

立法會
Legislative Council

LC Paper No. CB(1)765/20-21
(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 fourth meeting
held on Thursday, 25 February 2021, at 8:30 am
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 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
Dr Hon Junius HO Kwan-yiu, JP
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

Member absent : Hon MA Fung-kwok, GBS, JP

**Public Officers
attending**

: For item II

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 Gilbert MO
Deputy Law Draftsman
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)546/ — Minutes of the meeting held on
20-21 16 November 2020)

The minutes of the meeting held on 16 November 2020 were confirmed.

II. Meeting with the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)605/ — List of follow-up actions arising from
20-21(01) the meeting on 27 January 2021

LC Paper No. CB(1)605/ Administration's response to the list of
20-21(02) follow-up actions arising from the
meeting on 27 January 2021

LC Paper No. CB(3)97/ — The Bill
18-19

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/ — Marked-up copy of the Bill prepared by
18-19(01) the Legal Service Division (Restricted
to Members)

LC Paper No. CB(1)205/ — Assistant Legal Adviser's letter dated
18-19(02) 4 December 2018 to the Administration

LC Paper No. CB(1)396/ — Administration's reply to Assistant
18-19(01) Legal Adviser's letter dated
4 December 2018

Action

LC Paper No. CB(1)875/ — Assistant Legal Adviser's letter dated
18-19(03) 25 March 2019 to the Administration

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

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

Follow-up actions to be taken by the Administration

- Admin 3. The Administration was requested to provide information as follows:
- (a) the organization chart with number of posts of relevant divisions under the Environmental Protection Department that undertook duties in relation to waste management; and the estimated number and annual staff cost (including civil service, non-civil service and outsourced posts) in relevant government departments required for the implementation of municipal solid waste charging;
 - (b) whether the notice for commencing the operation of the Bill (if it was passed) would be scrutinized by the Legislative Council through negative or positive vetting procedure;
 - (c) details of the Administration's stepped-up efforts to combat illegal disposal of construction and demolition waste, and statistics to demonstrate the effectiveness of such efforts; and
 - (d) details of the Administration's waste management strategies by the following aspects: (i) treatment methods of different types of waste or recyclables; (ii) the possible outlets for major types of recyclables collected through relevant collection schemes or processed by relevant waste treatment infrastructures; (iii) initial costs and annual operating costs of relevant schemes/waste

Action

treatment infrastructures; and (iv) cost-effectiveness of such schemes/infrastructures in reducing waste disposal.

III. Any other business

Date of next meeting

4. There being no other business, the meeting ended at 10:30 am.

Council Business Division 1
Legislative Council Secretariat
8 April 2021

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

**Proceedings of the fourth meeting
on Thursday, 25 February 2021, at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject	Action required
<i>Agenda Item I – Confirmation of minutes</i>			
001120 – 001222	Chairman	Confirmation of the minutes of the meeting held on 16 November 2020.	
<i>Agenda Item II – Meeting with the Administration</i>			
001223 – 002249	Chairman Administration	The Administration briefed members on its written response to the list of follow-up actions arising from the meeting on 27 January 2021 (LC Paper No. CB(1)605/20-21(02)); and advised that under the Waste Blueprint for Hong Kong 2035, the Administration's medium-term target was to gradually reduce per-capita municipal solid waste ("MSW") disposal by 40% to 45% and increase the recovery rate to about 55% by implementing MSW charging together with other waste reduction and recycling initiatives.	
002250 – 003001	Chairman Mr YIU Si-wing Administration	<p>Mr YIU and the Chairman suggested that the Administration should consider adopting an innovative regulatory approach with reference to the experiences of other jurisdictions for the implementation of the proposed MSW charging scheme, so as to ensure effectiveness and efficiency of enforcement work. If the implementation/enforcement of the scheme would involve outsourcing arrangements, the Administration should also put in place an effective monitoring system for outsourced services, which might include the setting of key performance indicators for the contractor(s).</p> <p>The Administration responded that its current plan was to set up a Municipal Solid Waste Reduction Office under the Environmental Protection Department ("EPD") after the passage of the Bill to coordinate the efforts of various departments in the implementation and enforcement of MSW charging. The Administration would consider members' suggestions above.</p> <p>In response to Mr YIU's enquiry, the Administration advised that the details and estimated cost of free distribution of designated bags ("DBs"), if pursued, during the early stage of the proposed MSW charging scheme's actual implementation would have to be worked out with reference to the actual provisions of the Bill as passed by the Legislative Council ("LegCo") and other operational considerations.</p>	

Time marker	Speaker	Subject	Action required
003002 – 004142	Chairman Mr Tommy CHEUNG Administration	<p>Mr CHEUNG enquired whether the Bill would provide for exemptions from the proposed MSW charges to encourage the catering trade and the general public to practice waste separation at source.</p> <p>The Administration responded that it would gradually expand its free collection service for source-separated food waste from the catering trade, subject to the development progress of food waste treatment facilities. Under the Bill, recyclables properly deposited into a container, or in an area (such as resource recovery facility) that was reasonably used for depositing such recyclables would not be subject to the proposed MSW charges. The Administration would endeavour to engage the catering trade in the formulation of operational arrangements of the collection service.</p> <p>Discussion on the Administration's initiatives to promote the recycling of major types of recyclables amid the recent downturn in the external recycling market.</p>	
004143 – 004838	Chairman Mr Martin LIAO Administration	<p>Mr LIAO enquired about the expected effect of MSW charging on waste reduction, and whether MSW charging would be crucial to the achievement of the medium-term waste reduction target in the Waste Blueprint for Hong Kong 2035.</p> <p>The Administration responded that according to the experiences of other jurisdictions with MSW charging in place, the implementation of MSW charging could generally help reduce MSW disposal by around 15% to 25% during the initial stage of implementation. As the medium-term target in the Waste Blueprint for Hong Kong 2035 was premised on the assumption that MSW charging would be implemented together with other waste reduction and recycling initiatives, if the Bill could not be passed within the expected time frame, Hong Kong's ability to achieve the target would be undermined.</p> <p>Moreover, the Administration considered the implementation of MSW charging a decisive factor in the sustainable development of the local recycling industry, as MSW charging was expected to promote waste separation at source, thereby increasing the overall quantity of recyclables available for recycling and facilitating recyclers' achievement of the economy of scale.</p> <p>Mr LIAO asked about the enforcement of the proposed provisions in the Bill in relation to the production, sale and supply of DBs and designated labels ("DLs").</p> <p>The Administration advised that the enforcement agencies for the proposed MSW charging scheme would be EPD and the Food and Environmental Hygiene Department. The act of</p>	

Time marker	Speaker	Subject	Action required
		<p>buying a counterfeit DB/DL alone did not constitute an offence under the Bill.</p>	
004839 – 010906	<p>Chairman Mr Wilson OR Administration</p>	<p>Discussion on the implementation strategy for the proposed MSW charging scheme and the risk-based enforcement approach.</p> <p>The Chairman was concerned whether the Administration would have the capability to enforce the proposed MSW charging scheme and prevent aggravation of environmental hygiene problems as a result of the scheme's implementation, given that there had been problems of unclear delineation of powers and responsibilities among different government departments on certain environmental hygiene issues.</p> <p>The Administration advised that the efficiency of follow-up actions to fly-tipping and marine refuse incidents had already been improved through enhanced interdepartmental coordination. If the Bill was passed, the Municipal Solid Waste Reduction Office to be set up under EPD would coordinate the efforts of various departments in the implementation and enforcement of MSW charging.</p> <p>Mr OR requested the Administration to provide supplementary information on its stepped-up efforts to combat illegal disposal of construction and demolition waste, and statistics to demonstrate the effectiveness of such efforts.</p>	<p>Admin (paragraph 3(c) of the minutes refers)</p>
010907 – 011807	<p>Chairman Mr Tommy CHEUNG Administration</p>	<p>To facilitate waste separation at source by the public and the catering trade, Mr CHEUNG suggested that:</p> <ul style="list-style-type: none"> (a) the Environment Bureau ("ENB") should explore with the Development Bureau ("DEVB") ways to encourage the setting up of resource recovery facilities in new and existing housing estates; and (b) as some small catering establishments did not have sufficient space for temporary storage of source-separated food waste, the Administration should provide frequent collection service for the operators (if they were covered by the free collection service). <p>The Administration responded that resource recovery chamber on each floor of new buildings was currently exempted from gross floor area ("GFA") calculation in order to incentivize the provision of such facilities in new developments. ENB was exploring with DEVB the feasibility of putting in place a similar GFA exemption mechanism for existing buildings currently without resource recovery chambers.</p>	

Time marker	Speaker	Subject	Action required
011808 – 012442	Chairman Administration	<p>The Chairman expressed concern that:</p> <ul style="list-style-type: none"> (a) a person might commit an offence under the Bill if <ul style="list-style-type: none"> (i) the person voluntarily picked up non-compliant waste ("NCW") and deposited the waste at a refuse collection point ("RCP") without wrapping the waste in a DB or attaching a DL to it beforehand; or (ii) the person who ran a shop instructed his/her employee to take NCW that was placed at the shopfront by a passer-by to an RCP, and the employee did so without wrapping the waste in a DB or attaching a DL to it beforehand; and (b) in order to comply with the Bill's requirements, the person in the above scenarios would need to use a DB/DL or provide a DB/DL to his/her employee for handling the MSW concerned, even though he/she was not the waste producer. <p>The Administration responded that:</p> <ul style="list-style-type: none"> (a) the spirit of the Bill was to require the use of DB/DL by any party for depositing/disposal of MSW at specified locations/facilities, save MSW subject to gate fees. Providing too many exemptions might weaken the integrity of the proposed MSW charging scheme; (b) persons acting in the course of providing MSW removal services (e.g. frontline cleaning workers) would be exempted from complying with certain provisions in the Bill in relation to the depositing and delivery of NCW; (c) the proposed section 20Q of the Waste Disposal Ordinance (Cap. 354) sought to provide for defences to NCW-related offences; and (d) a shop's operator might choose to engage a service provider to remove MSW generated from the shop or placed at the shopfront if considered necessary. <p>The Chairman maintained that the current provisions of the Bill might impose undue financial/compliance burden or legal risk to a person (such as the shop owner in his example given above) who handled NCW deposited by another person, as the Administration's suggestion of tackling the problem by engaging a service provider to handle MSW might entail additional cost to be incurred by the shop owner. He urged the Administration to reconsider the exemption arrangements under the Bill.</p>	

Time marker	Speaker	Subject	Action required
012443 – 013451	Chairman Mr Tony TSE Administration	<p>Further discussion on the expected effect of MSW charging on waste reduction.</p> <p>Mr TSE asked whether some of the new posts created to prepare for the implementation of MSW charging and strengthen the Government's work on waste reduction and recycling would become redundant if the Bill was not passed.</p> <p>The Administration responded that the posts in question would continue to undertake initiatives on waste reduction and recycling regardless of whether the Bill was passed.</p> <p>Mr TSE further enquired why some of the new posts were non-civil service contract posts. The Administration explained that the non-civil service contract arrangement would enable the Administration to recruit suitable staff more flexibly to meet the changing service needs in waste reduction and recycling.</p>	
013452 – 020234	Chairman Dr Junius HO Administration Mr Tommy CHEUNG	<p>The Administration was requested to provide information as follows:</p> <p>(a) the organization chart with number of posts of relevant divisions under EPD that undertook duties in relation to waste management; and the estimated number and annual staff cost (including civil service, non-civil service and outsourced posts) in relevant government departments required for the implementation of MSW charging;</p> <p>(b) whether the notice for commencing the operation of the Bill (if it was passed) ("the commencement notice") would be scrutinized by LegCo through negative or positive vetting procedure; and</p> <p>(c) details of the Administration's waste management strategies by the following aspects: (i) treatment methods of different types of waste or recyclables; (ii) the possible outlets for major types of recyclables collected through relevant collection schemes or processed by relevant waste treatment infrastructures; (iii) initial costs and annual operating costs of relevant schemes/waste treatment infrastructures; and (iv) cost-effectiveness of such schemes/infrastructures in reducing waste disposal.</p> <p>The Administration assured members that it would publish the commencement notice in the Gazette only if LegCo's Panel on Environmental Affairs agreed with the proposed commencement date when the Administration reported the progress of relevant preparatory work to the Panel.</p>	Admin (paragraph 3(a), (b) and (d) of the minutes refers)

Time marker	Speaker	Subject	Action required
<i>Agenda Item III – Any other business</i>			
020235 – 020335	Chairman	Concluding remarks	

Council Business Division 1
Legislative Council Secretariat
8 April 2021