

**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 26 March 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 26 March 2019.

(a) regarding some members' concern that no charge is prescribed in existing legislation or under the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") that would be payable by the Government for disposal of waste including municipal solid waste ("MSW") and members of the public may make use of this "loophole" to dispose of household waste at litter containers in government premises with a view to evading the proposed MSW charge (if the Bill is passed), whether there is any offence provision(s) in existing legislation that may be applicable in relation to the disposal of household waste at a litter container in, say, a public pleasure ground (e.g. a park managed by the Leisure and Cultural Services Department);

Generally speaking, litter containers (LCs) placed in public places or government premises are for individuals to dispose of small quantity of small-sized litter generated but not for the disposal of household waste. Since June 2016, the Food and Environmental Hygiene Department (FEHD) has introduced in batches newly-designed LCs placed in public places with smaller openings for disposal of litter with a view to discouraging the public from disposing of household waste in the LCs. Bigger warning notices are also affixed to the LCs to publicise the messages that such waste should not be discarded at the side or on top of LCs. Currently, littering, including disposal of any waste (such as household waste) at the side or on top of LCs placed in public places or pleasure grounds, is already an offence under section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK) and section 23(b) of the Pleasure Grounds Regulation (Cap. 132BC).

Actions are also in hand to adjust the number of LCs in public places. Having regard to the objectives of facilitating waste reduction and resource recovery, the effective implementation of MSW charging, and balancing the need of upholding environmental hygiene and cost-effectiveness in the use of public resources, the Steering Group on the Modification of Recycling and Refuse Collection Facilities in Public Places (the Steering

Group) was set up by the Environment Bureau in 2016 under the chairmanship of the Secretary for the Environment. The Steering Group comprises members drawn from the relevant sectors¹, and is tasked with reviewing the distribution and design of recycling and refuse collection facilities in public places in a more systematic manner, and recommending modifications. In respect of the review on the number and distribution of Recycling Bins (RBs) and LCs in public places, having regard to a set of general planning parameters recommended by a consultancy study, relevant government departments have put forward an adjustment plan. It is expected that the number of RBs will be increased by 45% while the number of LCs will be reduced by 40% in public places when MSW charging is implemented, enhancing the overall RB to LC ratio in public places from 1:14 to 1:6. The study also recommended that additional specific RBs dedicated to collecting certain types of recyclables (e.g. waste paper) should be provided at appropriate locations (e.g. exits of MTR stations where typically more waste paper has been collected) to facilitate resource recovery. Moreover, it was recommended that RBs and LCs should be placed at strategic locations (e.g. crossroads, entrance and exits of venues) to provide the public with greater certainty on their placement, which would help encourage their use.

(b) where a cleaning worker employed by the property management company of a building equipped with a refuse chute deposits non-compliant waste into the refuse chute, whether the proposed section 20P(1) and (2) of the Waste Disposal Ordinance (Cap. 354) would apply, or the proposed section 20P(3)(c) of Cap. 354 would apply (so that the proposed section 20P(1) and (2) would not apply) (if the Bill is passed), including clarifying whether the act in question would be regarded as “connected with the removal of [MSW] from the premises” for the purpose of the proposed section 20P(3)(c);

The proposed section 20P(1) (on “depositing non-compliant waste (NCW) in certain common areas prohibited”) does not apply under certain circumstances as described in the proposed section 20P(3). The proposed section 20P(3)(c) concerns the situation where the NCW is deposited, or caused to be deposited, by any person in providing services connected with the removal of MSW from the premises.

“Services connected with the removal of municipal solid waste from the premises” (the services) under the proposed section 20P(3)(c) generally

¹ Including design and planning, academia, business, non-profit-making groups, district personalities, as well as relevant government departments.

refer to the various services rendered in preparation for the removal of MSW from the premises concerned by FEHD or by a private waste removal service provider. Taking a multi-storey residential building as an example, the services would include the collection of MSW from various parts of the premises (e.g. from the waste bins or refuse chambers of each floor), the transportation of the waste through service lifts or otherwise to the central refuse chamber for temporary storage before collection by FEHD or a private waste removal service provider, etc. A cleansing worker employed by a property management company (PMC) of such a building generally could be considered as “any person who provides services connected with the removal of MSW from the premises” for the proposed section 20P(3)(c). He/she would be exempted from the offence of depositing, or causing to be deposited, NCW into a waste chute of a premise by the virtue of the proposed section 20P(3)(c).

(c) if non-compliant waste deposited by a household in a common area of any premises that is used for depositing waste pending removal for disposal ("common area for waste") will eventually be handled and removed by a party which provides MSW removal services for the premises, and as it can be difficult to trace which household has deposited the non-compliant waste in question even with the aid of surveillance system installed at the common area for waste, how the Administration would ensure sufficient deterrence against depositing of non-compliant waste in the common areas for waste at public housing estates and multi-storey private buildings upon the implementation of the proposed charging scheme for MSW disposal ("the proposed charging scheme") (if the Bill is passed), including whether installation of more surveillance systems on individual floors of the buildings would be considered;

If a cleansing worker collecting MSW from a residential building identifies a NCW disposed of in a common area of that premise that is used for depositing waste pending for removal from that premise for disposal (common area for waste), he or she could continue to handle such NCW (such as transportation of such NCW through service lifts or otherwise to the central refuse chamber for temporary storage before collection by FEHD or a private waste removal service provider) without committing an offence under the proposed section 20P(1) by virtue of the proposed section 20P(3)(c). However, it should be noted that cleansing workers are prohibited from depositing, or causing or permitting to be deposited, NCW onto a waste vehicle under the proposed section 20L. Based on the defences under the proposed section 20Q, it would generally be reasonable for cleansing workers to inform his/her employer/supervisor, or the management office of the building to rectify the problem such as by

wrapping NCW with a DB before depositing it onto a waste vehicle. PMCs or relevant persons may send complaints and reports on non-compliance by households to the Environmental Protection Department (EPD) and, in view of the circumstances, provide information as appropriate. A dedicated hotline would be set up by EPD to answer enquiries and to accept complaints and reports on non-compliance. Based on complaints and reports on non-compliance from frontline cleansing workers, waste collection contractors, PMCs and the public, EPD will conduct surveillance and enforcement actions at different premises, pick-up points and black spots. Under a risk-based approach, complaints and reports on non-compliance will be used for analysis of black spots for planning of most effective enforcement strategies and immediate actions might not be taken, such that resources can be utilised more efficiently.

We do not consider it appropriate to require the installation of more surveillance systems on individual floors of all buildings across the territory for the purpose of MSW charging enforcement, in view of the potential implications on intrusion of privacy in these premises.

(d) details of interdepartmental cooperation on enforcement against fly-tipping activities, including the existing cooperation mechanism and new measures to be implemented in tandem with the launch of the proposed charging scheme (if the Bill is passed). In this connection, the Administration is also requested to explain whether it will consider developing a platform for real-time sharing of intelligence obtained from surveillance systems among relevant government departments (such as the Environmental Protection Department and the Food and Environmental Hygiene Department) to facilitate enforcement actions; if not, the reasons for that; and

To effectively combat fly-tipping of construction waste, the Government has strengthened the inter-departmental mechanism² to facilitate sharing of tactics in tackling fly-tipping, updating of black spots, streamlining of waste clearance procedures and planning of joint operations and enforcement strategy. To strengthen the monitoring of illegal disposal of construction waste, EPD has also been meeting with the relevant

² For more effective coordination of the inter-departmental efforts to combat fly-tipping of construction waste, the Government has established an inter-departmental coordination mechanism which is coordinated by EPD with nine other departments, namely the Agriculture, Fisheries and Conservation Department, Buildings Department, Civil Engineering and Development Department, Drainage Services Department, FEHD, Highways Department, Home Affairs Department, Lands Department and Planning Department.

departments to further enhance communication and monitoring of relevant work, including improvements in black spots and updating new black spots on a regular basis.

In order to step up efforts in combating offences of illegal land filling and fly-tipping of construction waste, EPD has installed surveillance camera systems at about 80 locations, and plans to further extend the coverage to a total of about 115 locations by mid-2019 as well as gradual upgrading the capacities and mobility of the surveillance camera systems with artificial intelligence and night vision.

To curb illegal dumping of refuse through targeted surveillance and enforcement actions, FEHD has also installed surveillance cameras at 115 blackspots of illegal refuse dumping in the territory as at the end of March 2019, and plans to extend the scheme for two years, commencing from the third quarter of 2019 tentatively, in consultation with District Councils (DCs). Likewise, FEHD will progressively increase the number of locations for installation of surveillance cameras to over 300 with consideration given to locations and priorities proposed by DCs.

To better utilise government resources for installing surveillance cameras at different black spots, EPD and FEHD have already established a regular reporting mechanism³ to share the latest installation locations of surveillance camera system and public concerns on illegal waste disposal to facilitate effective planning of enforcement strategy. To facilitate more effective information sharing in the long run, EPD will monitor the developments and consider with relevant departments the implications including privacy issues of developing a platform for sharing information obtained from surveillance systems among relevant government departments.

(e) how the Administration deals with environmental nuisances arising from plastic recycling operations near residential areas.

Similar to other industrial activities, plastic recycling workshops are controlled by the prevailing environmental protection laws and their subsidiary legislation, including the Air Pollution Control Ordinance (Cap. 311), Noise Control Ordinance (Cap. 400), Water Pollution Control

³ At the inter-departmental liaison meetings, EPD and FEHD shared the latest locations of installed surveillance cameras. Progress of installation, locations where improvements achieved and other relevant matters would be reviewed from time to time to flexibly deploy the surveillance cameras at different black spots for maximizing the effectiveness.

Ordinance (Cap. 358) and Waste Disposal Ordinance (Cap. 354). At the same time, plastic recycling workshops shall also meet the requirements of other relevant legislation, e.g. fire safety, land use planning and land related laws.

To control the potential environmental nuisances and pollution caused by plastic recycling workshops, EPD inspects the operations of such workshops from time to time and assesses the potential nuisance to nearby premises caused by the workshops. If contravention of environmental legislation is found, EPD will take enforcement actions in accordance with the relevant laws. In addition, if EPD suspects non-compliance with the requirements of other legislation such as those relating to land use planning, EPD will refer such cases to other relevant departments for appropriate follow up.