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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 22 January 2014

**Proposed resolution under the
Interpretation and General Clauses Ordinance**

The Secretary for the Environment will move, at the Council meeting of 22 January 2014, a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 188 of 2013. The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1))

Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013

Resolved that the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013, published in the Gazette as Legal Notice No. 188 of 2013 and laid on the table of the Legislative Council on 4 December 2013, be amended as set out in the Schedule.

Schedule

Amendments to Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013

1. **Section 3 amended (section 3A amended (facilities that accept construction waste))**
 - (1) Section 3, Chinese text—
 - Repeal**
 - ““第 3””
 - Substitute**
 - ““第 3 或””.
 - (2) Section 3, Chinese text—
 - Repeal**
 - ““第 1(b)、3””
 - Substitute**
 - ““第 1(b)、3 或””.
2. **Section 4 amended (section 3B added)**

Section 4, new section 3B—

 - Repeal subsection (4)**
 - Substitute**
 - “(4) If subsection (2) is contravened, the following person commits an offence and is liable to a fine at level 6—
 - (a) (if the driver of the vehicle drives the vehicle into the specified facility on the instructions of the driver’s employer) the employer; or

(b) (in any other case) the driver of the vehicle.

- (5) It is a defence for a person charged under subsection (4) to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.”.

3. Section 5 amended (section 4 amended (powers of Director))

- (1) Section 5(4), Chinese text, before ““(2)(a)至(d)款””—

Add

“所有”.

- (2) Section 5(5), Chinese text, before ““(2)(c)或(d)款””—

Add

“所有”.

(Translation)

**Speech by Secretary for the Environment,
Mr KS Wong
in moving a motion under the
Interpretation and General Clauses Ordinance
to amend the Waste Disposal (Designated Waste Disposal Facility)
(Amendment) Regulation 2013**

President,

I move the motion printed on the agenda to amend the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (“DWDF Amendment Regulation”).

2. The DWDF Amendment Regulation was published in the Gazette on 29 November 2013. Together with another amendment regulation and other complementary measures to be implemented by administrative means, it seeks to implement a package of initiatives collectively known as the “Waste Diversion Plan for the South East New Territories (“SENT”) Landfill” which seeks to improve the environmental performance of the existing waste collection system in different aspects including –

- (a) ***Refuse collection vehicles (“RCVs”) must comply with certain equipment standards:*** We propose to introduce legislation to require that RCVs must be equipped with a metal tailgate cover and a waste water sump tank of suitable construction so as to avoid such nuisance as leachate dripping and waste spattering. As a complementary measure to this legislative initiative, we have obtained funding approval of the Finance Committee of the Legislative Council (“LegCo”) to provide one-off subsidy to owners of private RCVs that do not meet the proposed standards so that they may undertake the necessary retrofitting work. The relevant subsidy scheme started to receive application on 10 January 2014. Our target is to complete the retrofitting of all RCVs within the first quarter of 2015.
- (b) ***The SENT Landfill will be designated to receive construction waste only:*** In recent years, we have strived to improve the operation of the three landfills so as to minimize

the odour problem. We have achieved some improvements. But as Tseung Kwan O develops, newly erected residential buildings have become increasingly close to the SENT Landfill with the closest local community situating at about only one kilometre away. At present, about 2,000 tonnes of municipal solid waste (“MSW”) is disposed of at the SENT Landfill every day. Such MSW includes food waste which contains organic substances and is the source of the odour problem. In order to address the odour problem at source, we propose to amend the legislation to change the use of the SENT Landfill to a facility that will accept construction waste only.

- (c) ***Refuse transfer stations (“RTSs”) will receive more MSW:*** The SENT Landfill receives about 2,000 tonnes of MSW every day. We need to ensure that the diverted MSW can be handled properly within the existing waste collection system and to minimize the potential impact on traffic and environmental hygiene arising from the diversion. To this end, the Administration has been planning to re-route some of the collection services operated by the Food and Environmental Hygiene Department so as to make room in the RTSs. Coupled with suitable fee adjustment, the RTSs will be able to absorb waste collected by private collectors.

3. I thank the subcommittee formed under the chairmanship of Hon Wu Chi-wai for completing the scrutiny timely after four meetings and for offering us valuable views. I am pleased to note that the subcommittee supports the two amendment regulations for the Waste Diversion Plan as a result of its scrutiny. Today I will propose certain amendments mainly to improve the Chinese text and to clarify the liability of the employer of an RCV driver in respect of the equipment standard requirements. The relevant amendments have been presented to the subcommittee and obtained Members’ support. Should any Member wish to speak later on their views, I will be more than happy to provide further response at my concluding remarks.

4. I hereby move the motion under my name printed on the agenda to amend the DWDF Amendment Regulation. Thank you, President.