

Information Note

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

Legislative Intent of Proposed Sections 20K to 20P for the Waste Disposal Ordinance (Cap. 354) in relation to the Mandatory Use of Designated Garbage Bags or Designated Labels

Purpose

This paper elaborates on the legislative intent of the proposed sections 20K, 20L, 20M and 20P¹ of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 (the Amendment Bill) for the Waste Disposal Ordinance (Cap. 354) in relation to the mandatory use of designated garbage bags/designated labels (DBs/DLs), and provides preliminary draft guidelines for future reference by households from domestic premises which have engaged property management companies (PMCs).

Waste Collection Service Arrangements and Proposed Charging Modes

2. At present, municipal solid waste (MSW) is generally collected via two channels: (a) by the Food and Environmental Hygiene Department (FEHD) or its waste collection service contractors through refuse collection vehicles (RCVs), refuse collection points (RCPs) and bin sites; or (b) by private waste collectors (PWCs) using RCVs with compactors or

¹ After consideration, the Administration proposes to delete the proposed sections 20N and 20O of the Amendment Bill concerning offences against the prohibition of depositing or delivering waste that has a designated label attached to it. For details, please refer to the Information Note on Committee Stage Amendments Proposed by the Administration.

RCVs without compactors such as grab lorries, demountable trucks and tippers.

3. Building upon the existing MSW collection and disposal system, MSW charges under the Amendment Bill are proposed to be levied through the dual modes of (a) charging through purchasing and using DBs/DLs and (b) charging by weight-based “gate-fee”. The charging mode applicable to a waste producer will depend on the waste collection service used by him/her.

4. For the implementation of MSW charging through purchasing and using DBs/DLs, the new sections 20K, 20L, 20M and 20P to be added in the Waste Disposal Ordinance (Cap. 354) by way of clause 4 of the Amendment Bill will create four offences in relation to the mandatory use of DBs/DLs. As for charging by weight-based “gate-fee”, it will be effected mainly through clauses 11 to 34 of the Amendment Bill, which amend the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M).

5. A diagram showing the charging modes applicable to the two types of waste collection services is provided at **Annex I** for easy understanding.

Newly Created Offences in Relation to the Mandatory Use of DBs/DLs

6. In view of the waste collection channels mentioned in paragraph 2 above, the proposed enforcement locations under with sections 20K, 20L, 20M and 20P include:

- (a) RCPs and specified bins² managed by the FEHD;
- (b) RCVs used by the FEHD or its contractors;
- (c) RCVs with compactors used by PWCs; and
- (d) temporary storage areas at premises for depositing MSW pending removal from the premises for disposal (such as refuse chambers or rear staircases on individual floors).

Section 20K – Depositing non-compliant waste prohibited

7. To prompt the public to pay for MSW as generated by them, we need to prohibit the public from disposing of MSW that is not properly wrapped in DBs or attached with DLs (i.e. non-compliant waste) at certain waste collection points. The proposed section 20K provides that a person commits an offence if the person deposits non-compliant waste at an RCP, onto a RCV used by the FEHD or its contractors, onto a RCV with compactors used by PWCs, or into a specified bin (such as depositing non-compliant waste at an RCP or into a specified bin that is generally provided for collecting MSW in rural areas). This section targets not only those who deposit non-compliant waste but also those who cause or permit others' non-compliant acts. This section is not applicable to personnel that are employed to work at relevant RCPs or RCVs who need to handle MSW as required by their duties.

Section 20L – Depositing non-compliant waste by removal services provider prohibited

8. To prevent the abovementioned personnel from being requested or instructed to assist in disposing of non-compliant waste, and to maintain

² Specified bins refer to refuse containers (usually large refuse bins of 240-litre or 660-litre capacity) managed by the FEHD for collecting MSW and are normally placed at RCPs managed by the department. Given the constraints of time and space in RCP operations and having regard to the safety of the public and staff (for instance, enough room has to be provided for RCVs to safely head in and out of RCPs), these large refuse bins are sometimes temporarily relocated outside the RCPs. Moreover, since most RCPs in rural areas are bin sites with no building structures, only large refuse bins (usually of 240-litre or 660-litre capacity) are placed there. To ensure effective implementation of MSW charging and to prevent the public from depositing non-compliant waste in these large refuse bins, it is necessary to define these large refuse bins managed by the FEHD as specified bins. The Amendment Bill requires that a prescribed sign be exhibited on a specified bin for easy identification by the public.

the integrity of the charging mechanism, section 20L provides the same that such personnel shall not deposit non-compliant waste while working at certain enforcement locations:

- (a) an employee of FEHD contractors or PWCs commits an offence if the employee deposits non-compliant waste at an RCP or onto relevant RCV in the course of providing waste removal services. This section also targets those who cause or permit others' non-compliant acts; and
- (b) this proposed section is not applicable to government employees who are handling waste at relevant RCP or RCV to provide some operational flexibility. Nonetheless, they shall still comply with the above prohibition on depositing non-compliant waste in general. We will devise guidelines for these government employees. Offenders will be subject to varying degrees of disciplinary actions.

Section 20M – Delivering non-compliant waste to certain persons prohibited

9. Similarly, to prevent the abovementioned waste-handling personnel from being requested or instructed to assist in disposing of non-compliant waste, the proposed section 20M prohibits the delivery of non-compliant waste by any person (including those who cause or permit others' non-compliant acts) to the abovementioned personnel who handle waste at relevant RCPs or RCVs. This section is not applicable to personnel that are employed to work at relevant RCPs or RCVs who need to handle waste as required by their duties.

Section 20P – Depositing non-compliant waste in certain common areas prohibited

10. For multi-storey domestic buildings, households usually deposit waste at common areas such as refuse chambers or rear staircases on individual floors for cleansing workers³ to collect. To prompt

³ Usually directly employed by the households concerned or hired through PMCs/building management bodies.

households to pay by using DBs/DLs, the proposed section 20P prohibits households from disposing of non-compliant waste in common areas that are used for the temporary storage of waste pending collection and removal. Violation of this section constitutes an offence. Depending on the arrangements adopted by different premises, examples of common areas include refuse chambers, rear staircases and waste chutes (if any) on individual floors of multi-storey buildings. In addition to individuals who deposit non-compliant waste, this section also targets those who cause others' non-compliant acts.

11. The proposed section 20P is not applicable under certain circumstances. First, we note that PMCs of multi-storey buildings usually place small litter bins at lobbies or lift waiting areas for individuals to dispose of MSW that is of small quantity and small size, such as used tissue papers. As these small litter bins are not designed for individuals to dispose of daily waste from places such as households or offices, it is therefore not bounded by section 20P.

12. Moreover, if the waste concerned is collected by RCVs without compactors and charged by weight-based "gate-fee", it will not be bounded by section 20P. An example is the oversized waste collected and removed from an industrial building by an RCV without compactor.

13. To cater for the operational needs of cleansing workers who collect and deliver MSW within premises, this section allows them to collect non-compliant waste from any part of the premises and deliver them to the waste reception points. Taking multi-storey domestic buildings as an example, cleansing workers can collect MSW (including non-compliant waste) from any part of the premises (e.g. the refuse collection bin or refuse chamber on each floor), and deliver them to central refuse chambers for storage. However, personnel of the related PMCs or cleansing service providers are required to wrap non-compliant waste in DBs or affix DLs on it, before disposing of such waste onto RCVs used by the FEHD or its contractors, or RCVs with compactors used by PWCs. If the concerned premises have their oversized waste collected by PWCs using RCVs without compactors (e.g. grab lorries, demountable trucks and tippers), the MSW charges payable will be levied through the "gate-fee" mode.

14. In addition, this section is not applicable to circumstances under which recyclables are deposited into relevant collection containers or areas. For instance, members of public are not required to wrap the waste glass in DBs or attach it with DLs when disposing of waste glass at the collection bin of waste glasses in a building.

Penalties

15. We propose to amend the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570) to provide for a fixed penalty of \$1,500 for offences stipulated in the newly created sections 20K, 20L, 20M and 20P. The fixed penalty is imposed at the same level as the offence of littering in a public place under the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK).

16. Prosecution by way of summons may also be brought against serious or repeated offenders. The proposed penalties are as follows:

- (a) Proposed section 20K – Depositing non-compliant waste prohibited: A person who commits the offence will be liable to a fine at level 4 (\$25,000) and to imprisonment for 6 months on the first conviction, and to a fine at level 5 (\$50,000) and to imprisonment for 6 months on a subsequent conviction. The level of penalty for a first conviction is the same as an offence of littering in a public place under the Public Cleansing and Prevention of Nuisances Regulations (Cap. 132BK).
- (b) Proposed section 20L – Depositing non-compliant waste by removal services provider prohibited: A person who commits the offence is liable to a fine at level 2 (\$5,000) without imprisonment penalty. The penalty level is lower as compared with that for the offence of similar nature under the proposed section 20K because the legislative intent of the Amendment Bill does not target the personnel concerned.
- (c) Proposed section 20M – Delivering non-compliant waste to certain persons prohibited: A person who commits the offence will be liable to a fine at level 4 (\$25,000) and to

imprisonment for 6 months on the first conviction, and to a fine at level 5 (\$50,000) and to imprisonment for 6 months on a subsequent conviction. The penalty levels are consistent with those of the proposed section 20K.

- (d) Proposed section 20P – Depositing non-compliant waste in certain common areas prohibited: A person who commits the offence will be liable to a fine at level 4 (\$25,000) and to imprisonment for 6 months on the first conviction, and to a fine at level 5 (\$50,000) and to imprisonment for 6 months on a subsequent conviction. The penalty levels are consistent with those of the proposed sections 20K and 20M.

Guidelines for Public Reference

17. The MSW charging scheme is a policy initiative affecting all walks of life. We understand that different sectors of the community are concerned with the preparatory work for putting in place MSW charging and its implementation arrangements. As such, during the preparatory period⁴ after the passage of the Amendment Bill, we will closely communicate with stakeholders from various sectors, including PMCs and cleansing service providers, to jointly work out operational guidelines for their respective sectors and provide them with relevant training, thereby assisting them in carrying out MSW charging. For Members' easy reference, a set of preliminary draft guidelines for reference by households from domestic premises which have engaged PMCs is set out at **Annex II**.

⁴ To facilitate a gradual adaptation to MSW charging and drive behavioural changes in the community, we propose to put in place a preparatory period of 18 months as a basic arrangement, in order to provide appropriate time for the Government, various stakeholders and members of the public to prepare for the implementation of MSW charging. During the preparatory period, we will pay close attention to various aspects of the community, particularly the progress of economic recovery after the pandemic, the level of preparation among different stakeholders, etc. We may extend the preparatory period as appropriate if considered necessary. As regards the specific commencement dates of the legislation, we will report to the Panel on Environmental Affairs (EA Panel) of the Legislative Council (LegCo) on the progress of our work during the preparatory period, and consult the EA Panel on the commencement dates of the legislation at an opportune time. After securing the support of the EA Panel, the subsidiary legislation in relation to the relevant commencement notices will be gazetted and tabled in the LegCo, i.e. to follow the negative vetting procedures to effect the relevant subsidiary legislation.

Conclusion

18. Members are invited to note the above elaborations and references.

**Environmental Protection Department
June 2021**

Municipal Solid Waste Charging – Waste Collection Services and Relevant Charging Modes



**Municipal Solid Waste Charging (MSW charging):
Guidelines for Domestic Households which have engaged
Property Management Companies**

[Note: This set of guidelines is a preliminary draft for reference only.]

1. Introduction

1.1 Following the passage of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 on [day] [month] [year], municipal solid waste charging (“MSW charging”) will be implemented with effect from [day] [month] [year]. This set of guidelines seeks to set out the responsibilities of households and charging arrangements applicable to households from domestic premises which have engaged property management companies (PMCs), such as private housing estates and public housing estates under the Hong Kong Housing Authority or Hong Kong Housing Society.

2. Responsibilities of Households

2.1 Disposal of general household waste: using designated garbage bags

2.1.1 Households¹ should use **designated garbage bags** to wrap and deposit general household waste in a temporary storage area in the residence where waste is pending collection by cleansing workers² (hereafter referred to as “temporary storage area”), such as refuse chamber or rear staircases on individual floors, for collection by the

¹ Apart from any person who disposes of the waste, relevant ordinances and regulations are also applicable to any person who causes or permits another person to commit the offence, for instance, an employer who instructs a domestic helper to deposit waste in a non-compliant manner.

² These cleansing workers are generally employed by PMCs directly or hired through cleansing service providers.

Food and Environmental Hygiene Department (FEHD)³ or private waste collectors (PWCs). If there are refuse chutes on individual floors of the housing estates, households should still comply with the above requirements to properly wrap the general household waste before depositing it into the refuse chutes⁴.

2.1.2 The designated garbage bags come in nine different sizes, with capacity ranging from 3 to 100 litres, to cater for the needs of different users. The per-litre charge for designated garbage bags is set at \$0.11.

2.1.3 Households can purchase designated garbage bags at some 4 000 sales points at supermarkets, convenience stores, post offices, etc. Vending machines will also be set up in rural areas and near refuse collection points (RCPs).

Capacity of designated garbage bag	Type of designated garbage bag	Price (Per bag)
3 litres	T-shirt/flat-top	\$0.3
5 litres	T-shirt/flat-top	\$0.6
10 litres	T-shirt/flat-top	\$1.1
15 litres	T-shirt/flat-top	\$1.7
20 litres	T-shirt/flat-top	\$2.2
35 litres	Flat-top	\$3.9
50 litres	Flat-top	\$5.5
75 litres	Flat-top	\$8.5
100 litres	Flat-top	\$11

2.1.4 When disposing of general household waste using the designated garbage bags, households should make sure that no part of the waste

³ In this set of guidelines, “FEHD” includes the FEHD and its contractors.

⁴ In view of safety and public hygiene considerations, the refuse chutes in most residential buildings are locked and for use by cleansing workers only. Under such circumstances, households should properly wrap the waste in designated garbage bags and deposit it in the temporary storage area on individual floors for cleansing workers to subsequently deposit it into the refuse chutes. For the same consideration, PMCs are encouraged to lock the refuse chute on individual floor as far as practicable.

(e.g. handle) is protruded from the opening of the bag or pierced through the body of the bag. In the meantime, the opening of the bag must be tied so that no waste can escape from the bag. Households should use designated garbage bags of appropriate size to ensure that the relevant items are completely and properly wrapped.

2.2 Disposal of oversized waste: using designated labels or sharing out weight-based “gate-fee”

2.2.1 Households should first understand the collection mode of oversized waste in their residence.

2.2.2 Using the waste collection service of FEHD or refuse collection vehicles with compactors of PWCs

2.2.2.1 When oversized waste is collected by FEHD or by refuse collection vehicles (RCVs) with compactors of PWCs, any waste that cannot be properly wrapped in a designated bag due to its size or shape such as large-sized furniture (e.g. dining table, bookshelf or mattress) must be affixed with a **designated label** before disposal.

2.2.2.2 A uniform rate of \$11 will be charged for each designated label. Designated labels and designated garbage bags will be available at the same sales points. Please refer to paragraph 2.1.3 above for details.

2.2.2.3 Generally speaking, households should first affix a designated label on every piece of oversized waste before depositing it at the temporary storage area at the residence, such as the central refuse chamber, for subsequent collection by FEHD or by RCVs with compactors of PWCs. Households may also deliver oversized waste affixed with designated labels to nearby RCPs of the FEHD on their own.

2.2.3 Using RCVs without compactors (such as grab lorries, demountable trucks and tippers) of PWCs

2.2.3.1 If oversized waste is collected by RCVs without compactors of PWCs, households **do not** need to affix designated labels onto the waste. Households should dispose of oversized waste at the temporary storage area of their residence for collection by PWCs using RCVs without compactors. The waste concerned will be weighed at the refuse transfer stations of the Environmental Protection Department (EPD) or landfills for charging of the “gate-fee”.

2.2.3.2 Generally speaking, PMCs will discuss with households on the arrangements for sharing out the “gate-fee” with a view to fulfilling the “polluter-pays” principle.

2.2.3.3 The charges for the weight-based “gate-fee”, which are determined by the disposal locations of the oversized waste, are as follows:

- (a) for the four refuse transfer stations in urban areas⁵ and the North West New Territories Refuse Transfer Station: \$395/tonne;
- (b) for other refuse transfer stations and landfills: \$365/tonne.

3. Penalties

3.1 Any household who contravenes the requirements of the relevant legislation on MSW charging will be subject to a fixed penalty of \$1,500 under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570).

3.2 Prosecution by way of summons may also be brought against serious or repeated offenders. The penalties are as follows:

⁵ The four refuse transfer stations in urban areas are the Island West Transfer Station, Island East Transfer Station, West Kowloon Transfer Station and Shatin Transfer Station.

- (a) on the first conviction — a fine at level 4 (\$25,000) and imprisonment for 6 months; and
- (b) on a subsequent conviction — a fine at level 5 (\$50,000) and imprisonment for 6 months.

4. Handling of Recyclables

- 4.1 We encourage members of the public to actively practise waste reduction at source and waste separation, thus reducing their expenditure on MSW charges. Households may sort out, from their waste, recyclables such as waste paper, plastics, metals, glass, fluorescent tubes, rechargeable batteries and small electrical appliances to reduce the overall waste disposal volume.
- 4.2 Households should deposit recyclables at recycling facilities set up at their residential estates/buildings according to the relevant instructions, such as depositing waste glass in collection bins that are designated for waste glass collection.
- 4.3 Please visit the following website for information on waste reduction and recycling:

Hong Kong Waste Reduction Website

https://www.wastereduction.gov.hk/en/assistancewizard/recyc_not_e.htm

- 4.4 For more information on recyclables collection points, households may download the EPD's free mobile application "Waste Less" via the following link:

https://www.wastereduction.gov.hk/en/assistancewizard/wasteless_mobileapp.htm

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