

**立法會**  
**Legislative Council**

LC Paper No. CB(1)354/19-20  
(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 10<sup>th</sup> meeting  
held on Wednesday, 18 December 2019, at 8:30 am  
in Conference Room 3 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 Charles Peter MOK, JP  
Hon Kenneth LEUNG  
Hon KWOK Wai-keung, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon SHIU Ka-fai, JP  
Hon Wilson OR Chong-shing, MH  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Dr Hon CHENG Chung-tai  
Hon Jeremy TAM Man-ho

Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS

**Members attending** : Hon CHAN Han-pan  
Dr Hon CHIANG Lai-wan

**Members absent** : Hon CHUNG Kwok-pan  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Public Officers attending** : **For item II**

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

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

Mr Bruno LUK  
Deputy Director of Environmental Protection (Waste  
Management Duties)  
Environmental Protection Department

Mr Kenneth CHAN  
Assistant Director (Waste Management Duties)  
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 FORK Ping-lam  
Assistant Director (Operations)<sup>3</sup>  
Food and Environmental Hygiene Department

Mr Frankie CHOU  
Regional Highway Engineer/New Territories Region  
Highways 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

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Action

**I. Confirmation of minutes**

(LC Paper No. CB(1)240/ — Minutes of the meeting held on  
19-20 11 November 2019)

The minutes of the meeting held on 11 November 2019 were confirmed.

**II. Meeting with the Administration**

*Matters arising from previous meetings*

(LC Paper No. CB(1)249/ — List of follow-up actions arising from  
19-20(01) the meeting on 11 November 2019

LC Paper No. CB(1)249/ — Administration's response to the list of  
19-20(02) follow-up actions arising from the  
meeting on 11 November 2019

LC Paper No. CB(1)249/ — Paper on "Updated list of references to  
19-20(03) 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/ — Waste Disposal (Charging for  
18-19 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/ — Marked-up copy of the Bill prepared  
18-19(01) by the Legal Service Division  
(Restricted to Members)

LC Paper No. CB(1)205/ — Background brief prepared by the  
18-19(03) Legislative Council Secretariat

LC Paper No. CB(1)205/ — Assistant Legal Adviser's letter dated  
18-19(02) 4 December 2018 to the  
Administration

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

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**).

*(The Chairman left the conference room at 9:02 am and returned to the chair at 9:48 am. During this period, the Deputy Chairman presided over the meeting.)*

*(Post-meeting note: A joint submission from nine green groups tabled at the meeting was issued to members on 18 December 2019, vide LC Paper No. CB(1)273/19-20(01).)*

Action

Follow-up actions to be taken by the Administration

- Admin 3. The Administration was requested to provide information as follows:
- (a) (i) specifications and functionality of the surveillance camera systems installed/to be installed by the Administration to combat illegal waste disposal; (ii) procedure for determining the positioning, coverage and functionality of each surveillance camera system taking into account considerations on personal data privacy protection; and (iii) rules and/or standards regarding the handling of the records of such surveillance camera systems, and in particular those related to data storage and deletion as well as transfer of records to other law enforcement agencies for the purposes of criminal investigation (whether related to waste disposal or not), including whether court warrants had been/should be applied for the transfer of records; and
  - (b) details on the publicity and public education efforts to promote waste reduction and prepare the community for the introduction of municipal solid waste charging, including the timetable and/or road map for the implementation of related measures and the relevant performance indicators.

**III. Any other business**

4. There being no other business, the meeting ended at 10:30 am.

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

**Proceedings of the 10<sup>th</sup> meeting  
on Wednesday, 18 December 2019, at 8:30 am  
in Conference Room 3 of the Legislative Council Complex**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
<i>Agenda Item I – Confirmation of minutes</i>			
001536 – 001604	Chairman	Confirmation of the minutes of the meeting held on 11 November 2019.	
<i>Agenda Item II – Meeting with the Administration</i>			
001605 – 001933	Chairman Mr HUI Chi-fung Clerk	<p>Mr HUI's question on the arrangements for future meetings and responses from the Chairman and the Clerk.</p> <p>The Chairman advised that the Administration had provided a written response to the follow-up actions arising from the meeting on 11 November 2019 (LC Paper No. CB(1)249/19-20(02)); and 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.</p>	
001934 – 002913	Chairman Mr Wilson OR Administration Mr Vincent CHENG	<p>Referring to the Annex to LC Paper No. CB(1)249/19-20(02), Mr OR and Mr CHENG sought explanation on the seemingly smaller numbers in 2019 (up to September) of convictions and fixed penalty notices issued against illegal disposal of construction and demolition ("C&amp;D") waste in various districts, compared with the numbers in the preceding years.</p> <p>The Administration clarified that the numbers of convictions and fixed penalty notices provided in the said paper referred only to cases not involving the use of surveillance camera systems. The smaller numbers in 2019 were attributable to the improvement in the fly-tipping situation following the enhanced publicity and enforcement efforts. For instance, there was not any referral from District Council members against illegal C&amp;D waste disposal in Central and Western district in 2019 (up to September).</p> <p>Discussion on (a) the approach to enforcement against fly-tipping of C&amp;D waste (relevant information was provided in paragraph (a) of LC Paper No. CB(1)249/19-20(02)); (b) experience gained from the implementation of the territory-wide cleansing campaign in 2019; and (c) the strategy for preparing the community for the introduction of MSW charging.</p>	

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002914 – 003532	Chairman Administration	<p>The Chairman enquired:</p> <ul style="list-style-type: none"> <li>(a) how the Administration facilitated the recycling of products containing multiple types of recyclables (e.g. padded envelopes); and</li> <li>(b) whether the Administration would make reference to the practices of Shanghai, which had recently implemented a new regulation on MSW management, and consider introducing similar measures to reduce waste (disposable tableware in particular) and promote waste separation.</li> </ul> <p>The Administration responded that:</p> <ul style="list-style-type: none"> <li>(a) guidelines on clean recycling had been issued for public reference. Members of the public were encouraged to separate different materials of a product and deposit recyclables at suitable recycling bins. The outreaching teams being set up would help enhance public education on clean recycling;</li> <li>(b) the Administration had collaborated with the food and beverage industry on organizing a publicity and public education campaign to reduce the use of disposable tableware, and was conducting a study on the control of such products in the long run; and</li> <li>(c) compared with Shanghai, Hong Kong's treatment capacity for source-separated dry and wet waste was rather limited. The Administration therefore considered it premature at this stage to implement mandatory source separation of dry and wet waste.</li> </ul>	
003533 – 005032	Deputy Chairman Dr CHENG Chung-tai Administration Mr WU Chi-wai	<p>Dr CHENG and Mr WU sought clarification on the functionality and actual uses of the surveillance camera systems installed by the Environmental Protection Department ("EPD") and the Food and Environmental Hygiene Department ("FEHD") for combating fly-tipping, and the relationship (if any) between smart lampposts and the two departments' surveillance camera systems. They specifically asked:</p> <ul style="list-style-type: none"> <li>(a) whether facial recognition technologies had been and/or would be adopted in the said surveillance camera systems of EPD and FEHD;</li> <li>(b) if facial recognition technologies would not be adopted, how the Administration could ensure the effectiveness of surveillance camera systems in facilitating enforcement against fly-tipping, and</li> </ul>	

Time marker	Speaker	Subject	Action required
		<p>whether it would consider replacing the cameras with other technology solutions to dispel public fears over privacy intrusion; and</p> <p>(c) whether other law enforcement agencies could request access to the records of EPD and FEHD's surveillance camera systems, and if so, whether EPD and FEHD had the discretion to decline such requests.</p> <p>The Administration responded that:</p> <p>(a) at present, footage of surveillance camera systems installed at fly-tipping black spots could be used for analysing the patterns of fly-tipping activities, which could facilitate the planning of targeted enforcement actions (such as ambush operations) and improve the efficiency of manpower deployment. Recorded images of vehicle registration marks could also facilitate the investigation of illegal dumping cases involving vehicles and prosecution against the offenders concerned;</p> <p>(b) facial recognition technologies had not been adopted in the surveillance camera systems at fly-tipping black spots. The Administration did not have plans to adopt such technologies in those systems in future;</p> <p>(c) the surveillance camera systems' installation and operation were governed by the following principles: (i) the Personal Data (Privacy) Ordinance (Cap. 486) must be fully complied with, and the views of the Privacy Commissioner for Personal Data ("PCPD") would be sought where necessary; (ii) proposals for installing surveillance camera systems would be drawn up through close liaison with relevant District Councils; and (iii) privacy intrusion arising from the systems' operation should be avoided as far as practicable;</p> <p>(d) there was no direct relationship between the implementation of the pilot scheme on Multi-functional Smart Lampposts and the surveillance camera systems deployed by EPD and FEHD; and</p> <p>(e) Cap. 486 contained provisions relating to the access to personal data by law enforcement agencies. Requests for the transfer of records of EPD's and FEHD's surveillance camera systems would be handled in strict accordance with Cap. 486.</p>	



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005033 – 005816	Deputy Chairman Dr CHIANG Lai-wan Administration	<p>Dr CHIANG considered that the Administration should conduct an opinion poll to further gauge public views on the proposed MSW charging scheme. The Administration responded that there had been extensive discussions on MSW charging, which was first suggested about two decades ago; and the public engagement exercise conducted by the Council for Sustainable Development in 2013 had confirmed that there was general public support for the initiative.</p> <p>Discussion on measures to promote recycling of waste plastics, interdepartmental coordination in waste management, and improving the environmental hygiene conditions of public places.</p>	
005817 – 012117	Deputy Chairman Administration Mr Frankie YICK Ms Elizabeth QUAT	<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, the Deputy Chairman and Ms QUAT expressed concern about the potential aggravation of fly-tipping problems due to the launch of MSW charging (if the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") was passed).</p> <p>The Deputy Chairman and Mr YICK enquired whether a video clip showing the appearance of a fly-tipper recorded by a surveillance camera system would constitute sufficient evidence for prosecution.</p> <p>The Administration responded that:</p> <p>(a) fly-tipping black spots were mostly inconspicuous places with poor lighting, and fly-tipping activities were usually conducted at night time. Therefore, surveillance camera systems at the black spots generally could not clearly capture the appearances of individual fly-tippers. That said, they were able to clearly capture vehicle registration marks even at night time. Such images had been successfully used in prosecution actions against illegal dumping of C&amp;D waste by vehicles;</p> <p>(b) according to past cases of prosecution, even if the appearance of an individual was clearly captured in a video clip, the video clip itself was not expected to constitute sufficient evidence. Other evidence, such as that from a witness, was normally required to establish that the accused had committed the alleged crime; and</p>	

Time marker	Speaker	Subject	Action required
		<p>(c) in cases where individuals repeatedly dumped small amounts of waste in an unlawful manner, the surveillance camera systems could assist in the analyses of illegal dumping patterns, and the offenders would be prosecuted after they were caught on the spot during ambush operations.</p> <p>The Deputy Chairman, Mr YICK and Ms QUAT expressed the following views and concerns:</p> <p>(a) the Administration might need to consider upgrading the surveillance camera systems at fly-tipping black spots, so that they could more clearly capture the appearances of fly-tippers to facilitate prosecution actions;</p> <p>(b) EPD should make reference to the operation of surveillance camera systems installed at public places by other government departments (such as the Hong Kong Police Force), with a view to enhancing its own systems; and</p> <p>(c) the effectiveness of the Administration's enforcement actions against illegal waste disposal would be impaired if it could not continue to install surveillance camera systems at black spots due to District Councils' objections.</p> <p>The Administration concurred that the effectiveness of enforcement against illegal waste disposal could be improved upon the advancement of surveillance camera technologies. However, even if the appearances of fly-tippers could be captured in future, whether EPD could rely solely on a video clip as evidence for prosecution would be a matter that required further communications with the Department of Justice. When consulting District Councils on the installation of surveillance camera systems, the Administration would endeavour to explain that its proposals were evidence-based and it would take appropriate steps to safeguard privacy.</p>	
012118 – 012944	Deputy Chairman Mr CHAN Hak-kan Administration	<p>Mr CHAN expressed concern that the patterns of illegal disposal of household waste were likely to be more irregular and unpredictable than the patterns of C&amp;D waste fly-tipping, rendering the surveillance camera systems at black spots less useful. He sought elaboration on the Administration's plan to ensure compliance with the proposed MSW charging scheme (if the Bill was passed).</p> <p>The Administration advised that according to the experiences of other places that had long implemented</p>	

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		<p>MSW charging such as Taipei City and Seoul, although the introduction of MSW charging in those places had given rise to littering problems and charge evasion initially, compliance situations gradually improved without the need to substantially increase enforcement resources. Community publicity and education programmes were more effective in changing waste generation and disposal behaviours. The Administration reiterated that a multipronged strategy would be adopted for preparing for and implementing the proposed MSW charging scheme and tackling fly-tipping problems, which would include the setting up of a team of outreaching staff to support the communities as well as a host of new and stepped-up initiatives to further promote resource recovery and enhance waste management. The Administration also emphasized that apart from the use of surveillance camera systems, various enforcement methods would be used for handling non-compliance with the proposed MSW charging scheme.</p>	
012945 – 013559	Chairman Mr Wilson OR Administration	<p>The Administration would provide, in writing, details on the publicity and public education efforts to promote waste reduction and prepare the community for the introduction of MSW charging, including the timetable and/or road map for the implementation of related measures and the relevant performance indicators.</p> <p>Further discussion on the effectiveness of surveillance camera systems and enforcement actions in combating illegal C&amp;D waste disposal.</p>	Admin (paragraph 3 (b) of the minutes refers)
013600 – 014203	Chairman Dr CHENG Chung-tai Administration	<p>Dr CHENG asked about:</p> <ul style="list-style-type: none"> <li>(a) the specifications and functionality of the surveillance camera systems installed/to be installed by the Administration to combat illegal waste disposal;</li> <li>(b) procedure for determining the positioning, coverage and functionality of each surveillance camera system taking into account considerations on personal data privacy protection; and</li> <li>(c) rules and/or standards regarding the handling of the records of such surveillance camera systems, and in particular those related to data storage and deletion as well as transfer of records to other law enforcement agencies for the purposes of criminal investigation (whether related to waste disposal or not), including whether the records would be stored at the Government Cloud Platform ("GovCloud"), and whether court warrants had been/should be applied for the transfer of records.</li> </ul>	

Time marker	Speaker	Subject	Action required
		<p>The Administration responded that PCPD had issued guidelines to government bureaux and departments on the collection of personal data by surveillance camera systems and the use of such data. The personal data collected by EPD's and FEHD's surveillance camera systems at fly-tipping black spots was handled in strict accordance with PCPD's guidelines and the terms of the relevant information technology service contracts (which were designed with reference to the guidelines issued by the Office of the Government Chief Information Officer). EPD and FEHD also had internal guidelines on the handling of such data, which required that footage should be deleted within one to two months if it would not be used for enforcement purposes. Personal data collected by surveillance camera systems was managed by the relevant government departments, but not stored on GovCloud.</p> <p>At the requests of Dr CHENG and the Chairman, the Administration would provide written information on the above issues.</p>	<p>Admin (paragraph 3 (a) of the minutes refers)</p>
014204 – 014909	Chairman Deputy Chairman Administration	<p>The Deputy Chairman remained unconvinced that an acceptable level of compliance with the proposed MSW charging scheme (if the Bill was passed) could be reached and maintained through the Administration's enforcement efforts, given that non-compliance with some existing environmental regulations (e.g. those relating to C&amp;D waste disposal, littering, idling vehicle engines, etc.) was not uncommon. He asked whether the Administration considered the implementation progress of CWDCS satisfactory.</p> <p>The Administration responded that while there was a common assumption that some demographic groups had a propensity to evade MSW charges (if there were any), experiences of other places showed that MSW charging was an effective catalyst for driving behavioural changes in waste generation and disposal, and compliance with MSW charging could gradually improve over time with such behavioural changes. It was expected that with the enhanced enforcement actions and introduction of new measures targeted at small-scale works contractors and individual renovation workers, compliance with CWDCS could be further improved.</p>	

Time marker	Speaker	Subject	Action required
014910 – 015649	Chairman Mr CHAN Han-pan Administration	<p>Mr CHAN queried if the experiences of other cities that had implemented MSW charging were of good reference value as the settings (e.g. population density and the mix of different types of residential units) of those cities might be different from Hong Kong's.</p> <p>The Administration responded that although the settings of Hong Kong were quite unique as a whole, zones and building types of similar characteristics could be found in other cities that had implemented MSW charging. When formulating the plans for the preparation for and implementation of the proposed MSW charging scheme, the Administration had drawn reference from the experiences of other cities in adopting targeted measures for different zones and building types to promote compliance with MSW charging.</p>	
015650 – 020307	Chairman Dr Fernando CHEUNG Administration	<p>As there were about 3 000 public refuse collection points ("RCPs") in Hong Kong and only a small proportion of them were staffed with attendants, Dr CHEUNG queried whether FEHD would have sufficient manpower to enforce the proposed MSW charging scheme (if the Bill was passed) and reject non-compliant waste ("NCW") at RCPs. He also expressed concern that frontline cleaning workers' workload would be increased significantly due to the implementation of the proposed MSW charging scheme, and that they might commit offences under the Bill inadvertently when handling NCW.</p> <p>The Administration advised that for efficient use of manpower resources, a risk-based approach would be adopted for enforcement of the proposed MSW charging scheme (if the Bill was passed).</p> <p>Dr CHEUNG was worried that enforcement actions under the risk-based approach would be mostly triggered in old buildings without centralized arrangements for coping with MSW charging, and therefore disadvantaged groups residing in those buildings would bear the brunt of the impact of the proposed MSW charging scheme.</p> <p>The Administration responded that the economic impact of the scheme on people with financial hardship would be addressed through the provision of financial assistance to eligible people. This arrangement was expected to facilitate compliance with the scheme by those people and encourage waste reduction and recycling.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
<i>Agenda Item III – Any other business</i>			
020308 – 020356	Chairman	Concluding remarks	

Council Business Division 1  
Legislative Council Secretariat  
21 January 2020