

立法會 *Legislative Council*

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Panel on Environmental Affairs

Meeting on 21 December 2015

Background brief on reduction of construction waste prepared by the Legislative Council Secretariat

Purpose

This paper provides background information on reduction of construction waste. It also gives a brief account of the major views and concerns expressed by Members when related issues were discussed by the relevant committees of the Legislative Council ("LegCo") in the 2012-2013 to 2014-2015 legislative sessions.

Background

Construction waste

2. Construction waste is defined under section 2 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N) to mean generally any substance, matter or thing that is generated from construction works and abandoned. Some construction waste is inert and may be reused as construction materials, such as rock, rubble, boulder, earth, soil, sand, concrete, asphalt, brick, tile, masonry and used bentonite. As for non-inert construction waste, it should be delivered to the landfills for disposal.

Reduction of construction waste

Construction Waste Disposal Charging Scheme

3. The Government has implemented the Construction Waste Disposal Charging Scheme¹ since 1 December 2005 for charging the disposal of

¹ The Construction Waste Disposal Charging Scheme came into operation with the passage of the Waste Disposal (Amendment) Ordinance 2004 on 2 July 2004, and the Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation on 5 January 2005.

construction waste at landfills, sorting facilities and public fill reception facilities ("the Charging Scheme"), with a view to reducing the generation of construction waste. Under the Charging Scheme, construction waste producers are required to open a billing account² with the Environmental Protection Department and pay for the construction waste disposal charge. Construction and demolition materials of different nature are subject to different disposal charging levels in order to encourage sorting of reusable inert materials while reflecting the operating costs of the facilities concerned. Depending on the inert content of the construction waste, the current charge is –

- (a) \$27 per tonne at public fill reception facilities for the disposal of construction waste consisting entirely of inert construction waste;
- (b) \$100 per tonne at the sorting facilities for the disposal of construction waste containing more than 50% by weight of inert construction waste;
- (c) \$125 per tonne at the landfills for the disposal of construction waste containing not more than 50% by weight of inert construction waste; and
- (d) \$125 per tonne at the Outlying Islands Transfer Facilities for any percentage of inert construction waste.

Other measures to promote construction waste reduction

4. In parallel with the implementation of the Charging Scheme, the Administration has been taking other measures to promote reduction of construction waste. The major measures include –

- (a) promoting the use of recycled materials (e.g. recycled fill materials, recycled sub-base materials and paving blocks made of waste glass) in public works projects, and encouraging the adoption of green site offices to avoid generating additional construction waste; and
- (b) promoting green building within the construction industry, such as by requiring submission of the Building Environmental Assessment

² Main contractor who undertakes construction works under a contract with value of \$1 million or above is required to open a billing account solely for the contract. For construction works under a contract with value less than \$1 million, such as minor construction or renovation works, any person such as the owner of the premises where the construction works takes place or his/her contractor can open a billing account. The account can also be used for contracts each with value less than \$1 million. The premises owner concerned may also engage a contractor with a valid billing account to make arrangement for disposal of construction waste.

Method Plus Assessment³ awarded/issued by the Hong Kong Green Building Council as one of the prerequisites for the granting of gross floor area concessions for new private development projects.

Regulatory control to combat fly-tipping of construction waste⁴

5. Various existing legislation, administered by different government departments, may be applied to deter fly-tipping of construction waste⁵. Among others, the Waste Disposal (Amendment) Ordinance 2013 ("Amendment Ordinance") was enacted by LegCo on 18 December 2013 to enhance the control on the depositing of construction waste on private land by requiring, inter alia, that the depositing can only be carried out with the permission from the sole owner or all of the owners of the land⁶.

Major views and concerns expressed by Members

6. Issues relating to the Charging Scheme and disposal of construction waste were brought up at the meeting of the Panel on Environmental Affairs ("the Panel") on 25 February 2013 when the Administration briefed the Panel on measures to tackle fly-tipping of construction waste and illegal land filling⁷, and during consideration of the funding proposals for landfill extension at the meetings of the Public Works Subcommittee on 7 May 2014 and the Finance Committee on 14 November 2014. The major views and concerns raised by Members on issues relating to reduction and disposal of construction waste during these discussions are summarized in the ensuing paragraphs.

Construction waste disposal charges

7. Some Members queried whether the relatively high disposal volume of construction waste in Hong Kong compared to other major cities was due to the

³ The Building Environmental Assessment Method Plus Assessment sets out various standards for green construction design, building and management, etc. and encourages the construction industry to use precast units that are low carbon and generate less waste, recover construction waste, etc.

⁴ Fly-tipping refers to illegal depositing of construction waste, which is often associated with haphazard and casual dumping from vehicles. Fly-tipped construction waste is usually scattered, left in heaps, and in small quantities. Most of these illegal dumping activities take place in urban built-up areas at locations with good vehicular access, such as at kerb sides or side roads branched off from main roads.

⁵ For the key examples of the relevant legislation and the enforcement departments concerned, please see paragraphs 4 to 5 and footnote 1 of LC Paper No. [CB\(1\)496/13-14](#).

⁶ The permission must be given in a specified form affixed with acknowledgement by the Director of Environmental Protection.

⁷ Land filling refers to depositing or placement of construction waste as fill material on land, which results in an elevation of ground level. Land filling activities are usually carried out for purposes of filling up ponds, levelling off uneven ground surfaces, forming sites for development, stockpiling in the form of a fill bank, or depositing of construction waste onto land as dumping ground.

low rate of construction waste disposal charges under the Charging Scheme and suggested raising the disposal charges so as to create more incentives for developers and contractors to reduce construction waste. Members also expressed concerns that the various ongoing major infrastructure projects (e.g. construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link, the Hong Kong-Zhuhai-Macau Bridge and the Liantang/Heung Yuen Wai Boundary Control Point) would increase the overall quantity of construction waste in Hong Kong.

8. The Administration advised that most of the construction waste disposed of at landfills in 2013 was generated from public works projects, and about 95% of the total construction waste was recovered as fill materials. After the implementation of the Charging Scheme in 2005, construction waste had been reduced and further increase in the disposal charges would unlikely result in any significant reduction of construction waste. That said, the Administration would discuss with the relevant sectors on the charging levels during the review of the Charging Scheme. The Administration would also step up its efforts in monitoring the generation of construction waste.

Measures to combat fly-tipping

9. Members were concerned about the problem of small-scale fly-tipping of construction waste left in heaps at roadsides during odd hours and urged the Administration to enhance its efforts to resolve problem.

10. The Administration advised that a person would commit an offence under the Waste Disposal Ordinance (Cap. 354) ("WDO") if he deposited or caused or permitted to be deposited waste (including construction waste) in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place. The Administration submitted that law enforcement against fly-tipping activities had been difficult since such activities were mostly conducted at inconspicuous locations and at odd hours. In this regard, the relevant government departments had mounted ambush operations in late hours and weekends or targeted ambush operations at reported black spots. Other measures included erection of bollard, fencing and/or suitable railings to restrict access or fence off the black spot locations.

11. Some Members urged the Administration to prescribe a minimum fine in WDO to enhance deterrence against fly-tipping of construction waste on private land. The Administration explained that while no minimum penalty level was set under WDO for relevant offences, the court would take into account various factors, such as the nature or seriousness of the offences, environmental impacts and mitigation, before sentencing in each case.

Council questions

12. At the Council meetings on 5 June 2013, 3 December 2014 and 8 July 2015, Hon CHIANG Lai-wan, Dr Hon Elizabeth QUAT and Hon CHAN Han-pan raised questions respectively relating to disposal of construction waste and measures to combat fly-tipping. The questions and the Administration's replies are hyperlinked in the **Appendix**.

Latest development

13. At the meeting on 21 December 2015, the Administration will brief the Panel on the reduction of construction waste and outcome of the review on the Charging Scheme.

Relevant papers

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

Reduction of construction waste

List of relevant papers

| Date of meeting | Event | Paper |
|------------------|--|--|
| 25 February 2013 | Meeting of the Panel on Environmental Affairs | <p>Administration's paper on Measures to tackle fly-tipping of construction and demolition waste and illegal land filling (LC Paper No. CB(1)569/12-13(06))</p> <p>Updated background brief on depositing of inert construction and demolition materials on government and private land prepared by the Legislative Council Secretariat (LC Paper No. CB(1)569/12-13(07))</p> <p>Minutes of meeting (LC Paper No. CB(1)1066/12-13)</p> |
| 26 June 2013 | Waste Disposal (Amendment) Bill 2013 tabled before the Legislative Council | <p>The Bill</p> <p>Legislative Council Brief (EP CR 9/150/37 Pt.10)</p> <p>Legal Service Division report (LC Paper No. LS66/12-13)</p> <p>Report of the Bills Committee (LC Paper No. CB(1)496/13-14)</p> |
| 7 May 2014 | Meeting of the Public Works Subcommittee of the Finance Committee | <p>Head 705 – Civil Engineering 164DR Southeast New Territories landfill extension (LC Paper No. PWSC(2014-15)6)</p> <p>Minutes of meeting (LC Paper No. PWSC99/13-14)</p> |

| Date of meeting | Event | Paper |
|------------------|---|---|
| 26 May 2014 | Meeting of the Panel on Environmental Affairs | <p>Administration's paper on Waste Disposal (Amendment) Ordinance 2013 (Commencement) Notice (LC Paper No. CB(1)1460/13-14(03))</p> <p>Background brief on Waste Disposal (Amendment) Ordinance 2013 (Commencement) Notice prepared by the Legislative Council Secretariat (LC Paper No. CB(1)1460/13-14(04))</p> <p>Minutes of meeting (LC Paper No. CB(1)2025/13-14)</p> |
| 11 June 2014 | Waste Disposal (Amendment) Ordinance 2013 (Commencement) Notice tabled before the Legislative Council | <p>The Commencement Notice</p> <p>Legislative Council Brief (EP CR 9/150/37 Pt.13)</p> <p>Legal Service Division report (LC Paper No. LS60/13-14)</p> |
| 14 November 2014 | Meeting of the Finance Committee | <p>Head 705 – Civil Engineering Environmental Protection – Refuse Disposal 164DR – Southeast New Territories Landfill Extension (LC Paper No. FCR(2014-15)31A)</p> <p>Head 705 – Civil Engineering Environmental Protection – Refuse Disposal 163DR – Northeast New Territories Landfill Extension (LC Paper No. FCR(2014-15)32A)</p> <p>Head 705 – Civil Engineering Environmental Protection – Refuse disposal 165DR – West New Territories Landfill Extension (LC Paper No. FCR(2014-15)33A)</p> |

| Date of meeting | Event | Paper |
|-----------------|--|--|
| | | Head 705 – Civil Engineering Environmental Protection – Refuse Disposal 177DR – Development of integrated waste management facilities phase 1 (LC Paper No. FCR(2014-15)34A) Minutes of meeting at 3:16 pm (LC Paper No. FC148/14-15) |
| 30 March 2015 | Special meeting of the Finance Committee for examination of Estimates of Expenditure 2015-2016 | Written question raised by Member and Administration's reply (Reply serial number: ENB244) |

Hyperlinks to relevant Council Questions:

| Date | Council Question |
|-----------------|--|
| 5 June 2013 | Press release on Council question (written) raised by Hon CHIANG Lai-wan http://www.info.gov.hk/gia/general/201306/05/P201306050274.htm |
| 3 December 2014 | Press release on Council question (written) raised by Dr Hon Elizabeth QUAT http://www.info.gov.hk/gia/general/201412/03/P201412030418.htm |
| 8 July 2015 | Press release on Council question (written) raised by Hon CHAN Han-pan http://www.info.gov.hk/gia/general/201507/08/P201507080337.htm |