

**For discussion
on 26 May 2014**

**LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS**

**Waste Disposal (Amendment) Ordinance 2013
(Commencement) Notice**

INTRODUCTION

This paper updates Members on our legislative timetable for the Waste Disposal (Amendment) Ordinance 2013 (Commencement) Notice (“Commencement Notice”) which seeks to bring the Waste Disposal (Amendment) Ordinance 2013 (“Amendment Ordinance”) into operation.

BACKGROUND

2. The Legislative Council (“LegCo”) enacted the Amendment Ordinance on 18 December 2013 to amend the Waste Disposal Ordinance (Cap. 354; “WDO”) for enhancing the control of the depositing of construction waste on private land^[1]. As explained to the Bills Committee, before bringing the Amendment Ordinance into operation, there should be sufficient lead time for informing the affected stakeholders, including the dump truck trade, the construction trade as well as Heung Yee Kuk (“HYK”). Accordingly, under section 1(2), the Amendment Ordinance was provided to come into operation on a date to be appointed by the Secretary for the Environment (“SEN”) by notice published in the Gazette.

THE COMMENCEMENT NOTICE

3. Having considered the progress of the preparatory work (to be elaborated in paragraphs 4 to 7 below) and other latest developments, SEN

¹ The Amendment Ordinance will help better protect the interest of private landowners and address the existing enforcement problem. At present, it is sometimes difficult to prove the lack of proper permission of a landowner or lawful occupier due to incomplete or conflicting information from the depositor and the landowner or lawful occupier as to whether prior permission was given as required under the existing control under section 16A of the WDO.

aims to make the Commencement Notice to the effect that –

- (a) except for (b), the Amendment Ordinance will come into operation on **4 August 2014** such that –
 - (i) under new section 16B(3) of the WDO, before a person deposits or causes to be deposited construction waste on a private land lot, the person must obtain the valid permission of each and every owner of that lot;
 - (ii) under new section 16B(4) of the WDO, the permission will not be regarded as valid unless it is given in a specified form, which must be submitted at least 21 calendar days before the intended commencement date of the depositing activity, and the specified form bears an acknowledgement by the Director of Environmental Protection; and
 - (iii) under new section 16C(4) of the WDO, the person who deposits the construction waste must display in a conspicuous place on the lot a copy of the acknowledged form.
- (b) new section 16C of the WDO will come into operation on **14 July 2014**, i.e. 21 calendar days before the date specified in (a) to enable the meeting of the prior notification requirement for any relevant depositing activity intended to commence on that day.

PREPARATION FOR IMPLEMENTATION

Specified Form

4. Since the enactment of the Amendment Ordinance, the Environmental Protection Department (“EPD”) has finalised the specified form for obtaining valid permission under new section 16C of the WDO. A copy of the specified form is at Annex.

Collaboration with Government Departments

5. Apart from enhancing the statutory control under the WDO, the Amendment Ordinance also facilitates other relevant government

departments to take precautionary measures or offer advice on relating depositing activities. Arrangements have been made such that upon commencement of the Amendment Ordinance, EPD will transfer information contained in Part C of the specified form and the site plan of any proposed depositing activity to the relevant departments for the purpose of prevention and detection of crimes.

Publicity and Public Education

6. Over the past months, EPD has been actively conducting publicity and public education on the enhanced control under the Amendment Ordinance through various means –

- (a) eight briefing sessions have been arranged for relevant stakeholders, including the dump truck trade, the construction trade, property management companies, HYK, and the relevant government departments;
- (b) publicity letters with leaflets and a sample specified form were sent to the relevant stakeholders in February 2014 to explain the new legislative requirements. Another round will be issued shortly to publicise the commencement dates of the Amendment Ordinance;
- (c) leaflets have been distributed to the relevant stakeholders during briefing sessions and placed at various EPD's regional offices, and weighbridges in the landfills and public fill reception facilities;
- (d) EPD's departmental website has been updated to elaborate the enhanced control and to provide the specified form for downloads;
- (e) a set of written guidelines on completing the specified form will be uploaded to EPD's website; and
- (f) EPD's hotline staff has been trained to answer enquiries arising from the implementation of new measures under the Amendment Ordinance.

7. With the above publicity activities, the relevant stakeholders have been informed of the enhanced control for compliance. It is appropriate for the Amendment Ordinance to commence operation as soon as possible to put

the new measures into practice. A press release will be issued to publicise the commencement arrangements. A spokesperson will also be arranged to answer press enquiries. Staff at EPD's regional offices will continue with the publicity work as part of their outreach efforts and will offer assistance to intended depositors and landowners as necessary.

LEGISLATIVE TIMETABLE

8. Based on the Bills Committee scrutiny, there is general expectation from the LegCo to bring the Amendment Ordinance into operation at the earliest opportunity so as to materialize the relevant benefits as soon as possible. Publicity and public education over the past months has already extensively informed the relevant stakeholders to get prepared for the new control under the Amendment Ordinance in the near future.

9. The Appropriation Bill 2014 proceeded to Committee Stage on 30 April 2014 and extended proceedings are anticipated before its enactment. During the intervening period, the LegCo may not be able to deal with any motion by LegCo Members or the Government to amend subsidiary legislation that is subject to negative vetting, or to extend the initial 28-day negative vetting period. Taking into the view of the Bills Committee as reported in paragraph 8 above and the technical nature of appointing the commencement date for implementing the enhanced control under the Amendment Ordinance, we plan to publish the Commencement Notice in the Gazette on 6 June 2014 to appoint 14 July 2014 and 4 August 2014 as the commencement dates of the respective provisions. Accordingly the Commencement Notice will be tabled at the LegCo on 11 June 2014 for negative vetting. However this legislative timetable is on the basis of no extension of the 28-day negative vetting period. In case there is a need to extend the initial 28-day negative vetting period by 9 July 2014 under the Interpretation and General Clauses Ordinance (Cap. 1), the extended vetting period will expire on the first meeting of the 2014-15 session and the proposed commencement dates will have to be deferred to October/November 2014.

10. We do not recommend the option to defer the commencement dates until October/November 2014 to cater for the potential extension of the negative vetting period because the Commencement Notice is straightforward and non-controversial. It is also in public interest for the enhanced control to commence as soon as practicable.

WAY FORWARD

11. Members are invited to note our latest plan on the legislative timetable for the Commencement Notice. Subject to view of this Panel, we will proceed with preparation of the Commencement Notice accordingly and continue to arrange necessary publicity.

**Environment Bureau/Environmental Protection Department
May 2014**

《廢物處置條例》(第 354 章)
WASTE DISPOSAL ORDINANCE (CAP. 354)

附件
Annex

要求環境保護署認收擁有人對擬在私人地段擺放建築廢物給予的許可
REQUEST FOR ACKNOWLEDGEMENT ON OWNERS' PERMISSION OF THE DEPOSITING OF
CONSTRUCTION WASTE ON A PRIVATE LOT

致： 環境保護署署長 (以下簡稱「署長」)

TO: Director of Environmental Protection (hereinafter referred to as the "Director")

A 部 擁有人的許可

PART A OWNERS' PERMISSION

本人／我們* 為在該地段的擁有人(聲明載於附件 A)，現藉署長根據《廢物處置條例》(第 354 章)(以下簡稱「《條例》」)第 16C(2)(a)條指明的本表格，給予附件 B 所列人士／公司* 許可，以便其促使將建築廢物擺放在該地段及／或在該地段擺放建築廢物。為給予許可，本人／我們* 提交署長規定的以下資料及文件#：

As the owner(s) of the Lot, with the declaration given in Annex A, I / we* hereby give permission, vide this form specified by the Director under section 16C(2)(a) of the Waste Disposal Ordinance (Cap. 354) (hereinafter referred to as the "WDO"), to the person(s)/ company(ies)* listed in Annex B to cause construction waste to be deposited and/or deposit construction waste on the Lot. For the purpose of giving the permission, I / we* submit the following information and documents# that the Director requires –

- 擁有人／獲授權簽署人(如有)的香港身份證或商業登記證副本。
A copy of HKID card or Business Registration for the Owner(s) / the authorized signatory (if any)
- 獲授權簽署人的授權文件(如適用)。
The authorization document for the authorized signatory (if applicable).
- 清楚顯示該地段內河流、溪澗、水道及池塘、該地段範圍的界線以及擬進行的擺放活動涉及範圍界線的平面圖。
A site plan showing clearly the rivers, streams, watercourses and ponds on the Lot, the boundary of the Lot and the boundary of the intended deposition area.
- 附件 C 所載有關擺放活動的其他詳情。
Other details of the depositing activity as set out at Annex C.

B 部 提交本表格者聲明

PART B DECLARATION BY THE PERSON WHO SUBMITS THIS FORM

本人現證明，就本人所知及所信，本表格(包括附件)所載詳情，均屬真實無誤。

I hereby certify that the particulars given in this form (including its annexes) are correct and true to the best of my knowledge and belief.

簽署及公司蓋章 (如適用)
Signature and Company Chop (if applicable)

地址
Address

姓名／公司名稱*
Name/ Company Name*

聯絡電話號碼(及電郵)
Contact Tel. Number (and e-mail)

香港身份證號碼／商業登記證號碼*
HKID Card No. / BR No. *

日期
Date

* 請刪去不適用者 Please delete as appropriate
請在適當方格內劃上記號 Please mark the appropriate box(es)

《廢物處置條例》(第 354 章)
WASTE DISPOSAL ORDINANCE (CAP. 354)

在私人地段擺放建築廢物
DEPOSITING OF CONSTRUCTION WASTE ON A PRIVATE LOT

註:根據《條例》第 16C(4)條, C 部及 D 部(包括該地段及擺放活動涉及範圍界線的平面圖[#])的複本須於有關擺放活動期間, 時刻在該地段的一個顯眼位置展示。

Note: Copy of Part C and Part D (including map showing boundaries of the Lot and the deposition area[#]) must be displayed in a conspicuous place on the Lot, at all times during the depositing activity, according to section 16C(4) of the WDO.

C 部 擺放活動的詳情

PART C DETAILS OF THE DEPOSITING ACTIVITY

地址:

Address: _____

地段編號:

Lot No.: _____

即在土地註冊處以地段編號作識別的地段(以下簡稱「該地段」)

as may be identified by the lot number in the Land Registry (hereinafter referred to as “the Lot”)

擺放日期: 由 _____ 至 _____ (首末兩天包括在內)
Date of deposition: Between _____ and _____ (Both dates inclusive)

擺放活動預計所產生的擺放總面積(以平方米計算)

Estimated total area of the deposition arising from the : _____
depositing activity (in square metres)

擺放活動預計所產生的擺放高度(以米計算)

Estimated height of the deposition arising from the : _____
depositing activity (in metres)

如對上述擺放活動的詳情有任何疑問, 請聯絡以下公司(如適用):

For enquiry on the above depositing activity, please contact the company below (if applicable):

公司名稱
Company name

電話號碼
Tel. number

#平面圖須清楚顯示該地段的界線、當中的河流、溪澗、水道及池塘等, 以及擺放活動涉及範圍的界線。

A site plan showing clearly rivers, streams, watercourses, ponds, etc. on the Lot, and the boundaries of the Lot and the deposition area.

D 部 環境保護署署長認收 (由環境保護署填寫)

**PART D ACKNOWLEDGEMENT FROM DIRECTOR OF ENVIRONMENTAL PROTECTION
(To be completed by Environmental Protection Department)**

環境保護署署長現就擬在 C 部所概述的地段編號擺放建築廢物，認收擁有人的許可[^]。環保署署長在本部的認收標記只表示擺放活動符合《條例》第 16B(3)條。擺放活動須符合香港其他適用法例。地段擁有人／準擺放者須諮詢相關政府部門的意見。

The Director of Environmental Protection hereby acknowledges receipt of owners' permission[^] for the intended depositing of construction waste on the Lot No. as summarized in Part C. The affixation of acknowledgement from Director of Environmental Protection in this part only represents that the depositing activity is in compliance with section 16B(3) of the WDO. The depositing activity has to be in compliance with other applicable laws of Hong Kong. The owner(s) of the Lot/intended depositor(s) should consult the relevant Government departments for advice.

認收:
Acknowledgement:

環境保護署署長 () 代行
()
For Director of Environmental Protection

日期:
Date:

[^]私人地段的唯一或全體擁有人已給予許可。

[^]Permission has been given by the sole owner or all of the owners of the private lot.

警告：

Warning:

- (1) 根據《條例》第 16C(6)條，任何人如知道本表格或關乎本表格的任何資料或文件在某要項上屬不正確或不準確；或不相信該表格、資料或文件在某要項上屬正確及準確，仍提交本表格或有關資料或文件，即屬犯罪，可處第 6 級罰款。
Any person who submits this form or any information or document in relation to this submission, which he knows to be incorrect or inaccurate in a material particular or does not believe to be correct or accurate in a material particular, commits an offence under section 16C(6) of the WDO and is liable to a fine at level 6.
- (2) 根據《條例》第 16C(4)條及第 16C(7)條，任何人在私人地段擺放建築廢物，但未能在有關擺放活動期間，時刻在該地段的一個顯眼位置展示本表格的指明部分的複本，即屬犯罪，可處第 6 級罰款。
Any person who deposits construction waste on a private lot and fails to display in a conspicuous place on the Lot, at all times during the depositing activity, a copy of the specified part of this form, commits an offence under sections 16C(4) and 16C(7) of the WDO and is liable to a fine at level 6.

檔號 REF NO. _____
(只供部門人員填寫) (For official use)

擁有人的聲明 OWNERS' DECLARATION

本人／我們* 謹此聲明，本人／我們* 為該地段的擁有人。本人／我們* 並在下文列出本人／我們* 的詳情，以及簽署和蓋上公司印章^：

*I / We** hereby declare that *I am / we are** the owner / owners* of the Lot. *I / We** also set out *my / our** particulars and give *my / our** signature(s) and affix the company chop^ below –

擁有人的詳情# PARTICULARS OF THE OWNER(S)#

	姓名／公司名稱* NAME/ COMPANY NAME*	地址及電話 號碼 ADDRESS & TEL. NO.	香港身份證號碼／商業 登記證號碼* HKID NO. / BR NO.*	簽署及公司印鑑 (如適用) SIGNATURE AND COMPANY CHOP (if applicable)
A1.				
A2.				
A3.				
A4.				

*請刪去不適用者 Please delete as appropriate

^如適用 If applicable

#可另加附頁 Attach additional sheet(s) as necessary

註 Note:

- (a) 在 A 部所提交的資料及文件必須屬真實無誤；以及
The information and documents submitted under Part A must be correct and true; and
- (b) 在 A 部給予的許可，必須註有由署長根據《條例》第 16C(3)條在 D 部加上的認收標記，方屬有效。
The permission given under Part A is only valid if it bears an acknowledgement affixed by the Director in Part D subject to section 16C(3) of the WDO.

檔號 REF NO. _____
(只供部門人員填寫) (For official use)

促使將建築廢物擺放及／或擺放建築廢物的人士詳情#

PARTICULARS OF THE PERSON(S) CAUSING CONSTRUCTION WASTE TO BE DEPOSITED AND/OR DEPOSITING CONSTRUCTION WASTE#

(總承建商、擁有人的代理人、次承建商等)

(Main contractor, agent of the owners, sub-contractor, etc.)

	姓名／公司名稱* NAME/ COMPANY NAME*	地址及電話號碼 ADDRESS & TEL. NO.	香港身份證號碼／ 商業登記證號碼* HKID NO. / BR NO.*
B1.			
B2.			
B3.			
B4.			
B5.			
B6.			

*請刪去不適用者 Please delete as appropriate

#可另加附頁 Attach additional sheet(s) as necessary

檔號 REF NO. _____
(只供部門人員填寫) (For official use)

擬進行的擺放活動詳情
DETAILS OF THE INTENDED DEPOSITING ACTIVITY

1. 擬進行的擺放活動的目的:
Purpose of the intended depositing activity:

填平池塘／整平凹凸地面／為發展項目平整地盤／堆存填料作填料庫／其他(請在下文說明)*:
Filling up of pond / Leveling off uneven ground surfaces / Forming sites for development / Stockpiling in the form of fill bank / Others (please specify below)*:

2. 預計所需的建築廢物數量 (以立方米計算):
Estimated quantity of construction waste required (in cubic metres):

3. 建築廢物來源及其地址:
Source(s) of construction waste with address(es):

4. 每日運作時數:
Daily operation hours:

*請刪去不適用者 Please delete as appropriate

註：

Notes:

1. 本指明表格須連同其所指明的資料及文件，在擬進行的擺放活動開始前最少 21 天，提交環境保護署(以下簡稱「環保署」)。
This specified form shall be submitted to the Environmental Protection Department (hereinafter referred to as the “EPD”) with the information and documents specified herein at least 21 days prior to the commencement of the intended depositing activity.
2. 環保署署長在 D 部的認收標記只表示擺放活動符合《條例》第 16B(3)條。擺放活動須符合香港其他適用法例。地段擁有人／準擺放者須諮詢相關政府部門的意見。
The affixation of acknowledgement from Director of Environmental Protection in Part D only represents that the depositing activity is in compliance with section 16B(3) of the WDO. The depositing activity has to be in compliance with other applicable laws of Hong Kong. The owner(s) of the Lot / intended depositor(s) should consult the relevant Government departments for advice.
3. 除第 16B(1)及 16B(5)條所指的情況外，任何人如沒有私人地段的唯一或全體擁有人給予的有效許可，而在該地段擺放建築廢物，或促使將建築廢物擺放在該地段，即屬犯罪。
Save for cases under section 16B(1) and 16B(5), a person who deposits, or causes to be deposited, construction waste on a private lot without the valid permission of the sole owner or all of the owners of the Lot commits an offence.
4. 任何人士向當局出示任何虛假或偽造資料，例如冒充土地擁有人，可遭檢控。
Any person who produces any false or forged information to the authority, for example, by impersonating a landowner, may be subject to prosecution.
5. 根據《條例》第 16C(4)條，任何人在私人地段上擺放建築廢物，須於有關擺放活動期間，時刻在該地段的一個顯眼位置展示本表格的 C 部及 D 部（包括該地段及擺放活動涉及範圍界線的平面圖）的複本。
In accordance with section 16C(4) of the WDO, any person who deposits construction waste on a private lot must display a copy of Part C and Part D of this form (including map showing boundaries of the lot number and the deposition area) in a conspicuous place on the Lot at all times during the depositing activity.

個人資料收集聲明：收集的目的

Personal Information Collection Statement – Purpose of Collection

6. 你在本表格上提供的個人資料，環保署可用於下列一項或多項用途：
The personal data provided by means of this form may be used by EPD for one or more of the following purposes:
 - a. 與處理本表格申請事項有關的工作；
activities relating to the processing of your submission in this form;
 - b. 有關法例的執行和執法；
administration and enforcement of relevant legislation;
 - c. 投訴調查；
complaint investigations;
 - d. 統計及其他法定用途；
statistical and any other legitimate purposes;
 - e. 方便政府跟你聯絡； 以及
to facilitate communications between Government and yourself; and
 - f. 罪行的防止或偵測。
the prevention or detection of crime.
7. 你必須提供表格所要求的個人資料。如你提供的資料不足，環保署將無法處理你的要求。
It is obligatory for you to supply the personal data as required in this form. If you do not provide sufficient information, EPD would not be able to process your submission.

獲轉交個人資料的人士類別

Classes of Transferees

8. 你就本表格提供的個人資料，包括擺放活動的地址及地段編號，環保署可向下列人士披露：
The personal data you provided by means of this form, including the address and lot number of the depositing activity may be disclosed to:
- 為上文第 6(f)段所述目的及用途而索取該等資料的其他政府決策局及部門，和任何其他機構；
以及
other government bureaus and departments, and any other organizations for the purposes and their uses mentioned in paragraph 6(f) above; and
 - 按相關法例獲許可的其他人士。
other person as permitted by relevant legislation.

此外，其他相關資料如擺放日期、預計所產生的擺放總面積及高度以及進行擺放活動的公司聯絡方法亦會向他們披露。

Besides, date of deposition, estimated total area and height of the deposition, and the contact of the company carrying out the depositing activity will also be disclosed to them.

相關政府部門的意見

Advice from relevant Government Departments

9. 環保署可為上文第 6(f)段所述目的而將擬擺放建築廢物活動通知相關政府部門，以供部門在有需要及適當的時候，就該擺放活動在符合《條例》以外的其他條例上的要求提供意見，如《城市規劃條例》(第 131 章)、《建築物條例》(第 123 章)、《郊野公園條例》(第 208 章)及《土地排水條例》(第 446 章)。EPD may inform relevant Government Departments of the intended depositing activity for the purpose mentioned in paragraph 6(f) above such that they may, if necessary and appropriate, provide advice on compliance the intended depositing activity legislation other than the WDO such as the Town Planning Ordinance (Cap. 131), the Buildings Ordinance (Cap. 123), the Country Parks Ordinance (Cap. 208) and the Land Drainage Ordinance (Cap. 446).

查閱個人資料

Access to Personal Data

10. 根據《個人資料(私隱)條例》第 18 條及第 22 條及附表 1 第 6 原則的規定，你有權查閱和更改個人資料。你查閱個人資料的權利，包括取得在本表格上提供的個人資料副本。
You have a right of access and correction with respect to personal data as provided for in section 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

查詢

Enquiries

11. 如欲查詢經本表格填報的個人資料，包括查閱和更改個人資料，可去信：
Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to:

香港灣仔告士打道 5 號稅務大樓 40 樓

高級環境保護主任(知識管理)

Senior Environmental Protection Officer (Knowledge Management)

40/F, Revenue Tower, 5 Gloucester Road, Wanchai, Hong Kong

電話 Tel: 2838 3111

傳真 Fax: 2838 3111