

# 立法會 *Legislative Council*

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## **Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice**

### **Background brief prepared by the Legislative Council Secretariat**

#### **Purpose**

This paper provides information on the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and the Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice (collectively as "Commencement Notices") and summarizes the views expressed by members of the Panel on Environmental Affairs ("the Panel") concerning the two Commencement Notices.

#### **Background**

2. The South East New Territories ("SENT") Landfill is located in Tseung Kwan O ("TKO"). It currently accepts municipal solid waste ("MSW"), construction waste and other special wastes including sewage sludge. According to the Administration, more complaints from the local community about the environmental nuisance caused by the operation of the SENT Landfill have been received in recent years, odour being a major subject of dissatisfaction. In view of the growth in the number of residential buildings in TKO, the Administration considers that the use of the SENT Landfill should be changed to accept construction waste only so that the odour concern arising from MSW and other wastes could be removed at root.

3. On 28 October 2013, the Administration consulted the Panel on a package of measures to ensure that the MSW diverted from the SENT Landfill could be properly handled by the network of refuse transfer stations ("RTSs")<sup>1</sup> and any potential traffic and environmental impact could be minimized. Some of the measures require legislative amendments and some are administrative.

4. Against the above background, 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 as "Amendment Regulations") were gazetted on 29 November 2013 and tabled at the Council meeting of 4 December 2013.

### The Amendment Regulations

5. 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 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 SENT Landfill as a designated waste disposal facility which accepts only construction waste of a specified type<sup>2</sup> so that the SENT Landfill will no longer accept MSW.

6. 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 to supplement the West Kowloon Transfer Station ("WKTS") as an alternative waste disposal facility to the SENT Landfill and help address the demand for disposal facility in the eastern part of the territory;
- (b) to prescribe the charges for the disposal of waste at STTS; and

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<sup>1</sup> Refuse transfer station ("RTS") is a facility that compacts MSW for bulk transfer. There are currently seven RTSs, being West Kowloon Transfer Station, Shatin Transfer Station, Island West Transfer Station, Island East Transfer Station, North Lantau Transfer Station, Northwest New Territories Transfer Station and Outlying Islands Transfer Facilities. They are located in different parts of the territory forming a network that helps to achieve a balanced distribution of facilities for the transfer of waste in bulk to the landfills.

<sup>2</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.

- (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 WKTS.

7. 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.

8. On 27 October 2014, the Panel was briefed on the progress of the preparation work and consulted on the proposed commencement dates of the relevant provisions of the Amendment Regulations. The Panel supported the proposal.

#### The Commencement Notices

9. To bring into effect the relevant provisions of the Amendment Regulations, the Commencement Notices, i.e. L.N. 154 and L.N. 155, were gazetted on 12 December 2014 and tabled at the Council meeting of 17 December 2014.

10. 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 5(a) above and DEP will be able to conduct compliance checks on such RCVs. However, the specification of the SENT Landfill to accept only construction waste as mentioned in paragraph 5(b) above will come into operation on a later date. According to paragraph 8 of the Legislative Council Brief on the Commencement Notices (File Reference: EP193/10/01/06) the planned re-routing by the Food and Environmental Health Department ("FEHD") of its collection services to make available more RTS capacity at WKTS and STTS to cope with MSW to be diverted from the SENT Landfill is targeted to be completed by mid-2015. Upon enquiry by the Legal Service Division, the Administration has recently advised 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 specifying the SENT Landfill to accept only construction waste are anticipated to be brought into operation towards the end of 2015.

11. 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 6 above are to come into operation on 1 March 2015.

## **Deliberations of the Panel at the meeting on 27 October 2014**

12. The Panel was briefed on the progress of the preparation work and consulted on the proposed commencement dates of the relevant provisions of the Amendment Regulations at its meeting on 27 October 2014. The major concerns expressed by members are summarized in the ensuing paragraphs.

### Potential environmental and traffic impacts

13. Some members were concerned that after the SENT Landfill had been designated to receive only construction waste, other landfills would have to shoulder a higher share of odorous waste. The Administration responded that the waste diverted from the SENT Landfill would be delivered to RTSs for compaction and onward transportation to other landfills. This would significantly minimize the problems of odour during transportation and reduce the overall transportation cost. The waste collection trade was encouraged to maximize their use of RTSs.

14. Some members were concerned about the environmental nuisances caused by the construction trucks carrying dusty load to the SENT Landfill. The Administration advised that EPD would remind the construction trade of the need to adopt adequate measures to prevent dust nuisance in construction sites. In addition, the Environmental Protection Department, the Hong Kong Police Force and FEHD would jointly conduct regular blitz operations by setting up road blocks at the roads leading to landfills to check the RCVs and dump trucks passing by. Closed-circuit television (commonly referred to as "CCTV") had also been installed at black spots to deter fly-tipping.

15. In response to members' enquiry on the reduction in the number of vehicle trips delivering waste for disposal at the SENT Landfill upon the designation of the SENT Landfill to receive only construction waste, the Administration advised that currently there were about 900 vehicle trips delivering waste for disposal at the SENT Landfill each day. It was anticipated that, after the implementation of the waste diversion, the number of vehicle trips delivering waste to the SENT Landfill would be reduced to about 500.

### Assistance for waste collection trade

16. Some members expressed concern that some waste collectors might face a significant increase in their operating costs, as they had to adjust their RCV routes and pay a charge if they chose to use the RTS service. The Administration advised that FEHD had been discussing with its contractors who would be affected by the waste diversion the future arrangements for their waste collection services and was prepared to assist them in making the necessary adjustments to their RCV routes and collection schedules. FEHD aimed to

complete 60% of the planned re-routing by the end of 2014 and the rest by mid-2015.

17. Some members enquired about the progress of the subsidy scheme launched by the Administration in early 2014 to assist private RCV owners to retrofit their RCVs with metal tailgate covers and waste water sump tanks. The Administration responded that the scheme had been well received by the waste collection trade. About 98% of private RCVs eligible for the subsidy had been or would be retrofitted under the scheme. The Administration understood that for those few private RCV owners not joining the scheme, some of them intended to apply for the ex-gratia payment under the scheme on "Phasing Out Pre-Euro IV Diesel Commercial Vehicles" to replace their old RCVs while the rest were either not engaged in refuse collection or were inactive. To encourage RCV owners to continue to enhance the environmental performance of their vehicles, the Administration and the waste collection trade were studying the feasibility of introducing trade-led incentive schemes to promote good practices among RCV operators.

#### Capacity of STTS

18. Some members expressed concern as to whether the capacity of STTS could accommodate the increased quantities of waste to be delivered by private waste collectors. The Administration advised that each RTS had its own design capacity and the MSW diverted from the SENT Landfill would only take up the unused capacity of STTS. Besides, FEHD had started to re-route its refuse collection services to deliver more FEHD-collected MSW to other waste treatment facilities, making available more RTS capacity at STTS to handle the MSW diverted from the SENT Landfill.

#### **Latest development**

19. At the House Committee meeting on 19 December 2014, Members agreed that a subcommittee should be formed to examine the Commencement Notices.

#### **Relevant papers**

20. A list of relevant papers is set out in the **Appendix**.

## List of relevant papers

Council/ Committee	Date of meeting	Paper
House Committee	10 January 2014	Report of the Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (LC Paper No. <a href="#">CB(1)726/13-14</a> )
Panel on Environmental Affairs	27 October 2014	<p>Administration's paper on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" (LC Paper No. <a href="#">CB(1)87/14-15(03)</a>)</p> <p>Minutes of meeting (LC Paper No. <a href="#">CB(1)243/14-15</a>)</p> <p>Administration's supplementary paper on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" (LC Paper No. <a href="#">CB(1)183/14-15(01)</a>)</p>
Legislative Council	17 December 2014	Legislative Council Brief on "Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2013 (Commencement) Notice 2014 and Waste Disposal (Refuse Transfer Station) (Amendment) Regulation 2013 (Commencement) Notice" issued by the Environment Bureau/Environmental Protection Department (File Ref: <a href="#">EP193/10/01/06</a> )
House Committee	19 December 2014	Legal Service Division Report on Subsidiary Legislation Gazetted on 12 December 2014 (LC Paper No. <a href="#">LS21/14-15</a> )