

立法會
Legislative Council

(issued by email only)
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Tel : 3919 3300
Date : 23 August 2021
From : Clerk to the Legislative Council
To : All Members of the Legislative Council

Council meeting of 25 August 2021

**Debate and voting arrangements for
the Waste Disposal (Charging for Municipal Solid Waste)
(Amendment) Bill 2018**

Further to LC Paper No. CB(3) 880/20-21 issued on 18 August 2021 regarding the proposed amendments to the captioned Bill, I attach a table on the debate and voting arrangements for the captioned Bill for Members' information.

2. Members are reminded that in accordance with Appendix IIIA to the House Rules, the speaking time limits in the debates are as follows:

	<u>Number of speech(es) allowed for each Member</u>	<u>Maximum time for a speech</u>
(a) Resumption of the second reading debate	1	10 minutes
(b) Consideration by committee of the whole Council	Multiple	5 minutes
(c) Third reading debate	1	3 minutes

(Miranda HON)
for Clerk to the Legislative Council

Encl.

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018
Debate and voting arrangements

Object of the Bill : To amend the Waste Disposal Ordinance (Cap. 354) and the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354M) to establish a charging scheme for the disposal of municipal solid waste (“MSW”); to make related amendments to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354N) and the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570); and to provide for related matters.

Joint debate : Clauses with no amendment, and clauses with amendments and a new clause proposed by the Secretary for the Environment (“SEN”)	— Clauses 1 to 37 and proposed new clause 14A
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Joint debate on the original clauses and the amendments (including the proposed new clause).

SEN’s amendments

Arrangements on the mandatory use of designated bags (“DBs”) and designated labels (“DLs”)

Clauses 4, 6, 36 and 37

- To amend the proposed sections 20K(2)(a) and 20M(2)(a) of Cap. 354 to specify that the provisions on offences concerning the prohibition of depositing and delivering non-compliant waste (meaning MSW that neither is wrapped in a DB nor has a DL attached to it) specified in the proposed sections 20K(1) and 20M(1) do not apply to “a Government-employed waste handler” (instead of the Director of Food and Environmental Hygiene);
- to delete the proposed sections 20N and 20O of Cap. 354 with the effect that private waste collectors may use refuse collection vehicles with compactors for collecting MSW that is either wrapped in DBs or affixed with DLs; and to make consequential or related amendments to certain provisions; and
- to amend the proposed section 20Q(3)(a) of Cap. 354 to stress that defence is available for a person who deposits or delivers non-compliant waste (or causes or permits such non-compliant waste to be deposited or delivered) in an honest and reasonable belief that such waste will not be disposed of at a scheduled facility, whether because such waste is reasonably suitable for recycling or otherwise.

Exemption of certain persons from the mandatory use of DBs and DLs

Clause 4

- To add proposed sections 20RA and 20RB to Cap. 354 to empower the Director of Environmental Protection (“DEP”):
 - (a) to consider, if satisfied that it is reasonable to do so, granting exemption on a per application basis, to the effect that certain requirement(s) in respect of the mandatory use of DBs and DLs for handling MSW (such as the deposit or delivery of MSW) (“Requirements”) will not be applicable in relation to any MSW collected for or on behalf of the Government, or collected in the course of providing service for collecting material which is reasonably suitable for recycling; and

- (b) subject to certain conditions being satisfied (such as it is necessary to do so for public safety), to grant an exemption on DEP's own initiative to the effect that the Requirements will not be applicable to certain persons.

Exemption from the required use of registered vehicles to dispose of MSW at scheduled facilities

New clause 14A

- To add proposed sections 4A, 4B and 4C to Cap. 354M:
 - (a) to provide for DEP's power to grant an exemption on the requirements applicable to the disposal of MSW at a scheduled facility, taking into consideration matters such as the need for public safety, environmental hygiene or environmental protection, or exceptional circumstances (such as it would be impracticable for a person to comply with the relevant requirements); and
 - (b) to specify the considerations for DEP to grant exemption, and the conditions of vehicles that are suitable for disposing of MSW at scheduled facilities.

Other technical and textual amendments

Clauses 3, 4, 33 and 34

- To amend the Chinese and English wording of certain new defined terms proposed to be added to section 2 (interpretation) of Cap. 354 to make them more precise and easier to understand; and to make corresponding amendments to certain relevant provisions;
- to amend the text of the proposed sections 20K(2)(b), 20L(1), 20M(1)(b) and 20M(2)(b) of Cap. 354 in relation to another person or a person (other than a waste collection officer) "who is acting in the course of providing removal services at a refuse collection point or by a waste vehicle" to describe more specifically and clearly the identity of the persons concerned;
- to amend the wording relating to the defence provisions in the proposed sections 20Q(1) to (3), 20Y(4) and 20Z(4) of Cap. 354 by replacing "prove" with "establish" to ensure consistency with other defence provisions under Cap. 354; and
- to make a minor refinement to the definition of "transition date" in the proposed section 20 of Cap. 354M.

- Voting order** :
1. Clauses with no amendment (i.e. clauses 1, 2, 5, 7 to 32 and 35) standing part of the Bill
 2. SEN's amendments (involving clauses 3, 4, 6, 33, 34, 36 and 37)
 3. Clauses 3, 4, 6, 33, 34, 36 and 37 with amendments or without amendment standing part of the Bill
 4. Proposed new clause 14A be read the second time and added to the Bill

SEN's amendments

(set out in LC Paper No. CB(3)880/20-21 issued on 18 August 2021)