

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance
(Cap. 354)

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 (Commencement) Notice 2023

Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2023

INTRODUCTION

Under section 1(2) of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 (“the Amendment Ordinance”), the Secretary for Environment and Ecology has appointed 1 April 2024 as the day on which the uncommenced provisions of the Amendment Ordinance shall come into operation by virtue of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 (Commencement) Notice 2023 (“the Commencement Notice”) A (**Annex A**), implementing municipal solid waste (“MSW”) charging.

2. At the same time, the Secretary for Environment and Ecology has made the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2023 (“the CDCW Amendment Notice”) (**Annex B**) under section 25 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) (“the CDCW Regulation”). The Notice will take effect from 1 April 2024, with a view to adjusting the charges to be imposed in respect of construction waste accepted for disposal at the prescribed facilities (“construction waste disposal charges”). B

BACKGROUND

3. MSW charging sits at the centre of the overall waste reduction strategy of the Government. It encourages the community to reduce waste at source and practise clean recycling by using financial disincentives with a view to reducing the overall waste disposal amount. Since the Amendment Ordinance was passed by the Legislative Council (“LegCo”) on 26 August 2021, we have been actively taking forward relevant preparatory work, including establishing the manufacturing, inventory and distribution system and the retail network for the supply of designated bags and designated labels; conducting briefings and communicating with different stakeholders; providing specialised trainings and assistance for frontline staff of relevant trades; expanding the community recycling network and improving recycling facilities; strengthening the extensive public education and publicity campaigns on waste reduction and recycling, etc., to enable the Government, various stakeholders and the public to prepare adequately for the implementation of MSW charging.

4. Based on the progress of various preparatory work, the Government could have implemented MSW charging by end of 2023 as planned. Nonetheless, we note that some sectors, such as the cleansing service providers, have been appealing for postponing the implementation, in view of the expected large quantity of waste that will be disposed of around Christmas and Chinese New Year, as well as the manpower shortage during Chinese New Year. After consulting the LegCo Panel on Environmental Affairs (“EA Panel”), we have decided to implement MSW charging on 1 April 2024.

5. To complement the preparatory work of MSW charging, the then Secretary for the Environment published a notice in the Gazette on 20 May 2022 and appointed 1 September 2022 as the day on which certain provisions of the Amendment Ordinance would come into operation by virtue of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 (Commencement) Notice 2022, which include provisions relating to establishing registration arrangements for gate-fee at waste disposal facilities etc. Relevant details are set out in the

LegCo Brief prepared by the Environment Bureau and the Environmental Protection Department in May 2022 (file reference: EP CR 9/65/3/4).

JUSTIFICATIONS

The Commencement Notice

6. To facilitate the implementation of MSW charging on 1 April 2024, we need to appoint a day on which the uncommenced provisions of the Amendment Ordinance shall come into operation, which include provisions on relevant offences and their penalties, defences to offences, etc.

The CDCW Amendment Notice

7. The existing construction waste disposal charge at landfills is \$200 per tonne. Upon implementation of MSW charging, the MSW disposed of at landfills and to be charged by a weight-based gate fee will be charged at \$365 per tonne under the Amendment Ordinance. To prevent any deliberate mixing of MSW and construction waste for profit, which may be incentivised by the difference between the charging levels of the two types of waste, as well as cost considerations, we need to adjust the charging levels of construction waste disposal from the commencement date of the implementation of MSW charging. The CDCW Amendment Notice seeks to amend the schedules to the CDCW Regulation to increase the construction waste disposal charges, including the landfill charge, the sorting charge and the public fill charge. The adjusted construction waste disposal charges will take effect on 1 April 2024 to complement the implementation of MSW charging.

LEGISLATIVE TIMETABLE

8. The legislative timetable is as follows –

Gazettal of the Notices	13 October 2023
Tabling at the LegCo	18 October 2023

PUBLIC CONSULTATION

9. We have consulted the major stakeholders of the construction trade in early 2023 on the proposed adjustments to the construction waste disposal charges. They did not raise any objections to the proposed new construction waste disposal charging levels. We also consulted the LegCo EA Panel on the implementation date of MSW charging, the proposed adjustments to the construction waste disposal charges, as well as the two notices above on 14 July 2023.

PUBLICITY

10. To prepare different stakeholders for the implementation of MSW charging on 1 April 2024, we have publicised the arrangements of the charging scheme, including its implementation date, to stakeholders through various channels since August 2023, such as broadcasting Announcements in the Public Interest on television and radio; displaying advertisements on public transportation, at stations and stops; displaying different kinds of banners, posters and leaflets at outdoor locations; producing television and radio programmes and social media videos, etc. Regarding the adjustments to the construction waste disposal charges, we have already started disseminating information on the new charging levels and the implementation date stipulated in the CDCW Amendment Notice to various stakeholders of the trade since August this year, with a view to allowing the trade to make corresponding preparations in advance for the adjusted construction waste disposal charges, which will be implemented on 1 April 2024.

ENQUIRIES

11. Any enquiries on this brief could be addressed to Mr Clarence CHEANG, Administrative Officer (Municipal Solid Waste Charging Policy) of the Environmental Protection Department (Telephone: 3509 7648).

**Environment and Ecology Bureau
Environmental Protection Department
October 2023**

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021
(Commencement) Notice 2023

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**Waste Disposal (Charging for Municipal Solid Waste)
(Amendment) Ordinance 2021 (Commencement) Notice
2023**

Under section 1(2) of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021 (25 of 2021), I appoint 1 April 2024 as the day on which the uncommenced provisions of the Ordinance come into operation.

Secretary for Environment and
Ecology

2023

Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2023

(Made by the Secretary for Environment and Ecology under section 25 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N))

1. Commencement

This Notice comes into operation on 1 April 2024.

2. Waste Disposal (Charges for Disposal of Construction Waste) Regulation amended

The Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) is amended as set out in sections 3 to 6.

3. Schedule 1 amended (charges for disposal of construction waste at landfills)

(1) Schedule 1, Part 2, item (a)—

Repeal

“\$200”

Substitute

“\$365”.

(2) Schedule 1, Part 2, item (b)—

Repeal

“\$20”

Substitute

“\$36.5”.

(3) Schedule 1, Part 2, item (c)—

Repeal

“\$200”

Substitute

“\$365”.

4. Schedule 2 amended (charges for disposal of construction waste at refuse transfer stations)

Schedule 2, Part 2, items (a), (b) and (c)—

Repeal

“\$20”

Substitute

“\$36.5”.

5. Schedule 3 amended (charges for disposal of construction waste at sorting facilities)

(1) Schedule 3, Part 2, item (a)—

Repeal

“\$175”

Substitute

“\$340”.

(2) Schedule 3, Part 2, item (b)—

Repeal

“\$17.5”

Substitute

“\$34”.

- (3) Schedule 3, Part 2, item (c)—

Repeal

“\$175”

Substitute

“\$340”.

6. Schedule 4 amended (charges for disposal of construction waste at public fill reception facilities)

- (1) Schedule 4, Part 2, item (a)—

Repeal

“\$71”

Substitute

“\$87”.

- (2) Schedule 4, Part 2, item (b)—

Repeal

“\$7.1”

Substitute

“\$8.7”.

- (3) Schedule 4, Part 2, item (c)—

Repeal

“\$71”

Substitute

“\$87”.

- (4) Schedule 4, Part 2, item (d)—

Repeal

“\$7.1”

Substitute

“\$8.7”.

Secretary for Environment and
Ecology

2023

Explanatory Note

This Notice amends Schedules 1 to 4 to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap. 354 sub. leg. N) (*Regulation*) to increase the charges imposed in respect of construction waste accepted for disposal at the following waste disposal facilities—

- (a) landfills specified in Part 1 of Schedule 1 to the Regulation (section 3);
- (b) refuse transfer stations specified in Part 1 of Schedule 2 to the Regulation (section 4);
- (c) sorting facilities specified in Part 1 of Schedule 3 to the Regulation (section 5); and
- (d) public fill reception facilities specified in Part 1 of Schedule 4 to the Regulation (section 6).