

**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 3 June 2020**

This note sets out our response to the follow-up actions arising from the discussion at the meeting of the Bills Committee held on 3 June 2020.

- (a) *The draft wording of the subsidiary legislation relating to the prescribed signs to be exhibited on "waste vehicles" concerning the proposed section 20X of the Waste Disposal Ordinance (Cap. 354) and related information, in particular the draft wording and formats of, and the ways of exhibiting the signs;*

Draft clauses of the subsidiary legislation in relation to the exhibition of prescribed signs on waste vehicles pursuant to section 20X of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 (the Bill) are at **Annex**.

- (b) *whether the Administration would, for avoidance of doubt, consider moving an amendment to the effect that the term "municipal solid waste" under clause 3(3) would be expressly defined to include waste in semi-solid and liquid forms; and if so, whether the Administration would consider preparing and providing the draft wording of the amendment; and*

It is our policy intent that municipal solid waste (MSW) in different forms, including semi-solid and liquid forms, should be subject to MSW charging. This policy intent is reflected in the definition of MSW in the Bill, i.e. any waste except chemical waste, clinical waste and construction waste.

Waste is also defined under section 2 of the existing Waste Disposal Ordinance (WDO) (Cap. 354) as "any substance or article which is abandoned and includes animal waste, chemical waste, clinical waste, construction waste, household waste, livestock waste, street waste and trade waste". This definition does not specify whether the forms of waste include semi-solid and liquid forms.

Generally speaking, the term "MSW" as a common nomenclature is not confined to MSW in solid form, but includes MSW in different forms. The annual Hong Kong waste statistics released by the Environmental Protection Department also adopt this definition and refer to the common

nomenclature term of MSW. We understand that other places have different interpretations in respect of MSW and these definitions do not necessarily specify different forms of MSW.

We therefore do not consider it necessary to remove the word “solid” in the Bill or expressly define it to include semi-solid and liquid forms.

- (c) *the Administration's position on the suggestion of considering amending the term "waste collection officer", with a view to addressing certain members' concern that it is possible that in the eyes of some members of the general public, the term as now drafted may be construed as a generic term covering any worker who provides waste collection service.*

According to the existing waste collection and delivery mode in Hong Kong, the Food and Environmental Hygiene Department (FEHD) and private waste collectors (PWCs) provide waste removal services respectively. It is proposed to add the term of “waste collection officer” to cater for the applicable scope of the proposed section 20L(1) of the Bill in relation to prohibiting a removal services provider from depositing non-compliant waste.

According to our proposal, “waste collection officer” means a person who is employed by the Government and carries out the duty of loading MSW onto a public waste vehicle or moving MSW at a refuse collection point (RCP). Generally speaking, those who comply with the aforementioned two conditions are FEHD employees responsible for collecting and removing MSW, for example, RCP attendants and refuse collection vehicle loaders.

FEHD has a large number of employees and they are tasked to discharge different duties. In view of the applicable scope of the term, i.e. limited to those FEHD employees who are responsible for loading MSW onto a public waste vehicle or moving MSW at a RCP, it is proposed to use the term “waste collection” which refers to the job nature in describing these employees.

Besides, the term “officer” usually refers to a Government employee who is assigned to discharge certain duties in other legislation. For example, there are references to “an officer of the Environmental Protection Department” and “authorized officer” in the WDO for several times. The term “officer” mainly serves to differentiate between FEHD employees and PWCs employees.

Environmental Protection Department
June 2020

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

**Draft Clauses of Subsidiary Legislation in Relation to the Exhibition
of Prescribed Signs on Public and Private Waste Vehicles Pursuant to
Section 20X^{Note}**

(Made by the Director of Food and Environmental Hygiene under section 20X(1) of the Waste Disposal Ordinance (Cap. 354))

Sign to be exhibited on public waste vehicles

- (1) The sign prescribed for the purposes of [section 20X(1)(b) of the Ordinance]—
 - (a) is the one specified in [Figure of the Schedule]; and
 - (b) must be [] centimetres in height and [] centimetres in width.
- (2) Despite subsection (1)(b), a departure from the measurements not exceeding []% is not regarded as a failure to meet the measurements.
- (3) The sign must be—
 - (a) exhibited at the centre of the left and right sides of the public waste vehicle with one on each side; and
 - (b) printed in a clearly legible manner.

Schedule

Prescribed Sign



(Made by the Director of Environmental Protection under section 20X(2) of the Waste Disposal Ordinance (Cap. 354))

Sign to be exhibited on private waste vehicles

- (1) The sign prescribed for the purposes of [section 20X(2) of the Ordinance]—
 - (a) is the one specified in [Figure of the Schedule];and
 - (b) must be [] centimetres in height and [] centimetres in width.
- (2) Despite subsection (1)(b), a departure from the measurements not exceeding []% is not regarded as a failure to meet the measurements.
- (3) The sign must be—
 - (a) exhibited at the centre of the left and right sides of the private waste vehicle with one on each side; and
 - (b) printed in a clearly legible manner.

Schedule

Prescribed Sign



Note: The content (including the design of signs) of these draft clauses of subsidiary legislation are provided for reference and illustrative purposes. They may be further amended with reference to the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 eventually passed by the Legislative Council.