall within the specified exceptions. Under section 38 of the Ordinance, the Director may by notice appoint a day on and from which section 16 of the Ordinance is to apply to waste of any class or description.

2. This Notice provides for section 16 of the Ordinance to apply to clinical waste on and from 1 August 2011.