

立法會
Legislative Council

LC Paper No. CB(1)713/20-21
(These minutes have been seen
by the Administration)

Ref : CB1/BC/1/20/2

**Bills Committee Formed on 16 October 2020 to Study the
Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018**

**Minutes of the third meeting
held on Wednesday, 27 January 2021, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Frankie YICK Chi-ming, SBS, JP (Chairman)
Hon Steven HO Chun-yin, BBS (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon Paul TSE Wai-chun, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, GBS, JP
Hon KWOK Wai-keung, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

Members absent : Dr Hon Junius HO Kwan-yiu, JP

**Public Officers
attending**

: For item III

Mr TSE Chin-wan, BBS, JP
Under Secretary for the Environment

Mr Bruno LUK
Deputy Director of Environmental Protection (Special
Projects)
Environmental Protection Department

Mr Kenneth CHAN
Assistant Director (Special Projects)
Environmental Protection Department

Mr Ken WONG
Assistant Director (Environmental Compliance)
Environmental Protection Department

Mr CHENG Tak-kuen
Assistant Director (Waste Infrastructure Planning)
Environmental Protection Department

Ms Theresa WU
Principal Environmental Protection Officer
(Community Relations)
Environmental Protection Department

Miss Jessica CHENG
Senior Administrative Officer (Special Duties
Division)
Environmental Protection Department

Mr LAI Siu-kwong
Senior Superintendent (Municipal Solid Waste
Charging)/Acting Assistant Director (Operations)
Food and Environmental Hygiene Department

Mr Vincent FUNG
Government Counsel
Department of Justice

Clerk in attendance : Ms Angel SHEK
Chief Council Secretary (1)1

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Jason KONG
Senior Council Secretary (1)1

Action

I. Confirmation of minutes

(LC Paper No. CB(1)258/ — Minutes of the meeting held on
20-21 3 November 2020)

The minutes of the meeting held on 3 November 2020 were confirmed.

II. Matter arising from the meeting on 16 November 2020

Scrutiny work of the Bills Committee

2. The Chairman remarked that this Bills Committee had decided at the meeting on 3 November 2020 to continue the scrutiny work on the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") on the basis of the deliberations made by the Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the former Bills Committee")¹. At the meeting on 16 November 2020 (which was chaired by Hon Steven HO, Deputy Chairman (who filled the vacancy of Deputy Chairman given rise by the resignation of the former Deputy Chairman as a Legislative Council ("LegCo") Member with effect from 12 November 2020), some members suggested that this Bills Committee should reconsider how to conduct the scrutiny work on the Bill, having regard to relevant factors such as the changes in the chairmanship, deputy chairmanship and membership. The Deputy Chairman had conveyed the suggestion to the Chairman after the meeting.

3. The Chairman advised that the suggestion would be considered under this agenda item. He reminded members that according to Rule 24(n) of the House Rules, the decisions of a committee should not be reopened for

¹ While the "former Bills Committee" refers to the Bills Committee formed on 16 November 2018 to study the Bill and decided to discontinue its scrutiny of the Bill in June 2020, the current Bills Committee was formed on 16 October 2020 to study the Bill.

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discussion, unless with the permission of the committee. He consulted members on whether this Bills Committee should reopen discussion on how to conduct the scrutiny work on the Bill.

4. The Deputy Chairman and Mr Tommy CHEUNG were agreeable to the suggestion. Mr Tony TSE considered that to make efficient use of its Bill's Committee's meeting time, it was unnecessary for the Bills Committee to reopen discussion on the issue concerned.

5. The Chairman put the question to vote and declared that the Bills Committee agreed to reopen discussion on how to conduct the scrutiny work on the Bill.

Discussion

6. The Deputy Chairman, Mr Tommy CHEUNG, Mr SHIU Ka-fai and Mr YIU Si-wing considered that the scrutiny work of this Bills Committee should start afresh. The major reasons were as follows:

- (a) there had been substantial change in the membership of this Bills Committee since the meeting on 3 November 2020, and the majority of current members might not have supported the decision made at that meeting;
- (b) starting the scrutiny work afresh could better ensure fair participation of members in the process, as some members did not join the former Bills Committee; and
- (c) the outbreak of COVID-19 and the resultant economic downturn warranted re-examination of the policy aspects of the Bill.

7. As the former Bills Committee had had lengthy and in-depth discussions on the Bill, Mr MA Fung-kwok considered that this Bills Committee should arrange limited time for discussion on the policy aspects of the Bill, so that members who did not join the former Bills Committee could have an opportunity to ask questions on the policy aspects, followed by clause-by-clause examination of the Bill on the basis of the former Bills Committee's work, i.e. resuming the examination from the proposed section 20K of the Waste Disposal Ordinance (Cap. 354).

8. Mr Tommy CHEUNG, Mr Abraham SHEK and the Deputy Chairman considered that the Bill was not well drafted. As there were many cross references between/among different clauses of the Bill, they considered that the Bill's clause-by-clause examination should start afresh for the sake of

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completeness, so that members could examine the Bill comprehensively and ensure that the proposed municipal solid waste ("MSW") charging scheme could achieve its objective. Mr CHEUNG added that so far the Administration had not clearly indicated whether it would propose amendments to the Bill to address the concerns of the members of the former Bills Committee.

9. The Chairman agreed that the Bill might not be well drafted, which might render the proposed MSW charging scheme hardly enforceable (if the Bill was passed).

10. Mr CHUNG Kwok-pan commented that major amendments to the Bill might be required, as some elements of the proposed MSW charging scheme might no longer be suitable under the recent social and economic conditions. Mr YIU Si-wing expressed similar views.

11. As regards the number of meetings required for discussion on the policy aspects of the Bill, Mr Tommy CHEUNG, Mr CHUNG Kwok-pan, Mr Abraham SHEK and the Deputy Chairman held that the progress in the Bill's scrutiny might depend largely on whether the Administration would provide clear and straightforward answers to members' questions. Therefore, it might not be practical to set a time limit for such discussion at this juncture.

12. The Deputy Chairman, Mr SHIU Ka-fai and Mr YIU Si-wing added that, in view of the efforts already made by the former Bills Committee, this Bills Committee should endeavour to complete its study of the Bill's policy aspects as efficiently as possible (if the scrutiny work was to start afresh). Mr YIU also said that there was public aspiration for timely completion of the Bill's scrutiny.

Decision

13. Having regard to members' views above, the Chairman proposed the following arrangements for members' consideration:

- (a) the scrutiny work of the bill would start afresh from the policy aspects;
- (b) this Bills Committee would invite written views from the public; and
- (c) the Bill's clause-by-clause examination would start afresh.

14. Members decided in favour of the above proposal.

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15. The Chairman added that he might arrange an informal meeting for members to exchange views with the Administration on the drafting aspects of the Bill.

III. Meeting with the Administration

- (LC Paper No. CB(1)187/ 20-21(01) — Information note on "Waste Reduction and Recycling Complementary Measures Launched by Environmental Protection Department and their Progress" provided by the Administration
- LC Paper No. CB(1)442/ 20-21(01) — Submission from Hong Kong General Chamber of Commerce (English version only)
- LC Paper No. CB(1)468/ 20-21(01) — Submission from Federation of Hong Kong Industries (Chinese version only)
- LC Paper No. CB(3)97/ 18-19 — The Bill
- File Ref: EP CR/9/65/3 — Legislative Council Brief
- 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(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

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

Relevant paper

(LC Paper No. CB(1)849/ — Report of the Bills Committee on
19-20 Waste Disposal (Charging for
Municipal Solid Waste) (Amendment)
Bill 2018)

Discussion

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

Follow-up actions to be taken by the Administration

17. The Administration was requested to provide, before the next meeting of this Bills Committee, the following information related to the proposed MSW charging scheme and complementary measures:

- (a) expenditure on strengthening the Government's work and complementary measures on waste reduction and recycling since the 2019-2020 financial year in preparation for the implementation of the Bill, if it was to be passed by the Legislative Council;
- (b) direct recurrent and non-recurrent costs associated with the proposed MSW charging scheme that would be incurred by the Government before and after the passage of the Bill, with a breakdown by staff costs and other costs; and
- (c) number of additional directorate and non-directorate posts created before and to be created, and the notional annual mid-point salary of such posts.

(Post-meeting note: The Administration's written response was circulated to members on 23 February 2021, vide LC Paper No. CB(1)605/20-21(02).)

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IV. Any other business

18. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1
Legislative Council Secretariat
23 March 2021

**Bills Committee Formed on 16 October 2020 to Study the
Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018**

**Proceedings of the third meeting
on Wednesday, 27 January 2021, at 2:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
000358 – 000434	Chairman	Confirmation of the minutes of the meeting held on 3 November 2020.	
<i>Agenda Item II – Matter arising from the meeting on 16 November 2020</i>			
000435 – 004038	Chairman Mr Tony TSE Deputy Chairman Mr Tommy CHEUNG Mr YIU Si-wing Clerk Mr SHIU Ka-fai Mr MA Fung-kwok Mr CHUNG Kwok-pan Mr Abraham SHEK Mr Wilson OR	Discussion and decision on how this Bills Committee would conduct its scrutiny work.	
<i>Agenda Item III – Meeting with the Administration</i>			
004039 – 005911	Chairman Administration	<p>The Administration advised that it would provide information in response to concerns raised by the former Bills Committee.</p> <p><i>[Post-meeting note: the relevant information are provided in the Administration's written response circulated to members on 23 February 2021, vide LC Paper No. CB(1)605/20-21(02).]</i></p> <p>With the aid of a PowerPoint presentation, the Administration briefed members on several aspects of the proposed municipal solid waste ("MSW") charging scheme, including its objective, charging modes, implementation strategy, etc.</p> <p><i>[Post-meeting note: the PowerPoint presentation materials were circulated to members on 1 February 2021, vide LC Paper No. CB(1)539/20-21(01).]</i></p>	

Time marker	Speaker	Subject	Action required
005912 – 010715	Chairman Mr Tommy CHEUNG Administration	Discussion on the estimated manpower required for the implementation and enforcement of the proposed MSW charging scheme.	
010716 – 011504	Chairman Mr SHIU Ka-fai Administration	<p>Discussion on the enhanced community recycling network, which comprised three major types of collection points for recyclables, namely Recycling Stations (formerly known as Community Green Stations), Recycling Stores, and Recycling Spots (i.e. mobile booths).</p> <p>Mr SHIU emphasized the need to maintain environmental hygiene when operating those recyclables collection points. He held the view that MSW charging might not be necessary for achieving waste reduction if waste separation and recycling practices could be widely adopted by the community.</p> <p>In response to the Chairman's enquiry, the Administration advised that under the Bill, the use of designated bags ("DBs") would not be required for the deposition and collection of recyclables at Recycling Stations, Recycling Stores and Recycling Spots.</p>	
011505 – 012225	Chairman Ms Elizabeth QUAT Administration	<p>Ms QUAT was concerned whether the Administration would have the capability to enforce the proposed MSW charging scheme (if the Bill was passed) and prevent aggravation of the illegal waste disposal problems.</p> <p>The Administration responded that following the use of a geographic information system platform together with increased enforcement manpower and enhanced interdepartmental cooperation, there had been significant reduction in the amount of construction and demolition waste illegally disposed of. The Administration would make reference to such experience when preparing for the implementation of the proposed MSW charging scheme (if the Bill was passed).</p> <p>The Administration also advised that before the actual implementation of the proposed MSW charging scheme, it would report to the Legislative Council's Panel on Environmental Affairs the progress of relevant preparatory work (e.g. publicity and public education efforts on MSW charging scheme and support for waste reduction and recycling during the preparatory period), and consult Members on the commencement date of the Bill.</p> <p>In addition, the Administration was considering</p>	

Time marker	Speaker	Subject	Action required
		<p>distribution of DBs free of charge during the early stage of the scheme's actual implementation, as one of the means to promote behavioural change towards waste disposal and prevent widespread disposal of non-compliant waste ("NCW") (i.e. MSW that neither was wrapped in a DB nor had a designated label attached to it, according to the definition in the Bill) and potential aggravation of fly-tipping.</p>	
012226 – 013034	<p>Chairman Mr Tommy CHEUNG Administration</p>	<p>Mr CHEUNG considered that the Administration should provide more incentives for recycling and promote the development of a local manufacturing industry using recycled raw materials. He and the Chairman suggested that the Administration should cooperate with the business sector in the provision of resource recovery facilities in supermarkets and convenience stores, and organization of reward schemes to encourage the depositing of recyclables into those facilities.</p> <p>The Administration responded that according to the experiences of some other places, MSW charging was a driving force behind effective waste reduction and recycling. It was expected that the implementation of the proposed MSW charging scheme could help ensure a more stable supply of recyclables for the local recycling industry, thereby promoting the development of a circular economy.</p> <p>The Administration also advised that it would roll out a pilot scheme to assess the application of reverse vending machines ("RVMs") in Hong Kong for the collection of used plastic beverage containers. Some of the RVMs would be placed at supermarkets or large convenience stores.</p>	
013035 – 013703	<p>Chairman Mr SHIU Ka-fai Administration</p>	<p>Further discussion on the operation and operating costs of Recycling Stores and Recycling Spots.</p>	
013704 – 014557	<p>Chairman Ms Elizabeth QUAT Administration</p>	<p>The Administration elaborated on the commencement of the Bill (if it was passed) and the initial idea on distributing DBs free of charge during the early stage of the actual implementation (i.e. upon the commencement of the Bill) of the proposed MSW charging scheme. As the requirements relating to the use of DBs would take effect upon the commencement of the Bill, a person would need to either purchase a DB or obtain it for free from a distribution point for proper waste disposal (if the waste concerned would be subject to charging by DB). The details of the idea of free distribution of DBs would have to be worked out with reference to the actual</p>	

Time marker	Speaker	Subject	Action required
		provisions of the Bill as passed by the Legislative Council and other operational considerations, if pursued.	
014558 – 020332	Chairman Deputy Chairman Administration	<p>The Deputy Chairman requested the Administration to provide before the next meeting the following estimates related to the proposed MSW charging scheme and complementary measures:</p> <ul style="list-style-type: none"> (a) expenditure on strengthening the Government's work and complementary measures on waste reduction and recycling since the 2019-2020 financial year in preparation for the implementation of the Bill, if it was to be passed by the Legislative Council; (b) direct recurrent and non-recurrent costs associated with the proposed MSW charging scheme that would be incurred by the Government before and after the passage of the Bill, with a breakdown by staff costs and other costs; and (c) number of additional directorate and non-directorate posts created before and to be created, and the notional annual mid-point salary of such posts. <p>The Deputy Chairman and the Chairman expressed concerns about whether relevant government departments (the Environmental Protection Department ("EPD") and the Food and Environmental Hygiene Department in particular) would have sufficient resources and the capability to enforce the proposed MSW charging scheme effectively (if the Bill was passed).</p> <p>The Administration responded that it proposed setting up a Municipal Solid Waste Reduction Office under EPD after the passage of the Bill to coordinate the efforts of various departments in the implementation and enforcement of MSW charging. Enforcement actions against NCW disposal would be taken at black spots under a risk-based approach. It was expected that the proposed fixed penalty of \$1,500 would have sufficient deterrent effect against NCW disposal.</p>	Admin (paragraph 17 of the minutes refers)

<i>Agenda Item IV – Any other business</i>			
020333 – 020347	Chairman Administration	Concluding remarks	

Council Business Division 1
Legislative Council Secretariat
23 March 2021