

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

**List of follow-up actions arising from the discussion  
at the meeting on 18 February 2019**

This note sets out our response regarding the follow-up actions arising from the discussion at the meeting of the Bills Committee held on 18 February 2019.

- (a) *the steps that the property management company of a building and the cleaning staff it employs would generally be expected to take when handling non-compliant waste deposited in the building by a waste producer, in order to avoid the commission of an offence under the proposed section 20M(1) of the Waste Disposal Ordinance (Cap. 354) or to establish a defence under the proposed section 20Q of Cap. 354 (if the Bill is passed);*

In order to effectively implement municipal solid waste (MSW) charging, it is important to ensure that the MSW disposed of has been charged through the use of designate bags or designated labels as appropriate (save those subject to gate-fee). As such, removal services providers and their employees; and the cleansing staff employed by the property management company (PMC) of a building should not collect or deliver non-compliant waste (NCW). The legislative intent has been reflected in the proposed section 20L(1) and section 20M(1). They are expected to check whether if the MSW they collect or deliver is NCW, and this intent has been reflected in the defences under proposed section 20Q(1)(a) and section 20Q(1)(b) which require the relevant person to take all reasonable precautions and exercise all due diligence, or take all reasonable steps, to avoid committing the relevant offences.

As for PMC and cleansing contractors, they should not ask their cleansing workers to collect or deliver NCW.

The government would provide guidelines and training to stakeholders including PMCs and cleansing workers to facilitate their compliance with MSW charging.

- (b) *whether the recyclables collected locally by recyclers and subsequently disposed of at landfills would be subject to the proposed municipal solid waste charging scheme (if the Bill is*

*passed);*

If a recycler disposes of the recyclables he/she collected, such recyclables, which will then be no different than MSW, will be subject to MSW charges. This will help avoid the situation where recyclables properly sorted from the waste stream are subsequently disposed of as waste, rather than processed into raw recycled materials or products that can be exported or supplied to the local market.

**(c) *measures to prevent and detect counterfeiting of designated bags ("DBs") and designated labels ("DLs"); and penalties (if any) for the manufacturing, distribution, sale and use of counterfeit DBs/DLs;***

The Director of Environmental Protection (DEP) will publish a notice in the Gazette to specify the specifications for DBs and DLs, including their sizes, shapes, designs and materials (i.e. proposed section 20T) for easy reference by the public on authenticity of DBs and DLs. To prevent counterfeit DBs/DLs, each DB/DL will bear unique anti-counterfeit features including an anti-counterfeit hologram. An application will be filed for registration under section 47 of the Trade Marks Ordinance (Cap. 559) (TMO) to register the DBs and DL as registered trademarks under the TMO.

Besides, DBs and DLs can only be sold at sale points authorized by the DEP. Making reference to the distribution networks adopted in other cities which have implemented MSW charging, we propose to establish a network consisting of some 4 000 sale points at supermarkets, convenience stores, gas stations and post offices, etc. In addition, some vending machines will be set up in and/or near rural areas and refuse collection points; and online sale of DBs and DLs would also be considered.

Under section 7(1) and section 9(2) of the Trade Descriptions Ordinance (Cap. 362) (TDO), it will be an offence for a person to sell, offer to sell, or exhibit for sale or use counterfeit DBs and/or DLs, and will be tackled under the TDO. Any person who commits an offence under Sections 7, and/or 9 of the TDO shall be liable on conviction on indictment, to a fine of \$500,000 and to imprisonment for 5 years or on summary conviction, to a fine of \$100,000 and to imprisonment for 2 years.

Furthermore, if a person uses counterfeit DBs and/or DLs for disposal

of MSW, he/she can be prosecuted for offences under the Bill because MSW contained in a counterfeit DB or with a counterfeit DL attached is NCW (i.e. proposed Section 20K).

- (d) *the respective numbers of people currently employed by the following parties for the collection of recyclables: (i) the Environmental Protection Department ('EPD'); (ii) Community Green Stations; (iii) operators of collection outlets in the Community Recycling Network, including Community Recycling Centres, collection points run by non-governmental organizations, and Community Recycling Vehicles; and (iv) the Government's contractors for recyclables collection services;*

To be provided later.

- (e) *whether the Environment Bureau/EPD has set up a dedicated team for carrying out duties relating to the operation and management of the recycling chain of each type of major recyclables (such as paper, plastics and metals); and if yes, the respective numbers of staff in such dedicated team; and*

To be provided later.

- (f) *the estimated amount of domestic food waste to be treated by Organic Resources Recovery Centre Phases 2 and 3 after the facilities have become fully operational, and the proportion of such domestic food waste to all domestic food waste generated in Hong Kong.*

We are planning to set aside part of treatment capacity of O-PARK1 and Tai Po Sewage Sludge / Food Waste Co-digestion Trial Plant for treating up to 50 tonnes per day (tpd) of food waste (out of a total available capacity of 250 tpd by then). If we can obtain the funding approval by the Legislative Council for constructing the Organic Resources Recovery Centre Phase 2 (ORRC2), we will be able to increase the treatment capacity for domestic food waste to 200 tpd after the ORRC2 and Sha Tin Sewage Sludge / Food Waste Co-digestion Trial Plant have commissioned in 2022 (out of a total available capacity of 600 tpd by then).

Subject to the progress of development of further food waste recycling facilities including ORRC Phase 3 and beyond as well as more Sewage Sludge / Food Waste Co-digestion plants, we anticipate that Hong Kong's overall food waste treatment capacity will be

increased to 1,800 tpd around mid-2030s. This would amount to 50% of domestic food waste generated at present. Depending on the progress of and experience gained from the collection of food waste from both the commercial and industrial sector and the domestic sector, it is our plan to use most of such further food waste treatment capacity to handle domestic food waste.