

**立法會**  
**Legislative Council**

LC Paper No. LS21/14-15

**Paper for the House Committee Meeting  
on 19 December 2014**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 12 December 2014**

**Tabling in LegCo** : Council meeting of 17 December 2014

**Amendment to be made by** : Council meeting of 14 January 2015 (or that of 4 February 2015 if extended by resolution)

**Designation of Libraries (Amendment) (No. 2) Order 2014** (L.N. 152)

L.N. 152 is made by the Director of Leisure and Cultural Services (the Director) under section 105K of the Public Health and Municipal Services Ordinance (Cap. 132) to designate 4 Chui Ling Road, Tseung Kwan O, Sai Kung as a library. The Schedule to the Designation of Libraries Order (Cap. 132O) is amended accordingly. The effect of the designation is that the management and control of the new library is vested in the Director and Cap. 132 applies to it.

2. According to paragraph 3 of the LegCo Brief (no reference number provided) issued by the Leisure and Cultural Services Department on 5 December 2014, the Students' Study Room in the new library will open for public use on 1 March 2015 while the full library will open in June 2015. According to the Administration, the Sai Kung District Council supported the early commissioning of the new library.

3. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted on L.N. 152.

4. L.N. 152 will come into operation on 1 March 2015.

**Intercountry Adoption (Contracting States) Amendment  
Order 2014** (L.N. 153)

5. The Convention on Protection of Children and Co-operation in respect of Intercountry Adoption done at the Hague on 29 May 1993 (the Convention) sets out a framework for international cooperation in intercountry adoptions to protect the best interests of the children involved. The Convention entered into force for China (including the Hong Kong Special Administrative Region (Hong Kong)) on 1 January 2006.

6. L.N. 153 is made by the Secretary for Labour and Welfare under section 20D of the Adoption Ordinance (Cap. 290) to:

- (a) add 19 Contracting States<sup>1</sup> to Part 1 of the Schedule to the Intercountry Adoption (Contracting States) Order (Cap. 290C) so that the Convention applies to an adoption between Hong Kong and any of those States in relation to an application made pursuant to the Convention and received on or after the date of coming into effect of the Convention between Hong Kong and that State as specified in L.N. 153; and
- (b) amend Part 2 of the Schedule to Cap. 290C to recognize the change in the applicability of the Convention to different regions of the Kingdom of the Netherlands (the Netherlands).

7. Under Article 46(2) of the Convention, the Convention enters into force for an acceding or ratifying State on the first day of the month following the expiration of three months after the deposit of its instrument of accession or ratification<sup>2</sup>. According to the LegCo Brief (File Ref: LWB CR 1/5691/00) issued by the Labour and Welfare Bureau on 10 December 2014, of the 19 new Contracting States, 15 acceded to the Convention while four ratified it.

8. It is noted that the Convention came into effect between Hong Kong and some of the 19 new Contracting States on various dates from 2006 to 2010 (e.g. Belize (1 April 2006), Dominican Republic (1 March 2007), Greece (1 January 2010), Liechtenstein (1 May 2009), Macedonia (1 April 2009), Mali (1 September 2006) and Seychelles (1 October 2008)). Upon enquiry by the Legal Service Division (LSD), the Administration advised that the Schedule to Cap. 290C could only be updated upon formal notification from the Office of the Commissioner of the Ministry of Foreign Affairs, and that the Administration had not received formal notification with respect to the aforementioned countries until recently.

9. According to paragraph 6 of the LegCo Brief, the amendments to Part 2 of the Schedule to Cap. 290C followed a modification of the internal constitutional relations within the Netherlands where the application of the Convention was extended to the Caribbean islands of Bonaire, Saba and Sint Eustatius with effect from 1 February 2011.

10. As advised by the Clerk to the Panel on Welfare Services, the Panel has not been consulted on L.N. 153.

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<sup>1</sup> Belize, Mali, Dominican Republic, Seychelles, Macedonia, Liechtenstein, Kazakhstan, Senegal, Montenegro, Rwanda, Fiji, Lesotho, Swaziland, Croatia, Serbia, Greece, Ireland, Viet Nam and Haiti

<sup>2</sup> Under Article 43 of the Convention, States which were Members of the Hague Conference on Private International Law at the time of its Seventh Session and other States which participated in that Session may ratify, accept or approve the Convention. Under Article 44, any other State may accede to the Convention.

**Waste Disposal (Designated Waste Disposal Facility)  
(Amendment) Regulation 2013 (Commencement) Notice 2014 (L.N. 154)**

**Waste Disposal (Refuse Transfer Station) (Amendment)  
Regulation 2013 (Commencement) Notice (L.N. 155)**

11. The Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (L.N. 188 of 2013) and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (L.N. 189 of 2013) (collectively "the Amendment Regulations") were gazetted on 29 November 2013 and tabled at the Council meeting of 4 December 2013.

12. L.N. 188 of 2013 amends the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354L):

- (a) to require refuse collection vehicles (RCVs) driven into a specified landfill or refuse transfer station (RTS) to be equipped with a metal tailgate cover and a waste water sump tank which comply with certain specified standards, and to empower the Director of Environmental Protection (DEP) to examine such RCVs to check whether they meet the relevant requirements; and
- (b) to specify the South East New Territories Landfill (SENTL) (located in Tseung Kwan O) as a designated waste disposal facility which accepts only construction waste of a specified type<sup>3</sup> so that SENTL will no longer accept municipal solid waste (MSW).

13. L.N. 189 of 2013 amends the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M):

- (a) to open Shatin Transfer Station (STTS) for use by private waste collectors in order to cope with the diversion of MSW from SENTL;
- (b) to prescribe the charges for the disposal of waste at STTS; and
- (c) to reduce the charges for the disposal of waste at Island East Transfer Station and Island West Transfer Station to the same levels as those for STTS and West Kowloon Transfer Station (WKTS).

14. A subcommittee was formed under the House Committee to study the Amendment Regulations. The Subcommittee supported the Amendment Regulations. Members may refer to the Subcommittee's report dated 15 January 2014 (LC Paper No. CB(1)726/13-14) for further details.

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<sup>3</sup> Construction waste containing not more than 50% by weight of inert construction waste, i.e. rock, rubble, boulder, earth, soil, sand, concrete, asphalt, brick, tile, masonry or used bentonite

15. By L.N. 154, the Secretary for the Environment (SEN) appoints 1 April 2015 as the day on which L.N. 188 of 2013 (except sections 3 and 7) comes into operation. Consequently, with effect from 1 April 2015, RCVs entering a specified landfill or RTS are to be equipped with the devices referred to in paragraph 12(a) above and DEP will be able to conduct compliance checks on such RCVs. However, the specification of SENTL to accept only construction waste as mentioned in paragraph 12(b) above will come into operation on a later date. According to paragraph 8 of the LegCo Brief (File Reference: EP193/10/01/06) jointly issued by the Environment Bureau and the Environmental Protection Department in December 2014, the planned diversion of MSW from SENTL to WKTS and STTS is targeted to be completed by mid-2015. Upon enquiry by LSD, the Administration advises that since the waste collection trade would need a few more months after mid-2015 to adjust to using WKTS and STTS, sections 3 and 7 of L.N. 188 of 2013 relating to SENTL are anticipated to be brought into operation towards the end of 2015.

16. By L.N. 155, SEN appoints 1 March 2015 as the day on which L.N. 189 of 2013 comes into operation. Accordingly, all the measures regarding RTS referred to in paragraph 13 above are to come into operation on 1 March 2015.

17. Members may refer to the LegCo Brief for further information.

18. As advised by the Clerk to the Panel on Environmental Affairs, the Panel expressed support for the Administration's proposal to bring into effect the Amendment Regulations when consulted on 27 October 2014. The Panel noted that under the Waste Diversion Plan for SENTL, SENTL would receive construction waste only and MSW would be diverted to alternative designated waste disposal facilities. Some members expressed concern about the increase in operating costs of the waste collection trade, as private waste collectors would have to arrange additional refuse collection routes to transport MSW diverted from SENTL to other landfills and pay a charge if they chose to use the service of RTS. There were also concerns about the potential traffic and environmental impacts arising from the waste diversion and the capacity of STTS.

### **Concluding observations**

19. No difficulties have been identified in relation to the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

LOO Chi-pong, Bonny  
Assistant Legal Adviser  
Legislative Council Secretariat  
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