

立法會
Legislative Council

LC Paper No. CB(1)571/19-20
(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 11th meeting
held on Tuesday, 17 March 2020, at 10:45 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 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
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 absent : Hon YIU Si-wing, BBS
Hon CHUNG Kwok-pan
Dr Hon Junius HO Kwan-yiu, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Public Officers attending : **For item II**

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 Ken WONG
Assistant Director (Environmental Compliance)
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)³
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)354/ — Minutes of the meeting held on
19-20 18 December 2019)

The minutes of the meeting held on 18 December 2019 were confirmed.

II. Meeting with the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)375/ — List of follow-up actions arising from
19-20(01) the meeting on 18 December 2019

LC Paper No. CB(1)375/ — Administration's response to the list of
19-20(02) follow-up actions arising from the
meeting on 18 December 2019

LC Paper No. CB(1)375/ — 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))

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

Action

- 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
- LC Paper No. CB(1)875/18-19(03) — Assistant Legal Adviser's letter dated 25 March 2019 to the Administration
- LC Paper No. CB(1)1000/18-19(04) — Administration's reply to Assistant Legal Adviser's letter dated 25 March 2019)

Discussion

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

Follow-up actions to be taken by the Administration

- Admin 3. The Administration was requested to provide, in tabular form, the following information in respect of trial schemes/pilot projects, which were ongoing or had been completed in recent years, on innovative rodent prevention and control methods: (a) time frames and scopes of the schemes/projects, such as the technologies tested and geographical coverage; (b) results or preliminary findings; and (c) timetables for employing proven methods on larger scales to tackle rodent problems.

(Post-meeting note: The Administration's written response was circulated to members on 14 April 2020, vide LC Paper No. CB(1)528/19-20(02).)

Action

III. Any other business

4. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 1
Legislative Council Secretariat
28 April 2020

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

**Proceedings of the 11th meeting
on Tuesday, 17 March 2020, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
001044 – 001114	Chairman	Confirmation of the minutes of the meeting held on 18 December 2019.	
<i>Agenda Item II – Meeting with the Administration</i>			
001115 – 001256	Chairman	The Chairman advised that the Administration had provided a written response to the follow-up actions arising from the meeting on 18 December 2019 (LC Paper No. CB(1)375/19-20(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. He reminded members that, for efficient use of meeting time, they should avoid repeating questions raised at previous meetings.	
001257 – 002459	Chairman Mr HUI Chi-fung Clerk Deputy Chairman Administration	<p>Mr HUI referred to his letter to the Chairman dated 18 December 2019 (LC Paper No. CB(1)371/19-20(01)), in which he requested that the Bills Committee expedite the process of studying the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill"), given that deliberation on the Bill's policy issues had spanned over a year. He considered that, comparing with the scrutiny processes at the bills committees of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill and Private Columbaria Bill, which were both controversial bills, the work progress of this Bills Committee was very slow. He had serious doubt about the prospect of resuming the Second Reading debate on the Bill before the prorogation of the Sixth Legislative Council. He asked whether the Chairman would set a timetable for discussion on the current theme and the last theme (i.e. "other issues") under the theme-based approach.</p> <p>At the Chairman's invitation, the Clerk responded that after receipt of Mr HUI's letter, the Secretariat had discussed with the Chairman and the Administration the arrangements for meetings in early 2020 and the feasibility of setting a meeting schedule for the coming months. Taking into account the availability of relevant parties and the Lunar New Year holiday break, the earliest meeting following the one on 18 December 2019 was scheduled for 4 February 2020. However, the meeting was subsequently</p>	

Time marker	Speaker	Subject	Action required
		<p>rescheduled for 17 March 2020 owing to the COVID-19 outbreak.</p> <p>The Chairman supplemented that he had all along been supportive of the implementation of MSW charging, and hoped that the Bill could be passed as early as possible. Nevertheless, he considered it important that sufficient time be allowed for in-depth discussion on the policy aspects of the Bill, so that a consensus might be reached among members on certain controversial issues before the Bills Committee proceeded to the clause-by-clause examination of the Bill. As he observed that members still had questions regarding the policy aspects of the Bill, he did not find it appropriate to set a timetable for discussion on the current and last themes at this stage.</p> <p>Mr HUI opined that deliberation on the policy issues of the Bill had been prolonged by the pro-establishment camp, and the Chairman's decision of not setting a timetable was in effect a form of filibuster.</p> <p>The Deputy Chairman disagreed with Mr HUI's comments above, and said that discussion on the Bill's policy aspects had to take a long time because the issues concerned were very controversial. He pointed out that as the House Committee ("HC") had yet to elect its chairman for the current legislative session, it remained uncertain when the Second Reading debate on the Bill could be resumed even if the Bills Committee could complete its work shortly. Pending the completion of the HC chairmanship election, the Bills Committee could take the opportunity to discuss controversial issues relating to the Bill more thoroughly.</p> <p>Mr HUI questioned the Administration's determination to have the Bill passed within the current legislative session. He asked whether the Administration had requested the Chairman to convene meetings more frequently with a view to expediting the Bills Committee's work.</p> <p>The Administration responded that the implementation of the proposed MSW charging scheme was central to the overall waste management strategy. The Administration had been working closely with the Bills Committee, with a view to completing the legislative process as early as possible.</p> <p>The Chairman advised that although the Administration had not expressly requested him to convene meetings more frequently, he had been maintaining close communication with the Administration on meeting arrangements and other issues concerning the Bill.</p>	

Time marker	Speaker	Subject	Action required
		<p><i>(Post-meeting note:</i> Pursuant to the Bills Committee's agreement later at the meeting (004324 – 004834 refers), this part of discussion has been recorded in greater detail.)</p>	
002500 – 002930	Chairman Deputy Chairman Administration	<p>Discussion on the Administration's capability to curb illegal disposal of construction and demolition ("C&D") waste, and recent trends in the clearing of fly-tipped C&D waste and prosecution against fly-tippers.</p> <p>The Administration advised that there were about 1 500 public complaints against illegal C&D waste disposal in 2019, representing a drop of about 25% from 2017; while the annual number of successful prosecutions against illegal C&D waste disposal increased from 106 to about 130 in the same period. Meanwhile, the quantity of fly-tipped C&D waste cleared by the Administration in 2019 was 23% and 57% less than the quantities in 2018 and 2017 respectively.</p>	
002931 – 003409	Chairman Mr Tony TSE Administration	<p>Mr TSE's views and question as follows:</p> <p>(a) he hoped that the clause-by-clause examination of the Bill could start as early as possible, considering that the work progress of the Bills Committee had been affected by social events since mid-2019 and the COVID-19 outbreak; and</p> <p>(b) whether the Administration would adjust the manpower resources for publicity and public education in relation to the proposed MSW charging scheme as well as waste reduction and recycling in general, in view of the scrutiny progress of the Bill and the latest economic and social conditions.</p> <p>The Administration responded that publicity and public education on waste reduction and recycling had been carried out in parallel with the scrutiny of the Bill. One of the major aspects of the publicity and public education efforts was the provision of outreaching services, which required some 200 staff members. While the recruitment of the outreaching team members had been affected by the social events in 2019 and the COVID-19 outbreak, the Administration planned to resume the recruitment process in March 2020 with a view to filling the posts as early as possible.</p>	
003410 – 003901	Chairman Mr Vincent CHENG Administration	<p>Mr CHENG expressed concern that the implementation of the proposed MSW charging scheme would add financial burdens on people who had already been affected by the economic downturn induced by the COVID-19 outbreak. He asked whether the Administration would consider conducting an opinion poll to further gauge public acceptance of the scheme and then decide the way forward.</p>	

Time marker	Speaker	Subject	Action required
		<p>The Administration responded that under its current plan, a preparatory period of about 12 to 18 months would be put in place after the passage of the Bill. The Administration would decide the timing for the actual implementation of the proposed MSW charging scheme having regard to social conditions and other factors during the preparatory period.</p> <p>Discussion on measures to alleviate the economic impact of the proposed MSW charging scheme (if the Bill was passed) on people with financial hardship.</p>	
003902 – 004323	Chairman Dr CHENG Chung-tai Administration	<p>Dr CHENG pointed out that under the MSW charging trial projects organized/to be organized in public rental housing ("PRH") estates, residents of the participating PRH estates would be provided with dummy designated garbage bags ("dummy bags") free-of-charge. However, the objective of the proposed MSW charging scheme was to drive behavioural change towards waste disposal through economic incentive, i.e. requiring waste producers to prepay designated bags ("DBs") or designated labels ("DLs") for MSW disposal. He therefore expressed doubt that the trial projects could effectively simulate the proposed MSW charging scheme.</p> <p>The Administration responded that to complement the MSW charging trial projects, publicity and public education on waste reduction and recycling would be enhanced in the participating PRH estates, and the Administration would discuss with the relevant property management companies ("PMCs") how to improve the resource recovery arrangements in those estates.</p> <p>Specifically, the Environmental Protection Department ("EPD") would provide free dummy bags for the participating PRH residents to try out the bags and would keep records on the number and sizes of dummy bags distributed in order to keep track of the implementation progress. It was found that in PRH estates that had already implemented the trial projects or community involvement projects, there was a gradual reduction in the quantity of waste disposed of and increase in the quantity of recyclables recovered. It was expected that the outreaching teams being set up would be able to further enhance the effectiveness of the trial projects through the provision of on-site assistance to residents.</p> <p>Dr CHENG asked whether similar trial projects had been/would be conducted in other types of premises. The Administration advised that the Environment and Conservation Fund had sponsored various community involvement projects in different types of premises</p>	

Time marker	Speaker	Subject	Action required
		<p>(e.g. housing estates that had engaged PMCs, single-block buildings, commercial and industrial ("C&I") premises, public institutions, rural villages and low-density premises), the aim of which was to provide stakeholders from different sectors with first-hand experience of how MSW charging could be practised in real settings.</p>	
004324 – 004834	<p>Chairman Mr KWOK Wai-keung Administration Clerk Deputy Chairman</p>	<p>Mr KWOK asked how the Administration would build public confidence in its ability to combat disposal of non-compliant waste ("NCW") and fly-tipping after the implementation of the proposed MSW charging scheme (if the Bill was passed).</p> <p>The Administration advised that relevant government departments, including the Food and Environmental Hygiene Department ("FEHD"), had already devised plans for increasing their manpower resources for handling illegal dumping problem and would make appropriate arrangements for handling enforcement duties relating to the proposed MSW charging scheme under a risk-based enforcement approach, having regard to relevant considerations.</p> <p>Mr KWOK asked whether verbatim transcripts could be produced for the part of discussion relating to Mr HUI Chi-fung's views and questions on the scrutiny progress of the Bill (001257 – 002459 refers). At the Chairman's invitation, the Clerk explained that for a typical bills committee meeting such as this or a part thereof, a verbatim record should only be made with the committee's agreement, and it would involve additional cost. The Deputy Chairman then suggested that the said part of discussion be recorded in the minutes in greater detail instead of producing verbatim transcripts for it. Mr KWOK and other members did not object to the Deputy Chairman's suggestion.</p>	
004835 – 005317	<p>Chairman Ms Elizabeth QUAT Administration</p>	<p>Ms QUAT said that she and the Democratic Alliance for the Betterment and Progress of Hong Kong all along supported the implementation of measures that accorded with the "polluter-pays" principle and believed that the introduction of MSW charging could reduce household waste disposal. They were however deeply concerned about the implementation details of the proposed MSW charging scheme, and in particular how the Administration could prevent aggravation of fly-tipping and environmental hygiene problems. As the livelihoods of many people had been affected by a series of protests since 2019 and the COVID-19 outbreak, she considered that it was not an appropriate time to launch the proposed MSW charging scheme.</p>	

Time marker	Speaker	Subject	Action required
005318 – 005738	Chairman Administration	<p>The Chairman enquired about the proposed arrangements for preventing the manufacture, sale and purchase of counterfeit DBs and DLs (if the Bill was passed).</p> <p>The Administration advised that the following arrangements had been proposed for taking enforcement actions against counterfeit DBs and/or DLs and fostering public awareness of genuine DBs and DLs:</p> <ul style="list-style-type: none"> (a) the requirements for DBs and DLs, including their sizes, shapes, designs and materials, would be specified by the Director of Environmental Protection ("DEP") by notice published in the Gazette; (b) each DB/DL would bear unique anti-counterfeit features, including an anti-counterfeit hologram; (c) DBs and DL would be registered under the Trade Marks Ordinance (Cap. 559) as registered trademarks; and (d) DBs and DLs could only be sold at sale points authorized by DEP. <p>The Chairman asked whether a person would commit an offence if he/she inadvertently used a counterfeit DB/DL. The Administration responded that the follow-up actions that it would take against the use of counterfeit DB/DL would be decided on a case-by-case basis having regard to the actual circumstances.</p>	
005739 – 010158	Chairman Deputy Chairman Administration	<p>The Deputy Chairman expressed concern on whether the penalties against fly-tipping and NCW disposal would have sufficient deterrent effect.</p> <p>The Administration advised that, in respect of illegal C&D waste disposal, while the levels of fines would be determined by the court, the Administration would endeavour to provide more case details to the court to better illustrate the magnitude and environmental impacts of such illegal activities, so that the court might take such information into account in imposing appropriate levels of penalties to fly-tippers for achieving greater deterrent effects. The highest level of fine imposed by the court in 2019 against illegal C&D waste disposal was \$30,000, compared to \$24,000 in 2018.</p>	

Time marker	Speaker	Subject	Action required
010159 – 010858	Chairman Dr CHENG Chung-tai Administration	<p>Dr CHENG noted that according to relevant tender notices, some MSW charging trial projects in PRH estates were expected to end in 2023. He therefore enquired about the interface between the trial projects and the proposed MSW charging scheme, and in particular whether residents of the participating PRH estates would be allowed to use the free dummy bags distributed under the trial projects for waste disposal even after the passage of the Bill. He also asked whether waste wrapped in non-dummy bags deposited by residents at the estates' refuse collection areas would be collected by frontline cleaning staff during the course of the trial projects.</p> <p>The Administration responded that:</p> <p>(a) during the preparatory period proposed to be put in place after the passage of the Bill, residents of PRH estates with MSW charging trial projects would be encouraged to practise MSW charging by using the dummy bags; and</p> <p>(b) during the implementation of the trial projects, frontline cleaning staff would collect waste wrapped in non-dummy bags in order to prevent environmental hygiene problems. For future analysis, the Administration would monitor the extent to which estate residents would adhere to the requirements under the trial projects and consider strengthening public education and support for recycling.</p>	
010859 – 011311	Chairman Mr KWOK Wai-keung Administration	<p>Mr KWOK expressed concern that the implementation of the proposed MSW charging scheme (if the Bill was passed) would lead to charge evasion and disposal of NCW in private streets, which would aggravate the environmental hygiene problems in some private streets that were already plagued with refuse. He enquired how the Administration would take enforcement actions against NCW disposal in private streets, and whether enhanced measures would be put in place to tackle fly-tipping in private streets.</p> <p>The Administration responded that:</p> <p>(a) FEHD had been providing basic street cleaning services in certain private streets that allowed public access. FEHD was normally not in a position to clear C&D waste disposed of in private properties, including private streets. Only under exceptional circumstances would the Administration provide assistance to owners of private streets in tackling the environmental hygiene problems there; and</p>	

Time marker	Speaker	Subject	Action required
		<p>(b) the Bill sought to provide for offences relating to NCW disposal/depositing at waste reception points such as refuse collection points, specified bins, waste vehicles and scheduled facilities for waste disposal. Enforcement actions against illegal waste disposal in private streets could be taken under existing laws.</p>	
011312 – 012015	<p>Chairman Ms Elizabeth QUAT Administration</p>	<p>Discussion on the Administration's efforts to tackle rodent problems.</p> <p>The Administration was requested to provide, in tabular form, the following supplementary information in respect of trial schemes/pilot projects, which were ongoing or had been completed in recent years, on innovative rodent prevention and control methods: (a) time frames and scopes of the schemes/projects, such as the technologies tested and geographical coverage; (b) results or preliminary findings; and (c) timetables for employing proven methods on larger scales to tackle rodent problems.</p>	<p>Admin (paragraph 3 of the minutes refers)</p>
012016 – 014053	<p>Chairman Deputy Chairman Administration Mr Vincent CHENG Mr HUI Chi-fung</p>	<p>Discussion on redesigning refuse and recyclable collection facilities at public places to prevent them from being used as road blocks by protestors in future, and recent progress of glass bottle collection services provided by Glass Management Contractors.</p> <p>The Deputy Chairman commented that the occurrence of violent protests from time to time, which often led to litter problems in the aftermath and affected the collection of recyclables, might undermine the effectiveness of the proposed MSW charging scheme (if the Bill was passed). He considered that the Administration should (a) conduct data analysis on the impact of violent protests on environmental hygiene and the costs of clearing litter arising from such protests; and (b) review the security arrangements for recyclable collection services.</p> <p>The Administration advised that FEHD would consider the Deputy Chairman's suggestion about data analysis. However, as litter arising from protests was generally scattered over many locations and mixed with litter from other sources, it would be difficult to collect accurate data. Except for glass bottles, the collection of recyclables had not been significantly affected by protests in the previous months. The Administration had been liaising with Glass Management Contractors on the use of alternative methods to safely collect glass bottles.</p>	

Time marker	Speaker	Subject	Action required
014054 – 014519	Chairman Ms Elizabeth QUAT Administration	<p>Discussion on how the Administration assisted PMCs and cleaning service providers in preparing for the implementation of the proposed MSW charging scheme.</p> <p>The Administration advised that:</p> <ul style="list-style-type: none"> (a) the Administration had been partnering with some 20 organizations to carry out trial projects in various sectors, including housing estates, rural areas, shopping malls and the catering trade, to allow participants to get first-hand experience of quantity-based charging arrangements; (b) if the Bill was passed, the Administration would publish guidelines and provide training for relevant stakeholders based on the regulatory requirements as approved by the Legislative Council; and (c) the Administration had been maintaining close communications with associations of the property management trade, which represented large as well as small and medium PMCs, on various aspects of the proposed MSW charging scheme, including the charging modes, application of DBs, etc. 	
014520 – 020354	Chairman Mr Tommy CHEUNG Administration Mr HUI Chi-fung	<p>Mr CHEUNG enquired about the latest progress of collecting source-separated food waste from the C&I sector for treatment or recycling; and whether support for the catering trade on food waste separation and recovery would be enhanced through community involvement projects or trial projects on MSW charging.</p> <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) through the Recycling Fund, EPD had been supporting the C&I sector's procurement of food waste collection and delivery equipment; (b) in 2020, EPD would launch a two-year pilot scheme on free collection of food waste generated from the C&I sector. Food waste collected under the pilot scheme would be delivered to food waste treatment facilities. While the free collection service was only available in selected areas at present due to Hong Kong's limited food waste treatment capacity, the Administration's vision was to gradually extend the service coverage to all sectors across the territory in future with the completion of other food waste treatment facilities; and (c) EPD had been collaborating with shopping malls and the catering trade in trial projects on MSW charging. EPD 	

Time marker	Speaker	Subject	Action required
		<p>was planning to launch more trial projects and would discuss the implementation arrangements with the trade in due course.</p> <p>Mr CHEUNG pointed out that the C&I sector generated about 1 200 tonnes of food waste per day, and the expected food waste treatment capacity of Hong Kong in 2022 of around 300 tonnes per day (taking into account the first phase of Organic Resources Recovery Centres and the food waste/sewage sludge anaerobic co-digestion trial scheme carried out at Tai Po Sewage Treatment Works) would fall far short of demand. He therefore expressed concern that if the proposed MSW charging took effect in 2022 (on the assumption that the Bill would be passed in mid-2020 and a preparatory period of 18 months would be put in place), it would appear to be unfair to catering establishments not covered by the Government-run food waste collection service, as there might be no recycling outlets for their source-separated food waste.</p>	
<i>Agenda Item III – Any other business</i>			
020355 – 020459	Chairman Mr Tommy CHEUNG	The Chairman's concluding remarks	