

立法會
Legislative Council

LC Paper No. CB(1)240/19-20
(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 ninth meeting
held on Monday, 11 November 2019, at 10:45 am
in Conference Room 2 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 Paul TSE Wai-chun, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Kenneth LEUNG
Hon KWOK Wai-keung, JP
Hon IP Kin-yuen
Hon POON Siu-ping, BBS, MH
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHU Hoi-dick
Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon CHAN Chun-ying, JP
Hon HUI Chi-fung
Hon Jeremy TAM Man-ho
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS

Member attending : Hon CHAN Hoi-yan

Members absent : Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Charles Peter MOK, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Elizabeth QUAT, BBS, JP
Hon CHUNG Kwok-pan
Hon Tanya CHAN
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Gary FAN Kwok-wai

Public Officers attending : **For item II**

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

Mr Bruno LUK
Deputy Director of Environmental Protection (Special
Tasks)
Environmental Protection Department

Mr Elvis AU, JP
Deputy Director of Environmental Protection (1)
Environmental Protection Department

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

Mr FONG Kin-wa
Assistant Director (Waste Reduction and Recycling)
Environmental Protection Department

Mr Lawrence CHEUNG
Principal Environmental Protection Officer
(Community Relations)
Environmental Protection Department

Mr TSE Yu-cheung
Acting Assistant Director (Operations)
Food and Environmental Hygiene Department

Mr Gilbert MO
Deputy Law Draftsman
Department of Justice

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. Confirmation of minutes

(LC Paper No. CB(1)1162/ — Minutes of the meeting held on
18-19 15 April 2019

LC Paper No. CB(1)1292/ — Minutes of the meeting held on
18-19 30 April 2019

LC Paper No. CB(1)1324/ — Minutes of the meeting held on
18-19 7 May 2019

LC Paper No. CB(1)1340/ — Minutes of the meeting held on
18-19 20 May 2019)

The minutes of the meetings held on 15 April, 30 April, 7 May and 20 May 2019 were confirmed.

II. Meeting with the Administration

Matters arising from previous meetings

(LC Paper No. CB(1)1346/ — List of follow-up actions arising from
18-19(01) the meeting on 20 May 2019

LC Paper No. CB(1)1346/ — Administration's response to the list of
18-19(02) follow-up actions arising from the
meeting on 20 May 2019

Action

- LC Paper No. CB(1)36/19-20(01) — Administration's response to the list of follow-up actions arising from the meeting on 7 May 2019
- LC Paper No. CB(1)1250/18-19(01) — Administration's response to the list of follow-up actions arising from the meeting on 30 April 2019
- LC Paper No. CB(1)126/19-20(01) — Paper on "Updated 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)

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's letter dated 4 December 2018 to the Administration
- LC Paper No. CB(1)396/18-19(01) — Administration's reply to Assistant Legal Adviser's letter dated 4 December 2018

Action

LC Paper No. CB(1)875/ — Assistant Legal Adviser's letter dated
18-19(03) 25 March 2019 to the Administration

LC Paper No. CB(1)1000/ — Administration's reply to Assistant
18-19(04) Legal Adviser's letter dated
25 March 2019)

Discussion

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

(When Mr SHIU Ka-fai was speaking, Mr HUI Chi-fung spoke loudly without permission. At 11:32 am, the Chairman warned Mr HUI that he should not interrupt another member who was speaking.)

(The Chairman suspended the meeting at 11:50 am to handle a point of order raised by Mr HUI Chi-fung. The meeting subsequently resumed at 12:18 pm.)

(At 12:20 pm, after the Chairman had made a decision regarding the point of order raised by Mr HUI Chi-fung, Mr HUI called the Chairman, in Chinese, a "corrupt referee". The Chairman considered the expression offensive and requested Mr HUI to withdraw his remark, and Mr HUI refused so. The Chairman then ordered Mr HUI to withdraw from the Bills Committee for the remainder of the meeting.)

(At 12:42 pm, the Chairman directed that the meeting be extended for 15 minutes beyond the appointed ending time.)

Follow-up actions to be taken by the Administration

Admin 3. The Administration was requested to provide information on: (a) recent statistics, in tabular form, on the successful cases of prosecution against illegal disposal of construction and demolition ("C&D") waste that did not involve the use of surveillance camera systems, with breakdowns by (i) enforcement method(s) and (ii) location(s) of the illegal waste disposal; (b) the average cost of installing a surveillance camera system for combating illegal disposal of C&D waste; and (c) the average time taken by the Administration to clear fly-tipped C&D waste after it had received information on a fly-tipping case.

Action

III. Any other business

4. There being no other business, the meeting ended at 12:47 pm.

Council Business Division 1
Legislative Council Secretariat
10 December 2019

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

**Proceedings of the ninth meeting
on Monday, 11 November 2019, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
001045 – 001131	Chairman	Confirmation of the minutes of the meetings held on 15 April, 30 April, 7 May and 20 May 2019.	
<i>Agenda Item II – Meeting with the Administration</i>			
001132 – 001350	Chairman Administration	The Chairman advised that, in accordance with the theme-based approach, the Bills Committee would continue with the discussion on enforcement of the proposed municipal solid waste ("MSW") charging scheme and support to the public for implementing the scheme.	
001351 – 002007	Chairman Mr Tommy CHEUNG Administration	<p>Mr CHEUNG asked about:</p> <ul style="list-style-type: none"> (a) the current number of surveillance cameras installed by the Environmental Protection Department ("EPD") at fly-tipping black spots of construction and demolition ("C&D") waste; (b) recent numbers of successful prosecution cases arising from the use of surveillance camera systems; (c) the estimated number of additional surveillance cameras to be installed by the Administration for the implementation of the proposed MSW charging scheme (if the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") was passed); and (d) how EPD conducted enforcement actions against illegal C&D waste disposal at locations without any surveillance camera. <p>The Administration advised that:</p> <ul style="list-style-type: none"> (a) EPD had installed over 110 surveillance cameras at C&D waste fly-tipping black spots; (b) in 2017 and 2018, there were 106 and 136 successful prosecution cases against illegal C&D waste disposal respectively, and 21 and 25 of which arose from the use of surveillance camera systems; (c) the Administration would evaluate the number of additional surveillance cameras to be 	

Time marker	Speaker	Subject	Action required
		<p>installed for the implementation of the proposed MSW charging scheme (if the Bill was passed) in due course having regard to actual circumstances; and</p> <p>(d) enforcement staff of EPD would conduct inspections and/or ambush operations at suspected C&D waste fly-tipping locations, including those without surveillance cameras, with reference to public complaints and intelligence received from other sources.</p> <p>Mr CHEUNG requested the Administration to provide recent statistics, in tabular form, on the successful cases of prosecution against illegal C&D waste disposal that did not involve the use of surveillance camera systems, with breakdowns by enforcement method(s) and location(s) of the illegal waste disposal.</p>	<p>Admin (paragraph 3 of the minutes refers)</p>
002008 – 002606	<p>Chairman Mr YIU Si-wing Administration</p>	<p>Quoting paragraph (c) of the Administration's written response to the list of follow-up actions arising from the meeting on 30 April 2019 (LC Paper No. CB(1)1250/18-19(01)), Mr YIU opined that as it was difficult for single-block buildings and "three-nil buildings" to participate in the Source Separation of Waste Programme, the Administration should devise new measures (such as a reward system) to promote resource recovery in such buildings.</p> <p>The Administration responded that the outreaching teams being set up under EPD would endeavour to establish effective communication channels with residents in single-block buildings and "three-nil buildings", with a view to promoting resource recovery there and preparing the residents for the implementation of the proposed MSW charging scheme (if the Bill was passed). The Administration was also studying further ways to promote separation of household waste at source.</p>	
002607 – 003845	<p>Chairman Deputy Chairman Administration Mr Vincent CHENG</p>	<p><u>Support for the local recycling industry</u></p> <p>As the local recycling businesses of certain recyclables (such as those collected from recycling bins in housing estates) had become unprofitable, the Deputy Chairman enquired how the Administration would enhance support for the recyclers concerned.</p> <p>The Administration responded that there had been a drop in the market prices of certain recyclables (such as waste plastics and waste paper) internationally, and hence the relevant local recycling chains could not operate properly without government intervention. The Administration had</p>	

Time marker	Speaker	Subject	Action required
		<p>been exploring suitable means of intervention (such as through government contracts) to support the local recycling businesses. In this connection, the Administration planned to provide free collection service for waste plastics from non-commercial and non-industrial sources, and would continue to support the local recycling industry with the Recycling Fund. Through public education and publicity efforts, the Administration would also continue to promote proper waste separation and "clean recycling" practices, which could help enhance the economic values of local recyclables.</p> <p><u>Combating fly-tipping of construction and demolition waste</u></p> <p>The Deputy Chairman and Mr CHENG enquired about:</p> <ul style="list-style-type: none"> (a) recent statistics on C&D waste fly-tipping, relevant enforcement actions and prosecution cases; (b) the average time taken by the Administration to clear fly-tipped C&D waste after it had received information on a fly-tipping case; and (c) how the Administration would further improve the efficiency of clearing fly-tipped C&D waste and enhance deterrence against fly-tipping activities. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) after the Administration had received information on C&D waste fly-tipping, the Highways Department ("HyD") would request its contractors to deploy workers to clear such waste as soon as practicable; (b) EPD staff conducted about 7 000 inspections in 2018 to tackle C&D waste fly-tipping. The annual quantity of fly-tipped C&D waste cleared by the Administration had been reduced by 45% from about 9 000 tonnes in 2017 to about 4 900 tonnes in 2018. Moreover, the number of C&D waste fly-tipping black spots had dropped from the peak of 70 in 2017 to 24 recently. The above figures indicated that the Administration's stepped-up efforts had been effective in deterring C&D waste fly-tipping; (c) from January to June 2019, HyD cleared 1 688 tonnes of fly-tipped C&D waste in the entire territory. In the first three quarters of 2019, there were 78 successful cases of prosecution against illegal disposal of C&D waste; and 	

Time marker	Speaker	Subject	Action required
		<p>(d) apart from installing surveillance cameras at fly-tipping black spots, the Administration had been strengthening communications with local stakeholders, with a view to enhancing the efficiency of enforcement and cleanup actions.</p>	
<p>003846 – 004953</p>	<p>Chairman Mr Frankie YICK Administration Mr Tony TSE</p>	<p><u>Combating fly-tipping of construction and demolition waste</u></p> <p>In response to Mr YICK's question, the Administration advised that in 2018, there were 139 prosecution cases against C&D waste fly-tipping, and 136 of them were successful.</p> <p><u>Trial projects in public rental housing estates</u></p> <p>Referring to paragraph (b) of the Administration's written response to the list of follow-up actions arising from the meeting on 20 May 2019 (LC Paper No. CB(1)1346/18-19(02)), Mr YICK and Mr TSE asked about the progress/outcome of the trial projects jointly organized by EPD and the Housing Authority ("HA") in public rental housing ("PRH") estates for helping the residents to get prepared for the implementation of the proposed MSW charging scheme.</p> <p>The Administration advised that the trial projects were being conducted in two phases in around 10 PRH estates. The first phase commenced in end 2018 in three PRH estates. Dummy designated garbage bags and record cards were provided to estate residents for free to simulate MSW charging arrangements and keep track of implementation progress. Various publicity and public education activities were also organized to enrich participants' understanding of MSW charging, source separation of waste and clean recycling. The Administration would evaluate the effectiveness of the trial projects and report to the Legislative Council in due course.</p> <p><u>Recycling bins in housing estates</u></p> <p>Mr YICK said that in the housing estate where he resided, the recycling bins for waste glass containers were often full; and cleaning workers often needed to re-sort the recyclables collected in recycling bins because different types of recyclables had been deposited and mixed together for reasons such as the small compartments of the recycling bins. He asked whether the Administration would coordinate with property management companies ("PMCs") of housing estates on improving the design of recycling bins and the collection arrangements for recyclables.</p>	

Time marker	Speaker	Subject	Action required
		<p>The Administration responded that glass management contractors had recently been appointed for the territory-wide collection of waste glass containers but some housing estates were still maintaining their original arrangements for the recovery of waste glass containers (e.g. through collaborating with Community Green Stations). The Administration would follow up the above issues with the PMC of the housing estate concerned and provide assistance to the PMC as appropriate.</p> <p><u>Other issues</u></p> <p>Mr TSE discussed with the Administration the provision of rewards to promote resource recovery; and suggested that the Administration should organize training sessions for frontline cleaning workers to enhance their understanding of the requirements of the proposed MSW charging scheme (if the Bill was passed).</p>	
004954 – 005617	Chairman Mr SHIU Ka-fai Administration	<p>Discussion on the estimated gross revenue to be generated from the proposed MSW charging scheme and the estimated additional recurrent expenditure for the implementation of complementary measures to promote waste reduction and recycling.</p> <p>The Administration advised that it had been announced in the Chief Executive's 2018 Policy Address that the Government would provide additional recurrent provision of around \$300 million to 400 million for the financial year 2019-2020 to start with, which would be further increased to no less than \$800 million to \$1 billion from the financial year when MSW charging would be implemented. The amount of this annual provision would be commensurate with the estimated gross revenue to be generated from MSW charging in the initial period so as to achieve the effect of "dedicated fund for dedicated use". It was estimated that the expenditure for the outreaching teams, which would be covered by the additional recurrent provision, would be some \$130 million in the initial period, subject to actual circumstances.</p> <p>Mr SHIU expressed grave concern that the implementation of the proposed MSW charging scheme (if the Bill was passed) would be very controversial under the prevailing social conditions. He considered that the Administration should provide more information on the estimated cost of staff who would undertake enforcement duties relating to the proposed MSW charging scheme.</p>	

Time marker	Speaker	Subject	Action required
005618 – 010132	Chairman Mr HUI Chi-fung Administration	<p>Mr HUI doubted the Administration's determination to have the Bill passed within the current legislative session.</p> <p>The Administration responded that it would continue to work closely with the Bills Committee, with a view to completing the legislative process within the current legislative session.</p> <p>Discussion on the use of additional provision to enhance support for waste reduction and recycling.</p>	
010133 – 010833	Chairman Ms CHAN Hoi-yan Administration Mr HUI Chi-fung	<p>Discussion on the application of new technologies to automate the collection of waste and recyclables.</p> <p>Mr HUI raised a point of order regarding Ms CHAN's speech.</p>	
<i>Suspension of meeting 010834 – 013643</i>			
013644 – 014002	Chairman Mr HUI Chi-fung	<p>The Chairman's decision regarding the point of order raised by Mr HUI.</p> <p>Mr HUI used an expression that the Chairman considered offensive. Mr HUI refused to withdraw his remark and left the conference room of his own accord. The Chairman ordered Mr HUI to withdraw from the Bills Committee for the remainder of the meeting.</p>	
014003 – 014357	Chairman Mr Tommy CHEUNG Administration	<p>The Administration would provide supplementary information on the average cost of installing a surveillance camera system for combating illegal disposal of C&D waste.</p> <p>Mr CHEUNG asked whether EPD would provide copies of the records of its surveillance camera systems installed at fly-tipping black spots to other law enforcement agencies upon the latter's requests for investigation of crimes other than those relating to waste disposal. The Administration advised that records of the surveillance camera systems would be handled in strict accordance with the relevant requirements under the Personal Data (Privacy) Ordinance (Cap. 486).</p>	Admin (paragraph 3 of the minutes refers)
014358 – 014806	Chairman Mr Vincent CHENG Administration	Mr CHENG said that the Administration had yet to develop effective ways of clearing the litter at hard-to-reach places of old buildings, such as podiums and yards, and catching the litterers involved. He expressed concern that the implementation of the proposed MSW charging scheme (if the Bill was passed) would exacerbate fly-tipping and environmental hygiene problems in old buildings and "three-nil buildings" in particular.	

Time marker	Speaker	Subject	Action required
		<p>The Administration responded that it would continue to tackle fly-tipping problems through a multipronged approach, which included, among other things, public education and enforcement actions (such as ambush operations). There were cases where offenders were caught during ambush operations. Through collaboration with local stakeholders and interdepartmental coordination, the environmental hygiene conditions of some old buildings had been improved.</p>	
014807 – 020147	<p>Chairman Mr WU Chi-wai Administration Mr Wilson OR</p>	<p>As the implementation of the Construction Waste Disposal Charging Scheme ("CWDCS") had given rise to fly-tipping problems, and the proposed MSW charging scheme would have an even larger scope of application compared to that of CWDCS, Mr WU and Mr OR questioned how the Administration would prevent the aggravation of fly-tipping problems due to the implementation of the proposed MSW charging scheme (if the Bill was passed).</p> <p>The Administration advised that, after the passage of the Bill, it would put in place a preparatory period of 12 to 18 months to allow time for stakeholders to prepare for the actual implementation of the proposed MSW charging scheme; and establish a Municipal Solid Waste Reduction Office for coordinating the work of relevant departments in respect of MSW charging.</p> <p>Mr WU opined that the Administration should more proactively promote the separation of dry and wet household waste at source. In this connection, he enquired whether it would explore the possibility of installing food waste disposers (which shredded food waste into small pieces for disposal through the sewerage system) in new housing estates developed by HA.</p> <p>The Administration responded that it had a road map for food waste management. It would continue to expand Hong Kong's food waste treatment capacity, which was a prerequisite for the introduction of arrangements for recovering source-separated food waste from the community on a larger scale. In addition, the Administration understood that the installation of food waste facilities, including food waste disposers, in residential buildings was being explored.</p> <p>Extension of meeting</p>	

Time marker	Speaker	Subject	Action required
020148 – 020550	Chairman Deputy Chairman Administration	<p>The Deputy Chairman expressed concern that littering and fly-tipping activities might become prevalent as a result of the implementation of the proposed MSW charging scheme (if the Bill was passed), and on some occasions the Administration and/or its cleaning service contractors might not have sufficient manpower to promptly clear the refuse concerned. He therefore suggested that the Administration should consider establishing a dedicated fund to be used for hiring other parties for refuse removal to fill temporary manpower gaps. The Administration advised that it would consider the suggestion.</p> <p>The Administration would provide supplementary information on the average time taken to clear fly-tipped C&D waste after it had received information on a fly-tipping case.</p> <p>The Deputy Chairman suggested that representatives from the Home Affairs Department and/or Food and Health Bureau be invited to attend the next meeting of the Bills Committee to answer members' questions relating to interdepartmental coordination in enhancing the environmental hygiene conditions of places not covered by the Food and Environmental Hygiene Department's ordinary cleaning services, e.g. yards and back alleys of old buildings.</p>	Admin (paragraph 3 of the minutes refers)
<i>Agenda Item III – Any other business</i>			
020551 – 020630	Chairman	Concluding remarks	