

**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 December 2019**

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

- (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*

The Environmental Protection Department (EPD) and the Food and Environmental Hygiene Department (FEHD) install surveillance camera systems at locations of illegal disposal of construction and demolition waste and household waste respectively, to enhance enforcement and deterrent effects. The amount of construction waste illegally disposed of in public places and on Government lands cleared by the Government in 2019 was significantly reduced by 58% as compared with 2017. This shows signs of improvement by the installation of surveillance camera systems and stepped-up enforcement efforts which have helped reduce the illegal disposal of construction waste.

According to the footages captured by surveillance camera systems, the FEHD issued 265 and 652 summons in 2018 and 2019 respectively to the owners of the vehicles used for illegal disposal of waste, reflecting a year-on-year increase of 146%. The hygiene conditions of the fly-tipping locations have been greatly improved since the implementation of the surveillance camera scheme. Meanwhile, the EPD had made 186 and 199 successful prosecutions in 2018 and 2019 respectively against illegal waste disposal on Government lands, which represented a year-on-year increase of 7%.

The surveillance camera systems installed by both the EPD and the FEHD are equipped with such functions as solar panels or small-sized batteries, real-time monitoring, and ultra-low light recording / night-vision function

etc. Nevertheless, they are not equipped with facial recognition function at present, nor is there any plan to introduce it. Besides, the EPD and the FEHD can collect evidence and institute prosecution against the registered owners of the vehicles used for illegal waste disposal through video footages.

Prior to the installation of surveillance camera systems, the EPD and the FEHD communicate with relevant local stakeholders / District Councils to discuss effective measures against fly-tipping activities at relevant locations. To further protect privacy of the public, particularly on matters related to the installation of surveillance camera systems and the use, storage and disposal of footages, the EPD and the FEHD have adopted appropriate privacy and data security measures in strict compliance with the requirements of Personal Data (Privacy) Ordinance (Cap. 486), and with reference to the Guidance on CCTV Surveillance and Use of Drones published by the Office of the Privacy Commissioner for Personal Data, including:

- (a) the surveillance camera systems are not equipped with facial recognition function. The cameras of the systems only face and shoot public places, and do not capture nearby domestic premises;
- (b) the surveillance camera systems only focus on small and specific area of illegal waste disposal locations;
- (c) notices or banners are posted in conspicuous places, indicating that the areas are under surveillance cameras' monitoring to let the public know that they have entered the surveillance areas. Besides, close liaison and communication with relevant local stakeholders are maintained; and
- (d) all footages captured will be stored and used by the enforcement officers of the EPD and the FEHD in accordance with the legal prosecution procedures. After completing the relevant legal procedures or when the storage is no longer required, the footages will be deleted.

In addition, the EPD and the FEHD have sought legal advice on the surveillance camera systems to ensure that the operation complies with the requirements of Hong Kong legislation including the Personal Data (Privacy) Ordinance (Cap. 486) and data protection principles. The contractors of the EPD and the FEHD are responsible for the installation, operation, maintenance and repair of the surveillance camera systems, and shall follow and comply with the contractual requirements on protection of personal data, operation, installation and information technology security, etc.

The EPD and the FEHD do not authorise any other Government departments to monitor the real-time footages through their surveillance

camera systems. If other Government departments request the EPD or the FEHD to provide video footages, the two departments will act in strict accordance with the principles of the Personal Data (Privacy) Ordinance (Cap. 486) in carefully examining and considering individual requests on a case-by-case basis, having regard to the facts of each case, including reviewing whether the relevant uses are within the scope of the exemptions prescribed in the above-mentioned Ordinance, and seeking legal advice where necessary. The staff of the EPD and the FEHD will visit the locations where the surveillance camera systems are installed from time to time, in order to inspect and monitor the performance of the contractors to ensure that the operation of the surveillance camera systems complies with the requirements of relevant law and data protection principles.

- (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.***

As revealed in the experiences of other cities, public education, publicity and engagement hold the key to the successful implementation of municipal solid waste (MSW) charging. They are not only instrumental to promoting public awareness and acceptance of MSW charging before its launch, but also crucial to reducing the enforcement burden and facilitating the implementation of a risk-based enforcement approach. To this end, we will be mounting a major publicity and public education campaign, from now till the actual implementation of MSW charging and beyond.

Our publicity and public education efforts will be carried out through three means, including (i) a sustainable and extensive public education campaign targeted at the general public and specific groups (such as students and youngsters) under the theme of “Dump Less, Save More”; (ii) provision of first-hand experience of how MSW charging is implemented through the successive launches of setting-specific community involvement projects as well as close partnership and collaboration with Government departments and stakeholder groups such as the Environmental Campaign Committee (ECC), district organisations, green groups and schools in launching activities on MSW charging; and (iii) provision of direct and on-site assistance through the newly established outreaching teams.

The publicity and public education efforts would be rolled out in four stages. The first stage referred to the period before the scrutiny of the bill (i.e. before the introduction of the bill into the Legislative Council (LegCo) on 14 November 2018), which primarily encouraged the public to practise

waste reduction at source under the theme of “Dump Less, Save More”. The second stage pertains to the period when the bill is being scrutinized (i.e. starting from the introduction of the bill into LegCo on 14 November 2018), which mainly focuses on promoting proper source separation of waste and clean recycling. The third stage would be the preparatory period (i.e. 12 to 18 months after the passage of the bill) for driving behavioural changes and reducing overall waste disposal in order to prepare the community for the implementation of MSW charging. The fourth stage would be the implementation period (i.e. when the bill comes into effect after the preparatory period), which would focus on the implementation of MSW charging, and reminding the public to comply with the law and encourage continuous and active waste reduction and recycling.

Sustainable and Extensive Public Education Campaign

The overarching theme of “Dump Less, Save More” emphasises avoiding waste generation and reducing waste disposal, which will save resources and reduce MSW charges alike. In addition to appealing to different sectors of the community through conventional and social media, our public education and publicity efforts will be targeted at students and youngsters in particular, who could help enlist support from their families and social circles to create the necessary drive and atmosphere for the implementation of MSW charging. Tailor-made briefings and training sessions will be organised for frontline cleaners and property management companies (PMCs) to facilitate waste reduction and implementation of MSW charging. During the preparatory stage for MSW charging and after the implementation of the scheme, various types of publicity and public education programmes will be launched to prepare and assist the public to comply with the charging requirement.

Community Involvement Projects

To promote better understanding of the MSW charging and provide stakeholders from different sectors with first-hand experience of how MSW charging can be practised in real settings, the Environment and Conservation Fund (ECF) has funded about 80 community involvement projects in four batches with about \$75 million. These community involvement projects covered five sectors, including residential housing estates which have engaged PMCs, single-block buildings, commercial and industrial (C&I) premises, public institutions, rural villages and low-density premises. Most of the funded projects under these four batches have been completed. Overall speaking, the waste disposal volume of participating premises in these completed projects reduced by about 10% on average and their amount of recyclables increased by about 20%.

We plan to launch the fifth batch of about 50 community involvement projects starting from 2020. In other words, no less than 130 projects would have been launched with a total funding amount of over \$110 million before the implementation of MSW charging.

To encourage waste reduction and recovery and to enhance the community preparedness, the EPD has collaborated with 19 relevant organisations in four sectors (i.e. public housing estates, rural areas, shopping centres and catering industries) in launching the trial projects on MSW charging, and providing participants with first-hand experience of how MSW charging is implemented. The public rental housing (PRH) trial project has already been rolled out in end 2018. In order to engage more PRH residents, the trial project will be expanded to cover about 150 PRH buildings by 2022 in phases. During the trial, residents would be allowed to familiarize the use of dummy designated garbage bags as the charging tool to implement MSW charging. Relevant publicity and education activities would be organised to encourage residents to put waste reduction at source and recycling into practice.

Starting from this year, the EPD will also collaborate with the ECC in launching a major publicity campaign on waste reduction and recycling for two years. The campaign will thoroughly educate the public how to classify and recycle different solid wastes, in order to drive necessary behavioural and cultural changes to achieve waste reduction at source, and thereby getting the community prepared for the implementation MSW charging.

Outreaching Teams

To further enhance on-site support for the public and establish partnership with stakeholders, the EPD has been setting up outreaching teams in end 2018. The outreaching teams has commenced pilot operations in three districts (i.e. Eastern, Kwun Tong and Sha Tin), and plan to extend the services to the whole territory in phases starting from 2020. It is expected that, when about 200 team members are all in place, the outreaching teams would conduct about 50 000 visits annually to different locations in 18 districts, including public and private residential buildings, rural villages, schools, C&I premises and shopping malls, etc. The outreaching teams play an important role in our overall efforts in enhancing publicity, public education and stakeholder engagement. The outreaching teams will assist in promoting community involvement projects, encourage more participation by different sectors, and collaborate closely and build partnerships with stakeholders so as to further publicity and public education campaigns. The outreaching teams will also participate in promotional programmes and activities jointly organized by the EPD and

other Government departments, the ECC, green groups, schools and district organisations, with a view to promoting messages on waste reduction and recycling and MSW charging.