

## 2004 年第 166 號法律公告

## 《廢物處置(建築廢物處置收費)規例》

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## L.N. 166 of 2004

WASTE DISPOSAL (CHARGES FOR DISPOSAL OF  
CONSTRUCTION WASTE) REGULATION

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## 《廢物處置(建築廢物處置收費)規例》

(由行政長官會同行政會議根據《廢物處置條例》(第 354 章)  
第 33 條在諮詢環境諮詢委員會後訂立)

## 第 1 部

## 導言

## 1. 生效日期

本規例自環境運輸及工務局局長以憲報公告指定的日期起實施。

## 2. 釋義

在本規例中，除文意另有所指外——

- “公眾填料接收設施”(public fill reception facility) 指附表 4 第 1 部指明的公眾填料接收設施；
- “公眾填料費”(public fill charge) 指根據第 16 條須繳付的公眾填料費；
- “合約”(contract) 指書面合約；
- “附加費”(surcharge) 指根據第 18(3) 條須繳付的附加費；
- “訂明收費”(prescribed charge) 指堆填費、篩選分類費或公眾填料費；
- “訂明設施”(prescribed facility) 指堆填區、廢物轉運站、篩選分類設施或公眾填料接收設施；
- “指明表格”(specified form) 就本規例之下的任何目的而言，指署長根據第 20 條就該目的而指明的表格；
- “指定廢物處置設施”(designated waste disposal facility) 的涵義與《廢物處置(指定廢物處置設施)規例》(第 354 章，附屬法例 L) 第 2(1) 條中該詞的涵義相同；

WASTE DISPOSAL (CHARGES FOR DISPOSAL OF  
CONSTRUCTION WASTE) REGULATION

(Made by the Chief Executive in Council under section 33 of the  
Waste Disposal Ordinance (Cap. 354) after consultation  
with the Advisory Council on the Environment)

## PART 1

## PRELIMINARY

## 1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

## 2. Interpretation

In this Regulation, unless the context otherwise requires—

- “account-holder”(帳戶戶主) means a person who has established a billing account or an exemption account;
- “billing account”(繳費帳戶) means a billing account established under section 6(1);
- “construction waste”(建築廢物) means any substance, matter or thing that is generated from construction work and abandoned, whether or not it has been processed or stockpiled before being abandoned, but does not include any sludge, screenings or matter removed in or generated from any desludging, desilting or dredging works;
- “construction work”(建造工程) means—
- (a) the construction, erection, installation, reconstruction, repair, maintenance (including redecoration and external cleaning), renewal, removal, alteration, improvement, addition, dismantling, or demolition of any of the following structures or works—
    - (i) any building, edifice, wall, fence or chimney, whether constructed wholly or partly above or below ground level;
    - (ii) any road, motorway, railway, tramway, cableway, aerial ropeway or canal;
    - (iii) any harbour works, dock, pier, sea defence works or lighthouse;
    - (iv) any aqueduct, viaduct, bridge or tunnel;

“建造工程”(construction work)指——

- (a) 以下任何構築物或工程的建造、架設、安裝、重建、修葺、維修(包括重新修飾及外圍清理)、翻新、移去、改動、改善、增建、拆除或拆卸——
- (i) 任何建築物、大廈、牆壁、圍欄或煙囪，不論它們是否完全或部分在高於或低於地面之處建造；
  - (ii) 任何道路、行車道、鐵路、電車軌道、纜道、架空索道或渠道；
  - (iii) 任何海港工程、船塢、碼頭、海防工程或燈塔；
  - (iv) 任何水道橋、高架橋、橋樑或隧道；
  - (v) 任何污水渠、污水處理工程或濾水池；
  - (vi) 任何機場或與航空有關連的工程；
  - (vii) 任何堤壩、蓄水庫、井、渠管、暗渠、豎井或填海工程；
  - (viii) 任何渠務、灌溉或河道管制工程；
  - (ix) 任何關於水務、電力、煤氣、電話、電訊、無線電或電視的裝置或工程，或任何為製造或傳送電力或為傳送或接收無線電波或聲波而設計的其他工程；
  - (x) 任何專為支持機械、工業裝置或輸電纜而設計的構築物；
  - (xi) 任何斜坡鞏固或處理工程；
  - (xii) 任何地盤平整工程、土地勘測、基礎工程或建築作業；
- (b) 預備進行(a)段提述的任何作業所涉及的任何工作；或
- (c) 在與進行(a)或(b)段提述的任何作業或工作有關連的情況下使用機械、工業裝置、工具、用具及物料；

“建築廢物”(construction waste)指建造工程所產生並已被扔棄(不論在被扔棄之前是否經處理或堆存)的物質、物體或東西，但不包括從任何清除污泥、除淤或疏浚工程中移去的或該等工程所產生的任何污泥、隔濾物或物體；

“帳戶戶主”(account-holder)指已開立繳費帳戶或豁免繳費帳戶的人；

“堆填區”(landfill)指附表 1 第 1 部指明的堆填區；

“堆填費”(landfill charge)指根據第 14 條須繳付的堆填費；

“惰性建築廢物”(inert construction waste)指屬於附表 5 指明的物料類型的建築廢物；

“最高載重”(maximum load)就某船隻而言，指署長根據第 12(2)條釐定的該船隻能夠運載的最高載量的重量；

“廢物轉運站”(refuse transfer station)指附表 2 第 1 部指明的廢物轉運站；

“篩選分類設施”(sorting facility)指附表 3 第 1 部指明的篩選分類設施；

- (v) any sewer, sewage disposal works or filter bed;
  - (vi) any airport or works connected with air navigation;
  - (vii) any dam, reservoir, well, pipeline, culvert, shaft or reclamation;
  - (viii) any drainage, irrigation or river control works;
  - (ix) any water, electrical, gas, telephonic, telegraphic, radio or television installation or works, or any other works designed for the manufacturing or transmission of power or the transmission or reception of radio or sound waves;
  - (x) any structure designed for the support of machinery, plant or power transmission lines;
  - (xi) any slope stabilization or treatment works;
  - (xii) any site formation works, ground investigation, foundation works or building operation;
- (b) any work involved in preparing for any operation referred to in paragraph (a); or
- (c) the use of machinery, plant, tools, gear and materials in connection with any operation or work referred to in paragraph (a) or (b);

“contract”(合約) means a contract in writing;

“designated waste disposal facility”(指定廢物處置設施) has the same meaning as in section 2(1) of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L);

“exemption account”(豁免繳費帳戶) means an exemption account established under section 8(1);

“inert construction waste”(惰性建築廢物) means construction waste belonging to a type of material specified in Schedule 5;

“landfill”(堆填區) means a landfill specified in Part 1 of Schedule 1;

“landfill charge”(堆填費) means a landfill charge payable under section 14;

“maximum load”(最高載重), in relation to a vessel, means the weight of the maximum load that the vessel is capable of carrying, as determined by the Director under section 12(2);

“prescribed charge”(訂明收費) means a landfill charge, sorting charge or public fill charge;

“prescribed facility”(訂明設施) means a landfill, refuse transfer station, sorting facility or public fill reception facility;

“public fill charge”(公眾填料費) means a public fill charge payable under section 16;

“public fill reception facility”(公眾填料接收設施) means a public fill reception facility specified in Part 1 of Schedule 4;

“refuse transfer station”(廢物轉運站) means a refuse transfer station specified in Part 1 of Schedule 2;

“sorting charge”(篩選分類費) means a sorting charge payable under section 15;

“篩選分類費”(sorting charge)指根據第 15 條須繳付的篩選分類費；  
 “豁免繳費帳戶”(exemption account)指根據第 8(1) 條開立的豁免繳費帳戶；  
 “繳費帳戶”(billing account)指根據第 6(1) 條開立的繳費帳戶。

## 第 2 部

### 於訂明設施處置建築廢物

#### 3. 於訂明設施處置建築廢物的條件

(1) 在符合第 (2) 款的規定下，只有在下述規定均獲符合的情況下，建築廢物方可於指定廢物處置設施被接收處置——

- (a) 該設施是訂明設施；
- (b) 署長信納有關建築廢物符合在附表 6 中就有關的訂明設施而指明的惰性建築廢物成分的規定；
- (c) 送交有關建築廢物的人或由他人代為將有關廢物送交的人是有效繳費帳戶的帳戶戶主；及
- (d) 有關建築廢物是在遵照就該帳戶所施加的一切使用條款的情況下被送交的。

(2) 凡有關建築廢物是根據第 9(2) 條提述的合約承辦的建造工程所產生的，則第 (1)(c) 及 (d) 款提述的繳費帳戶必須是專為該合約而開立的帳戶。

(3) 凡有關建築廢物是根據第 7(1) 條提述的合約承辦的建造工程所產生的，只要專為該合約而開立的豁免繳費帳戶是一個有效豁免繳費帳戶，則第 (1)(c) 及 (d) 款提述的繳費帳戶可由該豁免繳費帳戶取代。

(4) 只有在除符合第 (1) 及 (2) 款外下述規定亦均獲符合的情況下，以船隻送交的建築廢物方可於指定廢物處置設施被接收處置——

- (a) 該設施是公眾填料接收設施；
- (b) 該船隻獲署長根據第 4 部批准作上述用途；及
- (c) 有關建築廢物是在遵照就批准該船隻所施加的一切使用條款的情況下被送交的。

“sorting facility” (篩選分類設施) means a sorting facility specified in Part 1 of Schedule 3;  
 “specified form” (指明表格), in relation to any purpose under this Regulation, means a form specified for that purpose by the Director under section 20;  
 “surcharge” (附加費) means a surcharge payable under section 18(3).

## PART 2

### DISPOSAL OF CONSTRUCTION WASTE AT PRESCRIBED FACILITIES

#### 3. Conditions for disposal of construction waste at prescribed facilities

(1) Subject to subsection (2), construction waste may be accepted for disposal at a designated waste disposal facility only if—

- (a) the facility is a prescribed facility;
- (b) the Director is satisfied that the requirement in respect of the content of inert construction waste specified in Schedule 6 for the prescribed facility concerned is complied with in respect of the construction waste;
- (c) the person who delivers it, or on whose behalf it is delivered, is an account-holder of a valid billing account; and
- (d) the construction waste is delivered in accordance with all the conditions of use imposed in relation to that account.

(2) Where the construction waste is generated from construction work undertaken under a contract referred to in section 9(2), the billing account referred to in subsection (1)(c) and (d) must be one established solely in respect of that contract.

(3) Where the construction waste is generated from construction work undertaken under a contract referred to in section 7(1), the billing account referred to in subsection (1)(c) and (d) may instead be an exemption account established solely in respect of that contract, so long as that account is a valid exemption account.

(4) Construction waste delivered by a vessel to a designated waste disposal facility may be accepted for disposal at the facility only if, in addition to the requirements in subsections (1) and (2)—

- (a) the facility is a public fill reception facility;
- (b) the vessel is approved by the Director to be used for this purpose under Part 4; and
- (c) the construction waste is delivered in accordance with the conditions of use imposed in relation to the approval of that vessel.

(5) 第(1)(c)及(d)款並不就符合下述說明的建築廢物適用—

- (a) 以政府擁有的車輛送交的；或
- (b) 因訂明設施的作業而得來的。

(6) 在不影響根據第(1)或(4)款而不可接收建築廢物的情況的原則下，署長可在他認為合適的其他情況下，拒絕於某指定廢物處置設施接收任何廢物。

(7) 在本條中—

“有效豁免繳費帳戶”(valid exemption account)指在有關建築廢物被送交訂明設施處置時既沒有被撤銷、亦尚未期滿失效的豁免繳費帳戶；

“有效繳費帳戶”(valid billing account)指在有關建築廢物被送交訂明設施處置時既沒有被暫時吊銷或被撤銷、亦並非已結束的繳費帳戶。

#### 4. 查看廢物和決定是否須繳付收費的權力

署長可—

- (a) 為施行第3條的目的，進行查看以裁斷送交指定廢物處置設施的某一載量的廢物是否建築廢物，以及第3(1)(b)條的規定是否獲符合；及
- (b) 決定是否就於某訂明設施接收處置的任何廢物而徵收訂明收費。

### 第3部

#### 繳費帳戶及豁免繳費帳戶

#### 5. 申請關於處置建築廢物的繳費帳戶

- (1) 任何人可藉以指明表格作出的書面申請，向署長申請開立繳費帳戶。
- (2) 指明表格可規定該表格須—
  - (a) 按指明的方法填寫；
  - (b) 包括或附同指明的資料或文件；或
  - (c) 以指明的方式呈交。

(5) Subsection (1)(c) and (d) does not apply in respect of construction waste that is—

- (a) delivered by a vehicle owned by the Government; or
- (b) arising from the operation of a prescribed facility.

(6) Without prejudice to the circumstances in which construction waste may not be accepted under subsection (1) or (4), the Director may refuse to accept any waste at a designated waste disposal facility in such other circumstances as he thinks fit.

(7) In this section—

“valid billing account” (有效繳費帳戶) means a billing account that is not suspended, revoked or closed at the time the construction waste concerned is delivered to the prescribed facility for disposal;

“valid exemption account” (有效豁免繳費帳戶) means an exemption account that is not revoked or has not expired at the time the construction waste concerned is delivered to the prescribed facility for disposal.

#### 4. Powers to inspect waste and determine whether charge is payable

The Director may—

- (a) for the purposes of section 3, carry out an inspection to determine whether a load of waste delivered to a designated waste disposal facility is construction waste and whether the requirement in section 3(1)(b) is complied with; and
- (b) determine whether a prescribed charge is to be imposed in respect of any waste accepted for disposal at a prescribed facility.

### PART 3

#### BILLING ACCOUNTS AND EXEMPTION ACCOUNTS

#### 5. Application for billing account for disposal of construction waste

(1) A person may apply to establish a billing account by making an application to the Director in writing and in the specified form.

(2) The specified form may require that—

- (a) it be completed in a specified way;
- (b) specified information or documents be included in or attached to it; or
- (c) it be submitted in a specified manner.

(3) 署長可藉書面通知，要求申請人在該通知所指明的合理時間內，提供為使署長能夠裁斷有關申請而合理地需要的進一步資料及文件。

(4) 如根據本條提供予署長的資料在對有關申請的裁斷作出前有變更，除非該項申請已被撤回，否則申請人須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。

(5) 如本條中的任何規定未獲遵守，該項申請須視作並非妥當作出。

#### 6. 裁斷關於繳費帳戶的申請

(1) 署長可批准關於開立繳費帳戶的申請或拒絕該項申請。

(2) 在下述情況下署長可拒絕申請——

(a) 該項申請並非妥當作出；

(b) 申請人就該項申請提供的資料不正確或具誤導性；或

(c) 申請人已開立的另一繳費帳戶中有尚欠的訂明收費或附加費。

(3) 署長須向申請人給予關於批准或拒絕一項申請的決定的書面通知。如署長拒絕該項申請，他須在該通知內包括一項陳述，列明作出該項決定的理由。

(4) 署長可在他認為適當的條款的規限下批准開立繳費帳戶的申請。

(5) 在不局限第(4)款的情況下，署長可施加——

(a) 任何若遭違反便會令署長可撤銷有關的繳費帳戶的基本條款；及

(b) 任何為將建築廢物送交訂明設施處置而必須遵守的使用條款，包括要求帳戶戶主向署長繳付署長指明款額的按金以作繳付任何訂明收費或附加費的保證的條款。

(6) 署長可不時藉給予帳戶戶主書面通知而施加額外的條款，或更改或撤銷任何根據本條施加的條款。

(7) 就繳費帳戶而提供予署長的資料如有變更，帳戶戶主須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。

(3) The Director may, by notice in writing, require an applicant to provide, within a reasonable period specified in the notice, additional information and documents as are reasonably necessary to enable the Director to determine the application.

(4) Where a change in the information provided to the Director under this section occurs before the determination of the application, the applicant shall, as soon as reasonably practicable, inform the Director in writing of the change unless the application has been withdrawn.

(5) If any requirement under this section is not complied with, the application is to be treated as not properly made.

#### 6. Determination of application for billing account

(1) The Director may approve an application to establish a billing account or reject the application.

(2) The Director may reject the application if—

(a) the application is not properly made;

(b) the information provided by the applicant in relation to the application is incorrect or misleading; or

(c) a prescribed charge or surcharge is outstanding under another billing account established by the applicant.

(3) The Director shall give the applicant notice in writing of the decision to approve or reject an application. If the Director rejects the application, he shall include in the notice a statement setting out the reasons for the decision.

(4) The Director may approve an application to establish a billing account subject to such conditions as the Director considers appropriate.

(5) Without limiting subsection (4), the Director may impose—

(a) any basic conditions on the breach of which the Director may revoke the billing account; and

(b) any conditions of use that must be complied with for the purpose of delivering construction waste to a prescribed facility for disposal, including a condition requiring the account-holder to pay to the Director a deposit of an amount specified by the Director as security for the payment of any prescribed charge or surcharge.

(6) The Director may from time to time, by giving notice in writing to the account-holder, impose any additional conditions or vary or revoke any conditions imposed under this section.

(7) Where a change in the information provided to the Director in relation to a billing account occurs, the account-holder shall, as soon as reasonably practicable, inform the Director in writing of the change.

(8) 如繳費帳戶的帳戶戶主無合理辯解而沒有遵守第(7)款或任何就該帳戶施加的基本條款，則署長可撤銷該帳戶。

#### 7. 關於豁免繳費帳戶的申請

(1) 如署長信納擬由某人或由他人代該人送交訂明設施處置的建築廢物，是根據本條生效前已授予的合約承辦的建造工程所產生的；則署長可應申請而批准該人專為該合約而開立一個豁免繳費帳戶。

(2) 該豁免繳費帳戶的戶主無須就根據該合約承辦的建造工程所產生的建築廢物而繳付任何訂明收費。

(3) 任何關於開立豁免繳費帳戶的申請必須不遲於自本條生效後的 21 天內作出。該申請必須以書面和指明表格作出。

(4) 指明表格可規定該表格須——

- (a) 按指明的方法填寫；
- (b) 包括或附同指明的資料或文件；或
- (c) 以指明的方式呈交。

(5) 署長可藉書面通知，要求申請人在該通知所指明的合理時間內，提供為使署長能夠裁斷有關申請而合理地需要的進一步資料及文件。

(6) 如根據本條提供予署長的資料在對有關申請的裁斷作出前有變更，除非該項申請已被撤回，否則申請人須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。

(7) 如第(3)、(4)、(5)或(6)款中的任何規定未獲遵守，該項申請須視作並非妥當作出。

#### 8. 裁斷關於豁免繳費帳戶的申請

- (1) 署長可批准關於開立豁免繳費帳戶的申請或拒絕該項申請。
- (2) 署長在批准該項申請時，可將該帳戶的有效期限為一段指明的期間。
- (3) 在符合第 7(1) 條的規定下，在下列情況下署長可拒絕申請——
  - (a) 該項申請並非妥當作出；或

(8) The Director may revoke a billing account if the account-holder, without reasonable excuse, fails to comply with subsection (7) or with any basic condition imposed in relation to the account.

#### 7. Application for exemption account

(1) If the Director is satisfied that the construction waste intended to be delivered by a person or on his behalf to a prescribed facility for disposal is generated from construction work undertaken under a contract that has been awarded before the commencement of this section, the Director may, on application, give approval for that person to establish an exemption account solely in respect of that contract.

(2) No prescribed charge is payable by the account-holder of that exemption account in respect of construction waste generated from construction work undertaken under that contract.

(3) Any application to establish an exemption account must be made not later than 21 days from the commencement of this section. The application must be made in writing and in the specified form.

(4) The specified form may require that—

- (a) it be completed in a specified way;
- (b) specified information or documents be included in or attached to it; or
- (c) it be submitted in a specified manner.

(5) The Director may, by notice in writing, require an applicant to provide, within a reasonable period specified in the notice, additional information and documents as are reasonably necessary to enable the Director to determine the application.

(6) Where a change in the information provided to the Director under this section occurs before the determination of the application, the applicant shall, as soon as reasonably practicable, inform the Director in writing of the change unless the application has been withdrawn.

(7) If any requirement under subsection (3), (4), (5) or (6) is not complied with, the application is to be treated as not properly made.

#### 8. Determination of application for exemption account

(1) The Director may approve an application to establish an exemption account or reject the application.

(2) On approving the application, the Director may limit the validity of that account to a specified period.

- (3) Subject to section 7(1), the Director may reject the application if—
  - (a) the application is not properly made; or



- (b) 申請人就該項申請提供的資料不正確或具誤導性。
- (4) 署長須向申請人給予關於批准或拒絕一項申請的決定的書面通知。如署長拒絕該項申請，他須在該通知內包括一項陳述，列明作出該項決定的理由。
- (5) 署長可在他認為適當的條款的規限下批准開立豁免繳費帳戶的申請。
- (6) 在不局限第(5)款的情況下，署長可施加——
- (a) 任何若遭違反便會令署長可撤銷有關的豁免繳費帳戶的基本條款；及
- (b) 任何為將建築廢物送交訂明設施處置而必須遵守的使用條款。
- (7) 署長可不時藉給予帳戶戶主書面通知而施加額外的條款，或更改或撤銷任何根據本條施加的條款。
- (8) 如豁免繳費帳戶的帳戶戶主無合理辯解而沒有遵守任何就該帳戶施加的基本條款，則署長可撤銷該帳戶。
- (9) 就豁免繳費帳戶而提供予署長的資料如有變更，帳戶戶主須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。
- (10) 豁免繳費帳戶的帳戶戶主無合理辯解而沒有遵守第(9)款，即屬犯罪，一經定罪，可處第6級罰款。
- (11) 署長可藉他認為適當的方式公布關於某豁免帳戶的有效期限是局限為一段指明的期間，或該帳戶已被撤銷或期滿失效的資料。

#### 9. 建造工程的主要承判商申請繳費帳戶的責任

- (1) 如主要承判商根據一項在本條生效當日或之後授予的合約承辦一宗價值 \$1,000,000 或以上的建造工程，則該承判商須於獲授予該合約後的 21 天內，向署長申請開立一個專為該合約而開立的繳費帳戶。
- (2) 凡署長已批准關於專為該合約而開立的繳費帳戶的申請，有關主要承判商須確保就根據該合約承辦的建造工程所產生的建築廢物而須繳付的任何訂明收費是使用該繳費帳戶繳付的。

- (b) the information provided by the applicant in relation to the application is incorrect or misleading.

(4) The Director shall give the applicant notice in writing of the decision to approve or reject an application. If the Director rejects the application, he shall include in the notice a statement setting out the reasons for the decision.

(5) The Director may approve an application to establish an exemption account subject to such conditions as the Director considers appropriate.

(6) Without limiting subsection (5), the Director may impose—

(a) any basic conditions on the breach of which the Director may revoke the exemption account; and

(b) any conditions of use that must be complied with for the purpose of delivering construction waste to a prescribed facility for disposal.

(7) The Director may from time to time, by giving notice in writing to the account-holder, impose any additional conditions or vary or revoke any conditions imposed under this section.

(8) The Director may revoke an exemption account if the account-holder, without reasonable excuse, fails to comply with any basic condition imposed in relation to the account.

(9) Where a change in the information provided to the Director in relation to an exemption account occurs, the account-holder shall, as soon as reasonably practicable, inform the Director in writing of the change.

(10) The account-holder of an exemption account who, without reasonable excuse, fails to comply with subsection (9) commits an offence and is liable to a fine at level 6.

(11) The Director may make public the information that the validity of an exemption account is limited to a specified period or the account has been revoked or has expired, in a manner the Director considers appropriate.

#### 9. Duty of main contractor of construction work to apply for billing account

(1) A main contractor who undertakes construction work with a value of \$1,000,000 or above under a contract that has been awarded on or after the commencement of this section shall, within 21 days after being awarded the contract, make an application to the Director to establish a billing account solely in respect of that contract.

(2) Where the Director has approved the application to establish a billing account solely in respect of that contract, the main contractor shall ensure that that billing account is used for paying any prescribed charge payable in respect of construction waste generated from construction work undertaken under that contract.

(3) 在本條中，“主要承判商”(main contractor)指直接與土地擁有人或佔用人，或與該擁有人或佔用人的代理人或核准建築師、測量師或工程師訂立合約，以便為該擁有人或佔用人進行任何建造工程的人。

(4) 就第(1)款而言，“價值”(value)就根據某合約承辦的建造工程而言，指該合約內述明的或可參照該合約而確定的可歸於該工程的代價。

(5) 儘管有第(4)款的規定，如在某特定個案中，按照該款釐定的可歸於有關建造工程的代價低於在公開市場就進行該工程而可預期的合理代價，則該款須當作載有對本款所描述的合理代價的提述而非對該款所描述的代價的提述。

(6) 就第(5)款而言，署長可在確定關於進行任何建造工程的合理代價時考慮以下全部或任何事項—

- (a) 該建造工程所用物料的成本或價值；
- (b) 該建造工程所涉及的時間、工作及勞工的成本或價值；
- (c) 該建造工程中所用的設備；
- (d) 就該建造工程招致而署長認為屬合理的各項經營成本；
- (e) 就進行該建造工程而在公開市場可預期得到的合理利潤；
- (f) 署長認為適當的任何其他因素。

(7) 主要承判商無合理辯解而沒有遵守第(1)款，即屬犯罪，一經定罪，可處第5級罰款，如該罪行屬持續罪行，則須就該罪行持續期間每天另處罰款\$1,000。

(8) 主要承判商無合理辯解而沒有遵守第(2)款，即屬犯罪，一經定罪，可處第5級罰款。

## 10. 按金

- (1) 本條適用於帳戶戶主就繳費帳戶而向署長繳付的任何按金。
- (2) 就該按金無須支付利息予帳戶戶主，該按金亦不得轉讓。

(3) In this section, “main contractor” (主要承判商) means a person who enters into a contract directly with an owner or occupier of any land, or with an agent or authorized architect, surveyor or engineer of such owner or occupier, to perform any construction work for such owner or occupier.

(4) For the purpose of subsection (1), “value” (價值), in relation to construction work undertaken under a contract, means the consideration attributable to such work, as stated in, or ascertainable by reference to, the contract.

(5) Notwithstanding subsection (4), if in a particular case the consideration attributable to the construction work concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open market in respect of the carrying out of such work, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.

(6) For the purpose of subsection (5), the Director may, when ascertaining the reasonable consideration in respect of the carrying out of any construction work, have regard to all or any of the following matters—

- (a) the cost or value of materials to be used in the construction work;
- (b) the cost or value of time, work and labour to be involved in the construction work;
- (c) the equipment to be used in the construction work;
- (d) such overhead costs to be incurred in relation to the construction work as the Director considers reasonable;
- (e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction work;
- (f) any other factors that the Director considers appropriate.

(7) A main contractor who, without reasonable excuse, fails to comply with subsection (1) commits an offence and is liable to a fine at level 5 and, in the case of a continuing offence, to a further daily fine of \$1,000 for each day during which the offence continues.

(8) A main contractor who, without reasonable excuse, fails to comply with subsection (2) commits an offence and is liable to a fine at level 5.

## 10. Deposits

(1) This section applies to any deposit paid to the Director by an account-holder in relation to a billing account.

(2) No interest is payable to the account-holder on the deposit and the deposit is not transferable.

(3) 如某按金是就某繳費帳戶繳付，而該帳戶中有尚欠的訂明收費或附加費，則署長可運用該按金支付未繳付的訂明收費或附加費。

(4) 在符合第(5)款的規定下——

- (a) 在繳費帳戶應帳戶戶主的請求而結束時；
- (b) 在繳費帳戶被撤銷時；或
- (c) 如署長認為不再需要有關按金，

署長須將該按金退回該帳戶戶主，如該按金已根據第(3)款被運用，署長則須將餘款(如有的話)退回該帳戶戶主。

(5) 署長如認為只不再需要按金或餘款中的某部分，則可僅將該部分退回該帳戶戶主。

(6) 署長可隨時藉給予帳戶戶主的書面通知——

- (a) 增加須繳付作按金的款額，而增加的款額則由該通知指明；及
- (b) 要求帳戶戶主於該通知指明的期限前和按該通知指明的方式，將增加的款額繳付予署長。

#### 第 4 部

##### 以船隻將建築廢物送交公眾填料接收設施

#### 11. 有關批准以船隻將建築廢物送交公眾填料接收設施

(1) 署長可應帳戶戶主的申請，批准某鋼駁船或鋼開底泥壘被用作將惰性建築廢物送交公眾填料接收設施處置的船隻。

(2) 申請必須——

- (a) 以書面和指明表格向署長作出；及
- (b) 附有使署長能夠為計算適用於有關船隻的公眾填料費而釐定該船隻的最高載重的資料或文件。

(3) 指明表格可規定該表格須——

- (a) 按指明的方法填寫；

(3) The Director may apply any such deposit towards the payment of any unpaid prescribed charge or surcharge outstanding under the billing account in relation to which the deposit is paid.

(4) Subject to subsection (5), the Director shall refund to an account-holder the deposit or, if it has been applied under subsection (3), the balance, if any—

- (a) upon the closure, at the account-holder's request, of the billing account;
- (b) upon the revocation of the billing account; or
- (c) if the Director is of the opinion that the deposit is no longer required.

(5) The Director may refund to the account-holder only part of the deposit or the balance if the Director is of the opinion that only that part is no longer required.

(6) The Director may at any time, by notice in writing to an account-holder—

- (a) increase the amount required to be paid as a deposit by an amount specified in the notice; and
- (b) require the account-holder to pay the increase to the Director within the period and in the manner specified in the notice.

#### PART 4

##### DELIVERY OF CONSTRUCTION WASTE TO PUBLIC FILL FACILITIES BY VESSELS

#### 11. Application for vessel to be approved for delivering construction waste to public fill reception facility

(1) The Director may, on application by an account-holder, approve a steel lighter or steel hopper barge to be used as a vessel for delivering inert construction waste to a public fill reception facility for disposal.

(2) An application must be—

- (a) made to the Director in writing and in the specified form; and
- (b) accompanied by information or documents that enable the Director to determine the maximum load of the vessel concerned for the purpose of calculating the public fill charge applicable to it.

(3) The specified form may require that—

- (a) it be completed in a specified way;

- (b) 包括或附同指明的資料或文件；或
- (c) 以指明的方式呈交。

(4) 署長可藉書面通知，要求申請人在該通知所指明的合理時間內，提供為使署長能夠裁斷有關申請而合理地需要的進一步資料及文件。

(5) 如根據本條提供予署長的資料在對有關申請的裁斷作出前有變更，除非該項申請已被撤回，否則申請人須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。

(6) 如第 (2)、(3)、(4) 或 (5) 款中的任何規定未獲遵守，該項申請須視作並非妥當作出。

## 12. 裁斷關於批准以船隻送交建築廢物的申請

(1) 署長可根據第 11 條批准某船隻或拒絕有關申請。

(2) 署長在批准該船隻時，須為計算適用於該船隻的公眾填料費而釐定該船隻的最高載重。

(3) 在下述情況下署長可拒絕申請——

- (a) 該船隻不是鋼駁船或鋼開底泥躉；
- (b) 該項申請並非妥當作出；或
- (c) 申請人就該項申請提供的資料不正確或具誤導性。

(4) 署長須向申請人給予關於批准或拒絕一項申請的決定的書面通知。如署長拒絕該項申請，他須在該通知內包括一項陳述，列明作出該項決定的理由。

(5) 署長可在他認為適當的條款的規限下批准有關船隻。

(6) 在不局限第 (5) 款的情況下，署長可施加——

- (a) 任何若遭違反便會令署長可撤銷有關的批准的基本條款；及
- (b) 任何為以該船隻將建築廢物送交訂明設施處置而必須遵守的使用條款。

(7) 署長可不時藉給予帳戶戶主書面通知而施加額外的條款，或更改或撤銷任何根據本條施加的條款。

(b) specified information or documents be included in or attached to it; or

(c) it be submitted in a specified manner.

(4) The Director may, by notice in writing, require an applicant to provide, within a reasonable period specified in the notice, additional information and documents as are reasonably necessary to enable the Director to determine the application.

(5) Where a change in the information provided to the Director under this section occurs before the determination of the application, the applicant shall, as soon as reasonably practicable, inform the Director in writing of the change unless the application has been withdrawn.

(6) If any requirement under subsection (2), (3), (4) or (5) is not complied with, the application is to be treated as not properly made.

## 12. Determination of application for vessel to be approved for delivering construction waste

(1) The Director may approve a vessel under section 11 or reject the application.

(2) On approving the vessel, the Director shall determine the maximum load of the vessel for the purpose of calculating the public fill charge applicable to it.

(3) The Director may reject the application if—

- (a) the vessel is not a steel lighter or steel hopper barge;
- (b) the application is not properly made; or
- (c) the information provided by the applicant in relation to the application is incorrect or misleading.

(4) The Director shall give the applicant notice in writing of the decision to approve the vessel or reject the application. If the Director rejects the application, he shall include in the notice a statement setting out the reasons for the decision.

(5) The Director may approve the vessel subject to such conditions as the Director considers appropriate.

(6) Without limiting subsection (5), the Director may impose—

- (a) any basic conditions on the breach of which the Director may revoke the approval; and
- (b) any conditions of use that must be complied with for the purpose of using the vessel to deliver construction waste to a prescribed facility for disposal.

(7) The Director may from time to time, by giving notice in writing to the account-holder, impose any additional conditions or vary or revoke any conditions imposed under this section.

(8) 就根據本部獲批准的船隻而提供予署長的資料如有變更，帳戶戶主須在合理切實可行範圍內盡快以書面形式將該項變更告知署長。

(9) 如獲批准的船隻的帳戶戶主無合理辯解而沒有遵守第 (8) 款或任何就該項批准所施加的基本條款，則署長可撤銷該項批准。

## 第 5 部

### 訂明費用的繳付

#### 13. 使用繳費帳戶繳付訂明收費

帳戶戶主根據本部就由他或代他送交訂明設施處置的建築廢物而須繳付的訂明收費，必須使用該帳戶戶主開立的繳費帳戶繳付。

#### 14. 堆填費

(1) 繳費帳戶的帳戶戶主須就由他或代他送交堆填區處置的每一建築廢物載量，向署長繳付按照附表 1 第 2 部計算的堆填費。

(2) 繳費帳戶的帳戶戶主須就由他或代他送交廢物轉運站處置的每一建築廢物載量，向署長繳付按照附表 2 第 2 部計算的堆填費。

(3) 如送交堆填區或廢物轉運站處置的某廢物載量含有建築廢物及其他廢物，則為計算適用於該載量的堆填費的目的，該載量須視作完全由建築廢物組成。

#### 15. 篩選分類費

繳費帳戶的帳戶戶主須就由他或代他送交篩選分類設施處置的每一建築廢物載量，向署長繳付按照附表 3 第 2 部計算的篩選分類費。

(8) Where a change in the information provided to the Director in relation to a vessel approved under this Part occurs, the account-holder shall, as soon as reasonably practicable, inform the Director in writing of the change.

(9) The Director may revoke the approval of a vessel if the account-holder, without reasonable excuse, fails to comply with subsection (8) or with any basic condition imposed in relation to that approval.

## PART 5

### PAYMENT OF PRESCRIBED CHARGES

#### 13. Prescribed charges to be paid using billing account

A prescribed charge payable by an account-holder under this Part in respect of the construction waste delivered by him or on his behalf to a prescribed facility for disposal must be paid using a billing account established by that account-holder.

#### 14. Landfill charge

(1) An account-holder of a billing account shall, in respect of each load of construction waste delivered by him or on his behalf to a landfill for disposal, pay to the Director a landfill charge calculated in accordance with Part 2 of Schedule 1.

(2) An account-holder of a billing account shall, in respect of each load of construction waste delivered by him or on his behalf to a refuse transfer station for disposal, pay to the Director a landfill charge calculated in accordance with Part 2 of Schedule 2.

(3) If a load of waste delivered to a landfill or refuse transfer station for disposal contains construction waste and other waste, that load is regarded as consisting entirely of construction waste for the purpose of calculating the landfill charge applicable to it.

#### 15. Sorting charge

An account-holder of a billing account shall, in respect of each load of construction waste delivered by him or on his behalf to a sorting facility for disposal, pay to the Director a sorting charge calculated in accordance with Part 2 of Schedule 3.

## 16. 公眾填料費

(1) 除第(2)款另有規定外，繳費帳戶的帳戶戶主須就由他或代他送交公眾填料接收設施處置的每一建築廢物載量，向署長繳付按照附表 4 第 2 部 (a)、(b) 及 (c) 項計算的公眾填料費。

(2) 凡建築廢物是以根據第 4 部獲批准的船隻送交公眾填料接收設施處置的，則有關帳戶戶主須就由他或代他如此送交的每一建築廢物載量，向署長繳付根據該船隻的最高載重和按照附表 4 第 2 部 (d) 項計算的公眾填料費。

## 17. 以車輛送交的建築廢物的重量釐定

(1) 為計算就以車輛送交訂明設施處置的建築廢物載量而須繳付的訂明收費，有關廢物的重量相等於以下兩項重量之差——

- (a) 該車輛於有關廢物從它卸下前在該設施的入口磅橋記錄得的車輛總重；
- (b) 該車輛於有關廢物從它卸下後在該設施的出口磅橋記錄得的車輛總重。

(2) 如因有關車輛的駕駛者於有關廢物卸下後沒有在該設施的出口磅橋停車，而使第(1)(b)款提述的車輛總重未有記錄，則有關廢物的重量須視為第(1)(a)款提述的該車輛的車輛總重。

(3) 如因有關車輛的駕駛者於有關廢物卸下前沒有在該設施的入口磅橋停車，而使第(1)(a)款提述的車輛總重未有記錄，則不論第(1)(b)款提述的車輛總重有否記錄，有關廢物的重量須視為該車輛的許可車輛總重。

(4) 在本條中，“車輛總重”(gross vehicle weight)及“許可車輛總重”(permitted gross vehicle weight)的涵義與《道路交通條例》(第 374 章)第 2 條中該兩詞的涵義相同。

## 16. Public fill charge

(1) Except as provided in subsection (2), an account-holder of a billing account shall, in respect of each load of construction waste delivered by him or on his behalf to a public fill reception facility for disposal, pay to the Director a public fill charge calculated in accordance with items (a), (b) and (c) in Part 2 of Schedule 4.

(2) Where construction waste is delivered by a vessel approved under Part 4 to a public fill reception facility for disposal, the account-holder concerned shall, in respect of each load of construction waste so delivered by him or on his behalf, pay to the Director a public fill charge calculated on the basis of the maximum load of the vessel and in accordance with item (d) in Part 2 of Schedule 4.

## 17. Determination of weight of construction waste delivered by vehicles

(1) For the purpose of calculating the prescribed charge payable in respect of a load of construction waste delivered by a vehicle to a prescribed facility for disposal, the weight of the waste is the difference between—

- (a) the gross vehicle weight of the vehicle recorded at the in-weighbridge of the facility before the waste has been unloaded from the vehicle; and
- (b) the gross vehicle weight of the vehicle recorded at the out-weighbridge of the facility after the waste has been unloaded from the vehicle.

(2) If the gross vehicle weight referred to in subsection (1)(b) is not recorded because the driver of the vehicle concerned fails to stop the vehicle at the out-weighbridge of the facility after the waste has been unloaded, the weight of the waste is to be regarded as the gross vehicle weight of the vehicle referred to in subsection (1)(a).

(3) If the gross vehicle weight referred to in subsection (1)(a) is not recorded because the driver of the vehicle concerned fails to stop the vehicle at the in-weighbridge of the facility before the waste has been unloaded, the weight of the waste is to be regarded as the permitted gross vehicle weight of the vehicle, regardless of whether the gross vehicle weight referred to in subsection (1)(b) is recorded or not.

(4) In this section, “gross vehicle weight” (車輛總重) and “permitted gross vehicle weight” (許可車輛總重) have the same meaning as in section 2 of the Road Traffic Ordinance (Cap. 374).

**18. 繳付訂明收費和因不繳款而徵收附加費**

(1) 署長須向繳費帳戶的帳戶戶主發出書面繳費通知，指明他於該通知所指明的期間內以該帳戶招致的訂明收費款額。

(2) 帳戶戶主須於自有關通知的日期起計的 30 天內，按該通知指明的方式向署長繳付指明的訂明收費。

(3) 如有關通知指明的款額沒有按規定繳付，則有關帳戶戶主須繳付一筆相等於未繳付款額的 5% 的附加費。

(4) 有關帳戶戶主須於自該附加費須予繳付的日期起計的 14 天內，向署長繳付未繳付的訂明收費及該附加費的總款額。

**19. 繳費帳戶的暫時吊銷及撤銷**

(1) 如任何未繳付的訂明收費及附加費沒有按第 18(4) 條的規定繳付，署長可暫時吊銷有關繳費帳戶。

(2) 署長須在暫時吊銷繳費帳戶時，向有關帳戶戶主發出書面最後繳費通知——

(a) 要求他於自該通知的日期起計的 14 天內繳付——

(i) 沒有按第 18(4) 條的規定繳付的訂明收費及附加費；及

(ii) 他在該帳戶暫時吊銷前以該帳戶招致的任何其他尚欠的訂明收費，不論該收費是否根據第 18(2) 條已屬到期應付的；及

(b) 通知他如不按規定結清該最後繳費通知，則該繳費帳戶將被撤銷。

(3) 署長須於暫時吊銷繳費帳戶後的 14 天內，向有關帳戶戶主發出書面通知，以告知他暫時吊銷該帳戶的理由。

(4) 如署長其後信納暫時吊銷繳費帳戶的理由不再存在，他可在附加或不附加任何條款的情況下，應有關帳戶戶主的申請恢復該帳戶。

(5) 如最後繳費通知沒有按第 (2) 款的規定結清，署長可撤銷有關繳費帳戶。

(6) 署長須於撤銷繳費帳戶後的 14 天內，向有關帳戶戶主發出書面通知，以告知他撤銷該帳戶的理由。

**18. Payment of prescribed charges and levy of surcharge upon non-payment**

(1) The Director shall issue to an account-holder of a billing account a notice of demand in writing specifying the amount of any prescribed charge incurred by him on that account during the period specified in the notice.

(2) The account-holder shall pay to the Director the specified prescribed charge within 30 days from the date of the notice and in the manner specified in the notice.

(3) If the amount specified in the notice is not paid as required, the account-holder is liable to pay a surcharge of 5% of the unpaid amount.

(4) The account-holder shall pay to the Director the total amount of the unpaid prescribed charge and the surcharge within 14 days from the date on which the surcharge becomes payable.

**19. Suspension and revocation of billing account**

(1) If any unpaid prescribed charge and surcharge is not paid as required under section 18(4), the Director may suspend the billing account.

(2) On suspending a billing account, the Director shall issue to the account-holder a final notice of demand in writing—

(a) requiring him to pay, within 14 days from the date of that notice—

(i) the prescribed charge and surcharge that have not been paid as required under section 18(4); and

(ii) any other outstanding prescribed charge incurred by him on that account before the suspension, whether or not that charge has become due for payment under section 18(2); and

(b) informing him that if the final notice of demand is not settled as required, the billing account will be revoked.

(3) The Director shall, within 14 days of the suspension of the billing account, issue to the account-holder a notice in writing informing him of the reason for the suspension.

(4) If the Director is subsequently satisfied that the reason for suspending a billing account no longer exists, he may, with or without conditions, reinstate the account on the application of the account-holder.

(5) If a final notice of demand is not settled as required under subsection (2), the Director may revoke the billing account.

(6) The Director shall, within 14 days of the revocation of the billing account, issue to the account-holder a notice in writing informing him of the reason for the revocation.

(7) 如被撤銷的繳費帳戶中所有尚欠的訂明收費及附加費均已繳付，則署長可應該帳戶的帳戶戶主的申請，在附加或不附加任何條款的情況下恢復該帳戶。

(8) 署長可藉他認為適當的方式，公布關於繳費帳戶已被暫時吊銷或被撤銷、已結束或已恢復的資料。

## 第 6 部

### 雜項

#### 20. 署長可指明表格

署長可就本規例之下的任何目的而指明表格。

#### 21. 署長給予的通知

(1) 由署長根據本規例給予或發出予某人的任何通知，可以下列方式給予或發出——

- (a) 面交該人；或
- (b) 以郵遞方式寄往該人最後為署長所知的地址。

(2) 如——

- (a) 通知是以圖文傳真、電子郵件或其他相類的通訊方法傳送至該人最後為署長所知的圖文傳真號碼或電子郵件地址而送交該人；及
- (b) 透過所使用的傳送方式而產生的紀錄確立該通知已獲如此送交，

則該通知亦視為已根據本規例給予或發出。

#### 22. 涉及不正確資料的罪行

任何人如在充作遵守本規例中的規定的情況下——

- (a) 作出他知道在要項上不正確的陳述或提供他知道在要項上不正確的資料；
- (b) 罔顧實情地作出在要項上不正確的陳述或罔顧實情地提供在要項上不正確的資料；或

(7) On the application of the account-holder of a revoked billing account, the Director may, with or without conditions, reinstate the account if all the outstanding prescribed charges and surcharges under the revoked account have been paid.

(8) The Director may make public the information that a billing account has been suspended, revoked, reinstated or closed, in a manner the Director considers appropriate.

## PART 6

### MISCELLANEOUS

#### 20. Director may specify forms

The Director may specify a form for any purpose under this Regulation.

#### 21. Notices given by Director

(1) A notice by the Director under this Regulation may be given or issued—

- (a) by delivering it personally to the person to whom it is to be given or issued; or
- (b) by sending it by post to that person's address last known to the Director.

(2) The notice is also taken to have been given or issued under this Regulation if—

- (a) it is sent to that person by facsimile transmission, electronic mail or other similar means of communication at that person's facsimile number or electronic mail address last known to the Director; and
- (b) a record, generated by the means of transmission, establishes that the notice was so sent.

#### 22. Offences involving incorrect information

A person who, in purported compliance with a requirement under this Regulation—

- (a) makes any statement or gives any information that he knows to be incorrect in a material particular;
- (b) recklessly makes any statement or gives any information that is incorrect in a material particular; or



(c) 明知或罔顧實情地在任何陳述或資料中遺漏任何要項，即屬犯罪，可處第 6 級罰款。

### 23. 附表的修訂

局長可藉在憲報刊登的公告修訂任何附表。

### 24. 廢除

《廢物處置(廢物處置的收費)規例》(第 354 章，附屬法例 K) 現予廢除。

附表 1 [第 2、14 及 23 條]

於堆填區處置建築廢物的收費

第 1 部

堆填區

| 項  | 名稱      | 地址         | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號                 |
|----|---------|------------|--|
| 1. | 新界西堆填區  | 新界屯門稔灣龍鼓灘路 | 平面圖編號<br>WENT/GEN/102 Rev. B<br>(合約文件 12 冊之 3) |
| 2. | 新界東南堆填區 | 新界將軍澳石廟灣   | 平面圖編號<br>90872/SP10/014B                       |
| 3. | 新界東北堆填區 | 新界打鼓嶺禾徑山路  | 平面圖編號<br>90303/CON-01 TO 04                    |

(c) knowingly or recklessly omits any material particular from any statement or information, commits an offence and is liable to a fine at level 6.

### 23. Amendment of Schedules

The Secretary may, by notice published in the Gazette, amend any of the Schedules.

### 24. Repeal

The Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub. leg. K) is repealed.

SCHEDULE 1 [ss. 2, 14 & 23]

CHARGES FOR DISPOSAL OF CONSTRUCTION  
WASTE AT LANDFILLS

PART 1

LANDFILLS

| Item | Name                                       | Address                                    | Number of drawing or<br>plan held by the<br>Director by which<br>boundaries of the<br>facility are delineated. |
|------|--|--|--|
| 1.   | West New Territories (WENT) Landfill       | Lung Kwu Tan Road, Nim Wan, Tuen Mun, N.T. | Drawing number WENT/GEN/102 Rev. B (Contract Document Vol. 3 of 12)  |
| 2.   | South East New Territories (SENT) Landfill | Shek Miu Wan, Tseung Kwan O, N.T.          | Drawing number 90872/SP10/014B   |
| 3.   | North East New Territories (NENT) Landfill | Wo Keng Shan Road, Ta Kwu Ling, N.T.       | Drawing number 90303/CON-01 TO 04  |

## 第 2 部

## 堆填費

就送交堆填區處置的每一建築廢物載量須繳付的堆填費的計算方法如下——

|  | 收費                    |
|--|-----------------------|
| (a) 重量是 1 公噸或不足 1 公噸的廢物載量 .....                      | \$125                 |
| (b) 重量超過 1 公噸的廢物載量 .....                             | 每 0.1 公噸收費<br>\$12.5* |
| (c) 符合以下說明的廢物載量：署長認為確定該廢物載量的重量並不切實可行或會引起公眾衛生問題 ..... | \$125                 |

\* 在為計算根據 (b) 項須繳付的收費而確定某廢物載量的重量時——

- (i) 未達 0.1 公噸的餘數如少於 0.05 公噸，則無須計算在內；及  
(ii) 未達 0.1 公噸的餘數如不少於 0.05 公噸，則須視作 0.1 公噸計算。

## 附表 2

[第 2、14 及 23 條]

## 於廢物轉運站處置建築廢物的收費

## 第 1 部

## 廢物轉運站

| 項  | 名稱                | 地址          | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號 |
|----|-------------------|-------------|--------------------------------|
| 1. | 離島廢物轉運設施<br>——長洲站 | 新界長洲長貴路 1 號 | 圖則編號 ISA 477-A                 |

## PART 2

## LANDFILL CHARGE

The landfill charge payable in respect of each load of construction waste delivered to a landfill for disposal is calculated as follows——

|  | Charge                |
|--|-----------------------|
| (a) For a load of waste weighing 1 tonne or less.....  | \$125                 |
| (b) For a load of waste weighing more than 1 tonne .....   | \$12.5 per 0.1 tonne* |
| (c) For a load of waste the ascertainment of the weight of which, in the Director's opinion, is impracticable or will cause public health problems ..... | \$125                 |

\* In ascertaining the weight of a load of waste for the purpose of calculating the charge payable under item (b)——

- (i) any fraction of 0.1 tonne that is less than 0.05 tonne shall be disregarded; and  
(ii) any fraction of 0.1 tonne that is not less than 0.05 tonne shall be regarded as 0.1 tonne.

## SCHEDULE 2

[ss. 2, 14 &amp; 23]

CHARGES FOR DISPOSAL OF CONSTRUCTION WASTE AT  
REFUSE TRANSFER STATIONS

## PART 1

## REFUSE TRANSFER STATIONS

| Item | Name   | Address                                  | Number of drawing or plan held by the Director by which boundaries of the facility are delineated |
|------|--|--|---|
| 1.   | Outlying Islands Transfer Facilities<br>——Cheung Chau Station (OITF-CCS) | 1 Cheung Kwai Road,<br>Cheung Chau, N.T. | Plan number ISA 477-A   |

| 項  | 名稱                 | 地址   | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號      |
|----|--------------------|--|-------------------------------------|
| 2. | 離島廢物轉運設施<br>——梅窩站  | 新界大嶼山梅窩梅窩<br>碼頭路 35 號                      | 圖則編號 IS 3099-D                      |
| 3. | 離島廢物轉運設施<br>——坪洲站  | 新界坪洲大利島<br>GLA IS 296 地段及<br>GLA IS 335 地段 | 圖則編號 IS 2860-DA 及<br>圖則編號 IS 3093-D |
| 4. | 離島廢物轉運設施<br>——喜靈洲站 | 新界喜靈洲西端，<br>毗連貨運碼頭                         | 圖則編號 ISA 490-E                      |
| 5. | 離島廢物轉運設施<br>——榕樹灣站 | 新界南丫島榕樹灣                                   | 圖則編號 IS 3273-D                      |
| 6. | 離島廢物轉運設施<br>——索罟灣站 | 新界南丫島索罟灣                                   | 圖則編號 IS 3161-D                      |
| 7. | 離島廢物轉運設施<br>——馬灣站  | 新界馬灣北灣，<br>毗連污水處理廠                         | 圖則編號 TWA 1058-E                     |

## 第 2 部

## 堆填費

就送交廢物轉運站處置的每一建築廢物載量須繳付的堆填費的計算方法如下——

| Item | Name   | Address  | Number of drawing or<br>plan held by the<br>Director by which<br>boundaries of the<br>facility are delineated |
|------|--|--|---|
| 2.   | Outlying Islands<br>Transfer Facilities<br>——Mui Wo Station<br>(OITF-MuiWS)          | 35 Mui Wo Ferry Pier<br>Road, Mui Wo,<br>Lantau, N.T.                                | Plan number IS 3099-D   |
| 3.   | Outlying Islands<br>Transfer Facilities<br>——Peng Chau<br>Station (OITF-PCS)         | GLA IS 296 & GLA<br>IS 335, Tai Lei Island,<br>Peng Chau, N.T.                       | Plan number IS<br>2860-DA & Plan<br>number IS 3093-D  |
| 4.   | Outlying Islands<br>Transfer Facilities<br>——Hei Ling Chau<br>Station<br>(OITF-HLCS) | Western tip of Hei<br>Ling Chau, adjoining<br>the cargo pier,<br>Hei Ling Chau, N.T. | Plan number ISA 490-E   |
| 5.   | Outlying Islands<br>Transfer Facilities<br>——Yung Shue Wan<br>Station<br>(OITF-YSWS) | Yung Shue Wan,<br>Lamma Island, N.T.   | Plan number IS 3273-D   |
| 6.   | Outlying Islands<br>Transfer Facilities<br>——Sok Kwu Wan<br>Station<br>(OITF-SKWS)   | Sok Kwu Wan,<br>Lamma Island, N.T.   | Plan number IS 3161-D   |
| 7.   | Outlying Islands<br>Transfer Facilities<br>——Ma Wan Station<br>(OITF-MaWS)           | Pak Wan, Ma Wan,<br>N.T., adjoining<br>Sewage Treatment<br>Plant.                    | Plan number TWA<br>1058-E   |

## PART 2

## LANDFILL CHARGE

The landfill charge payable in respect of each load of construction waste delivered to a refuse transfer station for disposal is calculated as follows——

## 收費

- (a) 重量是 0.1 公噸或不足 0.1 公噸的廢物載量 ..... \$12.5  
 (b) 重量超過 0.1 公噸的廢物載量 ..... 每 0.1 公噸收費  
 \$12.5\*  
 (c) 符合以下說明的廢物載量：署長認為確定該廢物載量的重量並不切實可行或會引起公眾衛生問題 ..... \$12.5

\* 在為計算根據 (b) 項須繳付的收費而確定某廢物載量的重量時——

- (i) 未達 0.1 公噸的餘數如少於 0.05 公噸，則無須計算在內；及  
 (ii) 未達 0.1 公噸的餘數如不少於 0.05 公噸，則須視作 0.1 公噸計算。

## Charge

- (a) For a load of waste weighing 0.1 tonne or less ..... \$12.5  
 (b) For a load of waste weighing more than 0.1 tonne ... \$12.5 per 0.1 tonne\*  
 (c) For a load of waste the ascertainment of the weight of which, in the Director's opinion, is impracticable or will cause public health problems ..... \$12.5

\* In ascertaining the weight of a load of waste for the purpose of calculating the charge payable under item (b)—

- (i) any fraction of 0.1 tonne that is less than 0.05 tonne shall be disregarded; and  
 (ii) any fraction of 0.1 tonne that is not less than 0.05 tonne shall be regarded as 0.1 tonne.

## 附表 3

[第 2、15 及 23 條]

## 於篩選分類設施處置建築廢物的收費

## 第 1 部

## 篩選分類設施

| 項  | 名稱                     | 地址                | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號 |
|----|------------------------|-------------------|--------------------------------|
| 1. | 屯門第 38 區臨時建築廢物篩選分類設施   | 新界屯門第 38 區南面近內河碼頭 | 圖則編號 P 20332-1                 |
| 2. | 將軍澳第 137 區臨時建築廢物篩選分類設施 | 新界將軍澳第 137 區南面    | 圖則編號 P 20332-2                 |

## SCHEDULE 3

[ss. 2, 15 &amp; 23]

## CHARGES FOR DISPOSAL OF CONSTRUCTION WASTE AT SORTING FACILITIES

## PART 1

## SORTING FACILITIES

| Item | Name   | Address  | Number of drawing or plan held by the Director by which boundaries of the facility are delineated |
|------|--|--|---|
| 1.   | Tuen Mun Area 38 Temporary Construction Waste Sorting Facility       | Southern side of Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T. | Plan number P 20332-1   |
| 2.   | Tseung Kwan O Area 137 Temporary Construction Waste Sorting Facility | Southern side of Tseung Kwan O Area 137, N.T.                                | Plan number P 20332-2   |

## 第 2 部

## 篩選分類費

就送交篩選分類設施處置的每一建築廢物載量須繳付的篩選分類費的計算方法如下——

|   | 收費                  |
|---|---------------------|
| (a) 重量是 1 公噸或不足 1 公噸的廢物載量.....                      | \$100               |
| (b) 重量超過 1 公噸的廢物載量 .....                            | 每 0.1 公噸收費<br>\$10* |
| (c) 符合以下說明的廢物載量：署長認為確定該廢物載量的重量並不切實可行或會引起公眾衛生問題..... | \$100               |

\* 在為計算根據 (b) 項須繳付的收費而確定某廢物載量的重量時——

- (i) 未達 0.1 公噸的餘數如少於 0.05 公噸，則無須計算在內；及
- (ii) 未達 0.1 公噸的餘數如不少於 0.05 公噸，則須視作 0.1 公噸計算。

## 附表 4

[第 2、16 及 23 條]

## 於公眾填料接收設施處置建築廢物的收費

## 第 1 部

## 公眾填料接收設施

| 項  | 名稱            | 地址             | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號 |
|----|---------------|----------------|--------------------------------|
| 1. | 將軍澳第 137 區填料庫 | 新界將軍澳第 137 區東面 | 圖則編號 P 20332-3                 |

## PART 2

## SORTING CHARGE

The sorting charge payable in respect of each load of construction waste delivered to a sorting facility for disposal is calculated as follows—

|   | Charge                 |
|---|------------------------|
| (a) For a load of waste weighing 1 tonne or less.....   | \$100                  |
| (b) For a load of waste weighing more than 1 tonne .....  | \$10 per 0.1<br>tonne* |
| (c) For a load of waste the ascertainment of the weight of which, in the Director's opinion, is impracticable or will cause public health problems..... | \$100                  |

\* In ascertaining the weight of a load of waste for the purpose of calculating the charge payable under item (b)—

- (i) any fraction of 0.1 tonne that is less than 0.05 tonne shall be disregarded; and
- (ii) any fraction of 0.1 tonne that is not less than 0.05 tonne shall be regarded as 0.1 tonne.

## SCHEDULE 4

[ss. 2, 16 &amp; 23]

CHARGES FOR DISPOSAL OF CONSTRUCTION WASTE AT  
PUBLIC FILL RECEPTION FACILITIES

## PART 1

## PUBLIC FILL RECEPTION FACILITIES

| Item | Name                             | Address                                      | Number of drawing or plan held by the Director by which boundaries of the facility are delineated |
|------|----------------------------------|--|---|
| 1.   | Tseung Kwan O Area 137 Fill Bank | Eastern side of Tseung Kwan O Area 137, N.T. | Plan number P 20332-3   |

| 項  | 名稱             | 地址                    | 劃定該設施範圍<br>並由署長持有的<br>平面圖或圖則編號 |
|----|----------------|-----------------------|--------------------------------|
| 2. | 屯門第 38 區填料庫    | 新界屯門第 38 區近內河碼頭       | 圖則編號 P 20332-4                 |
| 3. | 西營盤臨時公眾填土躉船轉運站 | 香港西營盤東邊街北             | 圖則編號 P 20332-5                 |
| 4. | 鰂魚涌臨時公眾填土躉船轉運站 | 香港鰂魚涌海裕街              | 圖則編號 P 20332-6                 |
| 5. | 啓德臨時公眾填土躉船轉運站  | 九龍九龍城舊啓德機場跑道中段，毗連滑行道橋 | 圖則編號 P 20332-7                 |
| 6. | 梅窩臨時公眾填料接收設施   | 新界大嶼山梅窩梅窩碼頭路          | 圖則編號 P 20332-8                 |

## 第 2 部

## 公眾填料費

就送交公眾填料接收設施處置的每一建築廢物載量須繳付的公眾填料費的計算方法如下——

|                                 | 收費                |
|---------------------------------|-------------------|
| (a) 重量是 1 公噸或不足 1 公噸的廢物載量 ..... | \$27              |
| (b) 重量超過 1 公噸的廢物載量 .....        | 每 0.1 公噸收費 \$2.7* |

| Item | Name  | Address   | Number of drawing or plan held by the Director by which boundaries of the facility are delineated |
|------|---|---|---|
| 2.   | Tuen Mun Area 38 Fill Bank                          | Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.                                 | Plan number P 20332-4   |
| 3.   | Sai Ying Pun Temporary Public Filling Barging Point | Eastern Street North, Sai Ying Pun, Hong Kong.  | Plan number P 20332-5   |
| 4.   | Quarry Bay Temporary Public Filling Barging Point   | Hoi Yu Street, Quarry Bay, Hong Kong.   | Plan number P 20332-6   |
| 5.   | Kai Tak Temporary Public Filling Barging Point      | Middle of the Former Kai Tak Runway, adjacent to the Taxiway Bridge, Kowloon City, Kowloon. | Plan number P 20332-7   |
| 6.   | Mui Wo Temporary Public Fill Reception Facility     | Mui Wo Ferry Pier Road, Mui Wo, Lantau, N.T.  | Plan number P 20332-8   |

## PART 2

## PUBLIC FILL CHARGE

The public fill charge payable in respect of each load of construction waste delivered to a public fill reception facility for disposal is calculated as follows——

|   | Charge               |
|---|----------------------|
| (a) For a load of waste weighing 1 tonne or less .....  | \$27                 |
| (b) For a load of waste weighing more than 1 tonne .... | \$2.7 per 0.1 tonne* |

## 收費

- (c) 符合以下說明的廢物載量：署長認為確定該廢物載量的重量並不切實可行或會引起公眾衛生問題..... \$27
- (d) 以根據第 4 部獲批准的船隻送交的每一廢物載量..... 該船隻的最高載重的每 0.1 公噸收費 \$2.7\*

\* 在為計算根據 (b) 或 (d) 項須繳付的收費而確定某廢物載量的重量時——

- (i) 未達 0.1 公噸的餘數如少於 0.05 公噸，則無須計算在內；及
- (ii) 未達 0.1 公噸的餘數如不少於 0.05 公噸，則須視作 0.1 公噸計算。

## 附表 5

[第 2 及 23 條]

## 惰性建築廢物

石塊、瓦礫、大石、土、泥、沙、混凝土、瀝青、磚、瓦、砌石或經使用的膨潤土。

## 附表 6

[第 3 及 23 條]

## 就訂明設施而規定的惰性建築廢物成分

1. 送交堆填區處置的每一建築廢物載量不得含有按重量計多於 50% 的惰性建築廢物。
2. 送交廢物轉運站處置的每一建築廢物載量可以含有但無需含有任何惰性建築廢物。
3. 送交篩選分類設施處置的每一建築廢物載量必須含有按重量計多於 50% 的惰性建築廢物。
4. 送交公眾填料接收設施處置的每一建築廢物載量必須完全由惰性建築廢物組成。

## Charge

- (c) For a load of waste the ascertainment of the weight of which, in the Director's opinion, is impracticable or will cause public health problems..... \$27
- (d) For each load of waste delivered by a vessel approved under Part 4..... \$2.7 for every 0.1 tonne of the maximum load of the vessel\*

\* In ascertaining the weight of a load of waste for the purpose of calculating the charge payable under item (b) or (d)—

(i) any fraction of 0.1 tonne that is less than 0.05 tonne shall be disregarded; and

(ii) any fraction of 0.1 tonne that is not less than 0.05 tonne shall be regarded as 0.1 tonne.

## SCHEDULE 5

[ss. 2 &amp; 23]

## INERT CONSTRUCTION WASTE

Rock, rubble, boulder, earth, soil, sand, concrete, asphalt, brick, tile, masonry or used bentonite.

## SCHEDULE 6

[ss. 3 &amp; 23]

## CONTENT REQUIREMENTS OF INERT CONSTRUCTION WASTE FOR PRESCRIBED FACILITIES

1. Each load of construction waste delivered to a landfill for disposal must not contain more than 50% by weight of inert construction waste.
2. Each load of construction waste delivered to a refuse transfer station for disposal may but need not contain any inert construction waste.
3. Each load of construction waste delivered to a sorting facility for disposal must contain more than 50% by weight of inert construction waste.
4. Each load of construction waste delivered to a public fill reception facility for disposal must consist entirely of inert construction waste.

行政會議秘書  
林植廷

行政會議廳

2004 年 10 月 26 日

### 註 釋

本規例引入一套關於在政府廢物處置設施處置建築廢物的收費計劃，並取代於 1995 年訂立但尚未實施的《廢物處置(廢物處置的收費)規例》(第 354 章，附屬法例 K)。

2. 本規例的附表 1 至 4 列出可供處置建築廢物的堆填區、廢物轉運站、篩選分類設施及公眾填料接收設施。第 2 部列明使用該等設施須符合的規定，包括建築廢物於該等設施被接收處置所須符合的惰性成分規定(見第 3 條及附表 5 及 6)。

3. 使用該等設施要遵守的其中一項主要規定就是必須向環境保護署署長(“署長”)申請開立一個繳費帳戶以作繳付有關收費之用。如有建築合約是在本規例生效前已授予的，則可就該合約申請一個豁免繳費帳戶。第 3 部列出如何申請該等帳戶，並賦權署長可在若干情況下拒絕開立帳戶的申請。就豁免繳費帳戶而提供予署長的資料如有變更而帳戶戶主沒有告知署長，即屬犯罪(見第 8(9) 及 (10) 條)。

4. 承辦價值 \$1,000,000 或以上的建造工程的主要承辦商有責任於有關合約授予後的 21 天內申請開立繳費帳戶。帳戶一經開立，該承辦商便有責任使用該帳戶以繳付就於有關設施處置根據該合約承辦的工程所產生的建築廢物而須繳付的收費。沒有遵行上述任何一項責任即屬犯罪(見第 9 條)。

5. 第 4 部規定署長可應申請批准若干類型的船隻用作將建築廢物送交公眾填料接收設施處置。

LAM Chik-ting, Tony  
Clerk to the Executive Council

COUNCIL CHAMBER  
26 October 2004

### Explanatory Note

This Regulation introduces a charging scheme for the disposal of construction waste at government waste disposal facilities. It replaces the Waste Disposal (Charges for Disposal of Waste) Regulation (Cap. 354 sub-leg. K), which was made in 1995 but has not been brought into force.

2. This Regulation sets out in Schedules 1 to 4 the landfills, refuse transfer stations, sorting facilities and public fill reception facilities that are available for disposal of construction waste. Part 2 sets out the requirements to be complied with in using those facilities, including the inert content specifications that the construction waste must conform to in order to be accepted for disposal at the facilities (see section 3 and Schedules 5 and 6).

3. One of the main requirements for using the facilities is that a billing account must be established with the Director of Environmental Protection (“the Director”) so that charges can be paid using the account. An exemption account may be applied for in respect of a construction contract awarded before the commencement of this Regulation. Part 3 sets out how to apply for the establishment of these accounts and gives power to the Director to refuse an application for opening an account in certain circumstances. Failure of the account-holder of an exemption account to inform the Director of any change in the information provided in relation to the account is an offence (see section 8(9) and (10)).

4. A main contractor who undertakes construction work valued at \$1 million or above has a duty to apply for a billing account within 21 days after being awarded the contract. Having established the account, he has the duty to use it for paying any charges for using the facilities to dispose of construction waste generated from work undertaken under that contract. Failure to comply with either duty is an offence (see section 9).

5. Part 4 provides that certain types of vessels may on application be approved by the Director to be used for delivering construction waste to public fill reception facilities for disposal.



6. 第 5 部及附表 1 至 4 列明如何計算於有關設施處置建築廢物的收費，以及在署長發出繳費通知時必須使用繳費帳戶繳款的規定。就過期未付的收費須另繳附加費，於付款限期後還未清繳欠款則會導致繳費帳戶的暫時吊銷或撤銷。

7. 第 22 條就在本規例之下作出不正確陳述或提供不正確資料而訂定罪行。

6. Part 5 and Schedules 1 to 4 set out how charges payable for the disposal of construction waste at the facilities are to be calculated and the requirements that payment must be made using billing accounts on the issue of notices of demand by the Director. An overdue payment will attract a surcharge and may lead to suspension and revocation of the billing account.

7. Section 22 makes it an offence for a person to make an incorrect statement or give any incorrect information under this Regulation.