

立法會
Legislative Council

LC Paper No. CB(1)1340/18-19
(These minutes have been seen
by the Administration)

Ref : CB1/BC/2/18/2

**Bills Committee on Waste Disposal (Charging for Municipal Solid Waste)
(Amendment) Bill 2018**

**Minutes of the eighth meeting
held on Monday, 20 May 2019, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon MA Fung-kwok, SBS, JP (Chairman)
Hon Steven HO Chun-yin, BBS (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Hon KWOK Wai-keung, JP
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon WU Chi-wai, MH
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Junius HO Kwan-yiu, JP
Hon Tanya CHAN
Hon HUI Chi-fung
Hon AU Nok-hin

Public Officers attending : **For item I**

Mr TSE Chin-wan, BBS, JP
Under Secretary for the Environment

Mr Donald NG, JP
Deputy Director of Environmental Protection (Special Tasks)
Environmental Protection Department

Mrs Vicki KWOK, JP
Deputy Director of Environmental Protection (2)
Environmental Protection Department

Mr Kenneth CHAN
Assistant Director (Special Tasks)
Environmental Protection Department

Mr Ken WONG
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

Mr FORK Ping-lam
Assistant Director (Operations)³
Food and Environmental Hygiene Department

Clerk in attendance : Ms Angel SHEK
Chief Council Secretary (1)¹

Staff in attendance : Mr Cliff IP
Assistant Legal Adviser 8

Mr Jason KONG
Senior Council Secretary (1)1

Action

I. Meeting with the Administration

Matters arising from previous meetings

(LC Paper No. CB(1)956/18-19(02) — List of follow-up actions arising from the meeting on 15 April 2019

LC Paper No. CB(1)1031/18-19(01) — Administration's response to items (f) and (g) of the list of follow-up actions arising from the meeting on 15 April 2019

LC Paper No. CB(1)1031/18-19(02) — List of follow-up actions arising from the meeting on 30 April 2019

LC Paper No. CB(1)1031/18-19(03) — List of follow-up actions arising from the meeting on 7 May 2019

LC Paper No. CB(1)1031/18-19(04) — Paper on "Updated list of references to the Administration's papers related to measures to support waste recycling" prepared by the Legislative Council Secretariat (Chinese version only)

LC Paper No. CB(1)1031/18-19(05) — Paper on "List of references to the Administration's papers related to enforcement of the proposed municipal solid waste charging scheme and support to the public for implementing the scheme" prepared by the Legislative Council Secretariat (Chinese version only)

Action

Relevant papers

- (LC Paper No. CB(3)97/18-19 — Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill")
- File Ref: EP CR/9/65/3 — Legislative Council Brief
- LC Paper No. LS13/18-19 — Legal Service Division Report
- LC Paper No. CB(1)205/18-19(01) — Marked-up copy of the Bill prepared by the Legal Service Division (Restricted to Members)
- LC Paper No. CB(1)205/18-19(03) — Background brief prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)205/18-19(02) — Assistant Legal Adviser ("ALA")'s letter dated 4 December 2018 to the Administration
- LC Paper No. CB(1)396/18-19(01) — Administration's reply to ALA's letter dated 4 December 2018
- LC Paper No. CB(1)875/18-19(03) — ALA's letter dated 25 March 2019 to the Administration
- LC Paper No. CB(1)1000/18-19(04) — Administration's reply to ALA's letter dated 25 March 2019)

Discussion

(At 10:52 am, the Chairman left the conference room and the Deputy Chairman took the chair.)

The Bills Committee deliberated (index of proceedings attached at the **Annex**).

Action

Follow-up actions to be taken

- Admin 2. The Administration was requested to provide photographs showing the design(s) of notices and/or banners placed at fly-tipping black spots for alerting the public that surveillance cameras had been installed at those locations.
- Admin 3. The Housing Department ("HD") was invited to provide, in writing, the views and concerns (if any) of the Hong Kong Housing Authority ("HA")/HD regarding the Bill and the implementation strategy and arrangements for the proposed municipal solid waste ("MSW") charging scheme, in particular (a) the proposed monitoring and enforcement mechanisms under which, according to the Administration, HA/HD would not take enforcement actions against disposal of non-compliant waste within the HA-managed housing estates under the Bill (if and when passed), and (b) whether there would be any plan to allocate or seek additional resources to install additional surveillance camera systems in those housing estates for preventing aggravation of fly-tipping in general and monitoring compliance situations after the implementation of the proposed MSW charging scheme.

II. Any other business

Date of next meeting

4. The Deputy Chairman advised that the next meeting would be held on Monday, 17 June 2019 at 10:45 am.

(Post-meeting note: On the instruction of the Chairman, the meeting on 17 June 2019 was subsequently cancelled to avoid clashing with then anticipated continuation of the Council meeting of 12 June 2019.)

5. There being no other business, the meeting ended at 12:36 pm.

Council Business Division 1
Legislative Council Secretariat
4 September 2019

Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

**Proceedings of the eighth meeting
on Monday, 20 May 2019, at 10:45 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
<i>Agenda Item I – Meeting with the Administration</i>			
001105 – 001415	Deputy Chairman Administration	The Deputy Chairman's opening remarks and the Administration's briefing on its written response to items (f) and (g) of the list of follow-up actions arising from the meeting on 15 April 2019 (LC Paper No. CB(1)1031/18-19(01)).	
001416 – 001930	Deputy Chairman Mr Tony TSE Administration	<p>Referring to LC Paper No. CB(1)1031/18-19(01), Mr TSE and the Deputy Chairman sought elaboration on the cooperation between the Environmental Protection Department ("EPD") and the Food and Environmental Hygiene Department ("FEHD") on expanding the coverage of surveillance camera systems across the territory to combat fly-tipping activities. Mr TSE urged that the two departments should more proactively install surveillance camera systems at potential fly-tipping black spots.</p> <p>The Administration responded that:</p> <p>(a) the list of fly-tipping black spots was drawn up with reference to, among other things, public complaints and intelligence gathered from inspections. EPD was responsible for installing surveillance camera systems at fly-tipping black spots of construction and demolition ("C&D") waste, and FEHD for installing surveillance camera systems at fly-tipping black spots of general refuse and household waste; and</p> <p>(b) under the existing laws, both EPD and FEHD were empowered to take enforcement actions against illegal waste disposal activities. Both departments would follow up suspected fly-tipping activities spotted via their respective surveillance camera systems regardless of the type(s) of waste involved. It was considered that such an arrangement would enable more efficient use of resources by the two departments.</p>	
001931 – 002344	Deputy Chairman Mr Tommy CHEUNG Administration	<p>Mr CHEUNG expressed concern about the inconvenient locations of some Community Green Stations ("CGSs"). He called on the Administration to expedite the setting up and/or commissioning of CGSs in all districts.</p> <p>The Administration responded that seven CGSs had commenced operation, and two CGSs were expected to commence operation in 2019. Design and construction</p>	

Time marker	Speaker	Subject	Action required
		<p>works of another two CGSs were underway. While the locations of the remaining seven CGSs had yet to be decided, the Administration would endeavour to expedite its work on identifying suitable sites for these CGSs.</p> <p>Mr CHEUNG suggested that the mode of operation and facilities of refuse collection points ("RCPs") should be modified so that RCPs would be utilized for the recovery of certain types of materials (e.g. glass and plastic bottles) regularly at designated hours.</p> <p>The Administration responded that due to constraints such as limited space, it was generally impracticable to further enhance the recycling-related functions of existing RCPs at present. EPD had been working with FEHD on the provision of resource recovery facilities in RCPs to be constructed or re-provisioned. For example, in respect of the RCP to be re-provisioned at Hung Shui Kiu, EPD would set up a Community Recycling Centre ("CRC") on a whole floor of the proposed building.</p>	
002345 – 002938	Deputy Chairman Administration	Further discussion on the use of surveillance camera systems for combating fly-tipping activities, and the division of work and cooperation between EPD and FEHD in this regard.	
002939 – 003558	Deputy Chairman Mr Tommy CHEUNG Administration	Mr CHEUNG said that he generally disagreed with the widespread use of surveillance camera systems in public places. He also suggested that the current off-peak hours of RCPs should be designated for resource recovery in future, so as to better utilize RCPs and help reduce the transportation costs of recyclables that would otherwise have to be collected directly and inefficiently from various other sources of waste generation/recovery.	
003559 – 004028	Deputy Chairman Dr Elizabeth QUAT Administration	<p>Dr QUAT enquired about the Administration's plan for the application of new technologies in the surveillance camera systems used for combating fly-tipping activities.</p> <p>The Administration responded that EPD planned to install 35 new surveillance cameras at C&D waste fly-tipping black spots by June 2019. The new surveillance cameras would adopt artificial intelligence enabling the automatic selection of footage of suspected illegal waste disposal activities, which could help enhance enforcement efficiency. While not all the 80 existing surveillance cameras installed by EPD at fly-tipping black spots had the above function, EPD would progressively replace them with artificial intelligence-enabled cameras.</p>	

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004029 – 004542	Deputy Chairman Mr Tommy CHEUNG Administration	<p>Mr CHEUNG asked about the current coverage of the pilot scheme on collection of food waste from commercial and industrial ("C&I") sources, and whether the Administration would expand the scale of the pilot scheme to complement the implementation of the proposed municipal solid waste ("MSW") charging scheme (if the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") was passed).</p> <p>The Administration responded that:</p> <p>(a) the said pilot scheme currently covered selected public markets and cooked food venues of FEHD and selected wet markets and shopping centres managed by the Hong Kong Housing Authority ("HA"). There were plans to extend the pilot scheme to all public markets and cooked food venues of FEHD and all HA-managed wet markets and shopping centres; and</p> <p>(b) free food waste collection service for primary and secondary schools through school lunch suppliers had recently been included in the pilot scheme. The food waste collection service would be further extended to canteens of tertiary institutions.</p>	
004543 – 011828	Deputy Chairman Dr Elizabeth QUAT Administration Mr Tommy CHEUNG Mr Vincent CHENG Mr Wilson OR	<p><u>Use of surveillance camera systems</u></p> <p>The Deputy Chairman, Dr QUAT, Mr CHEUNG, Mr CHENG and Mr OR raised the following views and questions in respect of the use of surveillance camera systems:</p> <p>(a) the Administration should provide information as follows: (i) the numbers of surveillance cameras installed/to be installed by EPD and FEHD respectively, and (ii) relevant statistics to demonstrate the effectiveness of the surveillance camera systems in deterring fly-tipping activities;</p> <p>(b) given that there were many fly-tipping black spots across the territory, and fly-tipping activities could be shifted to locations where surveillance camera systems were not installed, how the Administration would ensure that the surveillance cameras it deployed would provide sufficient coverage, including whether surveillance cameras with mobility features would be introduced for efficient redeployment if and when necessary; and</p> <p>(c) how the Administration would tackle the fly-tipping problem at a black spot if relevant stakeholders raised objection to the installation of a surveillance camera</p>	

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		<p>system at the location.</p> <p>The Administration responded that:</p> <p><i>Surveillance camera systems installed by EPD</i></p> <ul style="list-style-type: none"> (a) the number of surveillance cameras installed by EPD at C&D waste fly-tipping black spots was expected to reach 115 by June 2019. Subject to the availability of resources and outcomes of relevant reviews, another 20 or more surveillance cameras would be installed by EPD by the end of 2019; (b) all new surveillance cameras installed since 2019 by EPD would have a mobility feature to enable their quick redeployment. The 80 existing surveillance cameras were of older models which did not have this feature; (c) EPD regularly evaluated the effectiveness of its surveillance camera systems and conducted analyses of the trends of C&D waste fly-tipping activities, with a view to reviewing the locations for the placement of surveillance cameras. Moreover, meetings between EPD and nine relevant government departments were held at least twice a year for sharing of intelligence and information related to illegal C&D waste disposal. If necessary, EPD would redeploy its surveillance cameras to other locations for combating such illegal acts, subject to the support of the relevant District Councils; (d) the amount of fly-tipped C&D waste cleared by the Administration had dropped from 8 998 tonnes in 2017 to 4 964 tonnes in 2018 (i.e. a 45% reduction), indicating that the surveillance camera systems had been effective in reducing illegal C&D waste disposal; (e) if relevant stakeholders did not support the installation of a surveillance camera system at a C&D waste fly-tipping black spot, the Administration would carry out other measures, such as ambush operations, to tackle the fly-tipping problem there; <p><i>Surveillance camera systems installed by FEHD</i></p> <ul style="list-style-type: none"> (f) FEHD had installed 115 surveillance cameras at household waste fly-tipping black spots. It planned to install 100 more surveillance cameras starting from August 2019, and around 50 more by the end of 2019. Relevant District Councils were being consulted on the locations of fly-tipping black spots, and their views 	

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		<p>would be taken into account when FEHD prioritized the installation of new surveillance cameras. FEHD would gradually expand the coverage of its surveillance cameras to over 300 locations; and</p> <p>(g) if significant improvement in the environmental hygiene conditions of a black spot had been observed sometime after the installation of a surveillance camera, FEHD would consider redeploying the camera to another black spot on the list; and if there was not a need to redeploy the camera, the camera would remain at the original location but would cease recording as long as the environmental hygiene conditions there remained satisfactory.</p> <p><u>Monitoring of compliance and enforcement in public rental housing estates</u></p> <p>Mr OR expressed deep concerns about the potential aggravation of fly-tipping in public rental housing ("PRH") estates after the implementation of the proposed MSW charging scheme (if the Bill was passed), and that the proposed risk-based enforcement approach to be adopted for the scheme might not be effective in curbing disposal or fly-tipping of non-compliant waste ("NCW"). He enquired:</p> <p>(a) whether EPD and FEHD had installed/would install any surveillance camera systems in PRH estates for combating fly-tipping activities;</p> <p>(b) whether HA/the Housing Department ("HD") would be given additional resources for installing surveillance camera systems in PRH estates for monitoring residents' compliance with the proposed MSW charging scheme (if the Bill was passed); and</p> <p>(c) whether HA/HD had been consulted on the Bill and/or the proposed MSW charging scheme, and if so, what views HA/HD had on the proposed monitoring and enforcement mechanisms.</p> <p>The Administration responded that:</p> <p>(a) though the fly-tipping black spots at which surveillance cameras would be installed by EPD and FEHD did not include PRH estates, HA/HD had adopted various measures to combat fly-tipping. It was therefore not necessary to provide additional resources to HA/HD for the purpose at this stage;</p> <p>(b) the monitoring and enforcement duties in respect of the proposed MSW charging scheme would be handled by</p>	

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		<p>EPD and FEHD. HA/HD would not be tasked with taking enforcement actions against NCW disposal within the HA-managed housing estates; and</p> <p>(c) while enforcement actions would serve as a backstop against NCW disposal, there would be other measures to help residents put waste charging into practice under the multipronged strategy to be adopted for the implementation of the proposed MSW charging scheme.</p> <p><u>Follow-up action to be taken</u></p> <p>The Administration was requested to provide photographs showing the design(s) of notices and/or banners placed at fly-tipping black spots for alerting the public that surveillance cameras had been installed at those locations.</p>	<p>Admin (paragraph 2 of the minutes refers)</p>
<p>011829 – 012451</p>	<p>Deputy Chairman Dr CHENG Chung-tai Administration</p>	<p>Dr CHENG noted from the Administration's reply to Assistant Legal Adviser's letter dated 25 March 2019 (LC Paper No. CB(1)1000/18-19(04)) that the proposed charge of \$150 for each unweighed load of MSW disposed of at a "Group 3 facility" was calculated based on (a) the average actual weight load of around 0.4 tonne received by those facilities in the past few years, and (b) the proposed charge of \$365 per tonne after the implementation of the proposed MSW charging scheme. He expressed concern that the above proposed calculation method:</p> <p>(a) might be unfair to residents of outlying islands with smaller populations, as the average actual weight load received by the refuse transfer facilities on such outlying islands might be less than 0.4 tonne; and</p> <p>(b) might not be able to accommodate future changes (if any) in the MSW disposal rate of Hei Ling Chau, whose population might expand significantly due to the formation and development of artificial islands in the vicinity (the relevant development plan was currently under study).</p> <p>Dr CHENG therefore suggested that an individual charging rate for unweighed load be set for each "Group 3 facility".</p> <p>The Administration advised that if there were significant changes to the MSW disposal rates on the outlying islands concerned, it would consider introducing proposals for adjusting the charging rate for unweighed load (if the Bill was passed). The Administration would further explain the rationale for setting the rate at \$150 during the clause-by-clause examination of the Bill.</p>	

Time marker	Speaker	Subject	Action required
012452 – 013043	Deputy Chairman Dr Elizabeth QUAT Administration	Discussion on the illegal dumping activities of C&D waste near the RCP at Tai Shui Hang Village.	
013044 – 013911	Deputy Chairman Mr CHU Hoi-dick Administration	<p>Mr CHU pointed out that according to Annex II to LC Paper No. CB(1)1031/18-19(01), the distribution of collection points under the Community Recycling Network ("CRN") (including CRCs, Community Recycling Vehicles and other collection points operated by non-governmental organizations ("NGOs")) was uneven among different districts. He enquired about the planned distribution of CRN collection points after the proposed regularization of funding support for CRCs, and whether the four major outlying islands of the Islands District would be serviced by one or several CRCs.</p> <p>The Administration responded that, regarding the expansion of CRN, the current priority was to establish a CRC in each of the districts currently without any CRC. The Administration would consider, under the ongoing review of CRN, how to better utilize resources for enhancing recycling support in the community. There was no fixed plan at this stage for the number of CRN collection points in each district.</p> <p>Noting that tenders would be invited for the operation contracts of CRCs after the regularization efforts, the Deputy Chairman expressed concern that the contract(s) for the CRC(s) in the Islands District might not attract any bid from NGOs due to the remote location(s) and the administrative burdens arising from the tendering procedure.</p>	
013912 – 014454	Deputy Chairman Mr Vincent CHENG Administration	<p>Mr CHENG queried whether there was sufficient manpower for the collection of recyclables from recycling bins in public places, given that the relevant FEHD contractors only employed 28 staff members for the task. The Administration explained that the said contractors were responsible for collecting recyclables by vehicles from some 2 000 sets of recycling bins placed in public places, and their existing manpower was sufficient.</p> <p>Mr CHENG suggested that the Administration should adopt new technologies for its surveillance camera systems, such as 360-degree cameras, to enhance their surveillance coverage and mobility. The Administration advised that it would continue to explore the application of new technologies for enhancing the efficiency of enforcement against fly-tipping.</p>	

Time marker	Speaker	Subject	Action required
014455 – 015458	Deputy Chairman Administration Mr Vincent CHENG	<p>The Bills Committee proceeded to discuss enforcement of the proposed MSW charging scheme and support to the public for implementing the scheme, i.e. the third theme under the theme-based approach of deliberating the policy issues of the Bill.</p> <p>The Deputy Chairman asked about the interdepartmental coordination in preparing for the implementation of the proposed MSW charging scheme; and expressed concern on how the authorities would promptly rectify fly-tipping problems within HA-managed housing estates arising from the implementation of the scheme (if the Bill was passed).</p> <p>The Administration responded that EPD had been maintaining close communications with relevant government departments, including HD, on the implementation arrangements for the proposed MSW charging scheme, with a view to ensuring that the arrangements could tie in with the waste collection/removal practices in various types of premises. Moreover, pilot schemes and trial projects on MSW charging had been organized in some housing estates. If the Bill was passed, the enforcement approach to be adopted for both public and private residential buildings/housing estates would be the same.</p> <p>The Deputy Chairman instructed that HD be invited to provide, in writing, the views and concerns (if any) of HA/HD regarding the Bill and the implementation strategy and arrangements for the proposed MSW charging scheme, in particular (a) the proposed monitoring and enforcement mechanisms under which, according to the Administration, HA/HD would not take enforcement actions against disposal of NCW within the HA-managed housing estates under the Bill (if and when passed), and (b) whether there would be any plan to allocate or seek additional resources to install additional surveillance camera systems in those housing estates for preventing aggravation of fly-tipping in general and monitoring compliance situations after the implementation of the proposed MSW charging scheme.</p>	Admin (paragraph 3 of the minutes refers)
<i>Agenda Item II – Any other business</i>			
015459 – 015538	Deputy Chairman	Date of next meeting	