

法律公告
編號

目錄

頁數

甲部

(下列法律公告須於 2004 年 10 月 29 日隨後的
立法會會議席上提交立法會省覽)

165	《2004 年廢物處置(指定廢物處置設施)(修訂)規例》	B1256
166	《廢物處置(建築廢物處置收費)規例》	B1270
167	《2004 年公眾衛生及市政條例(公眾街市)(指定事宜及修訂附表 10) (第 3 號)令》	B1320
168	《2004 年街市宣布公告(修訂)(第 3 號)宣布》	B1322
169	《〈刑事事宜相互法律協助(葡萄牙)令〉(第 525 章, 附屬法例 L) 2004 年(生效日期)公告》	B1324
170	《〈逃犯(葡萄牙)令〉(第 503 章, 附屬法例 U) 2004 年(生效日期)公 告》	B1326

—完—

Legal
Notice No.

CONTENTS

Page

PART A

(The following Legal Notices are to be laid on the table of the
Legislative Council at its next meeting following 29 October, 2004)

165	Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004	B1257
166	Waste Disposal (Charges for Disposal of Construction Waste) Regulation	B1271
167	Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) (No. 3) Order 2004	B1321
168	Declaration of Markets Notice (Amendment) (No. 3) Declaration 2004	B1323
169	Mutual Legal Assistance in Criminal Matters (Portugal) Order (Cap. 525 sub. leg. L) (Commencement) Notice 2004	B1325
170	Fugitive Offenders (Portugal) Order (Cap. 503 sub. leg. U) (Commencement) Notice 2004	B1327

—END—

香港特別行政區政府
政府物流服務署署長孔郭惠清印行PRINTED AND PUBLISHED BY STELLA HUNG, DIRECTOR OF GOVERNMENT LOGISTICS
AT THE GOVERNMENT LOGISTICS DEPARTMENT, THE GOVERNMENT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

2004 年第 165 號法律公告

《2004 年廢物處置 (指定廢物處置設施) (修訂) 規例》

目錄

條次		頁次
1.	生效日期	B1258
2.	釋義	B1258
3.	加入條文	
	3A. 接收建築廢物的設施	B1258
4.	署長的權力	B1260
5.	對運作造成干擾或混亂的罪行	B1262
6.	加入條文	
	5A. 涉及不正確資料的罪行	B1262
7.	影象記錄證明書以及印曬設備	B1262
8.	附表的修訂	B1264
9.	指定廢物處置設施	B1264
10.	加入附表 2	
	附表 2 指定廢物處置設施接收的建築廢物種類	B1266

L.N. 165 of 2004

WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY)
(AMENDMENT) REGULATION 2004

CONTENTS

Section		Page
1.	Commencement	B1259
2.	Interpretation	B1259
3.	Section added	
	3A. Facilities that accept construction waste	B1259
4.	Powers of Director	B1261
5.	Offence of causing disruption or disorder	B1263
6.	Section added	
	5A. Offences involving incorrect information	B1263
7.	Certificates of image recording and printing devices	B1263
8.	Amendment of Schedules	B1265
9.	Designated waste disposal facilities	B1265
10.	Schedule 2 added	
	Schedule 2 Types of construction waste accepted at designated waste disposal facilities	B1267

《2004 年廢物處置(指定廢物處置設施)
(修訂)規例》

(山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)

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

(1) 《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) 條現予修訂, 在“指定廢物處置設施”的定義中, 在“附表”之後加入“1”。

(2) 第 2(1) 條現予修訂, 加入——

““建築廢物”(construction waste) 及“惰性建築廢物”(inert construction waste) 的涵義與《廢物處置(建築廢物處置收費)規例》(2004 年第 166 號法律公告) 第 2 條中該兩詞的涵義相同;”。

(3) 第 2(2) 條現予修訂, 廢除“附表中與附表第 2 欄的設施名稱相對的附表第 4 欄”而代以“附表 1 第 4 欄相對於該附表第 2 欄的設施名稱之處”。

3. 加入條文

現加入——

“3A. 接收建築廢物的設施

(1) 在符合《廢物處置(建築廢物處置收費)規例》(2004 年第 166 號法律公告) 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) 該設施是附表 2 第 2 欄指明的設施; 及

(b) 有關建築廢物屬於在該附表第 3 欄相對於該設施之處指明的種類。

WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL
FACILITY) (AMENDMENT) REGULATION 2004

(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)

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

(1) Section 2(1) of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) is amended, in the definition of “designated waste disposal facility”, by repealing “the Schedule” and substituting “Schedule 1”.

(2) Section 2(1) is amended by adding—
““construction waste” (建築廢物) and “inert construction waste” (惰性建築廢物) have the same meaning as in section 2 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (L.N. 166 of 2004);”.

(3) Section 2(2) is amended by repealing “the Schedule opposite the name of the facility in column 2 of the Schedule” and substituting “Schedule 1 opposite the name of the facility in column 2 of that Schedule”.

3. Section added

The following is added—

“3A. Facilities that accept construction waste

(1) Subject to the provisions in the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (L.N. 166 of 2004), construction waste may be accepted for disposal at a designated waste disposal facility only if—

(a) the facility is one specified in column 2 of Schedule 2; and

(b) the construction waste falls within the type specified in column 3 of that Schedule opposite that facility.

(2) 任何廢物不得於附表 2 第 2 欄第 3 或 4 項指明的指定廢物處置設施被接收處置，但有關廢物如屬於在該附表第 3 欄相對於該設施之處指明的種類的建築廢物，則不在此限。”。

4. 署長的權力

(1) 第 4(2) 條現予修訂，加入——

“(aa) 命令或示意在指定廢物處置設施內的船隻或正進入或離開該等設施的船隻的船長——

(i) 立即停船；

(ii) 將該船隻移往或繫泊於有關設施範圍內的任何地點；或

(iii) 離開該設施；”。

(2) 第 4(2)(b)(i) 條現予修訂，廢除“他”而代以“署長”。

(3) 第 4(2)(b) 條現予修訂，加入——

“(ia) 要求在指定廢物處置設施內的船隻的船長或要求被署長根據 (aa) 段截停的船隻的船長——

(A) 出示海事處處長根據《商船(雜類航行器)規例》(第 313 章，附屬法例 F) 第 3 條就該船隻發出的牌照以供檢查；

(B) 提供該船隻的註冊擁有人的姓名或名稱及地址；

(C) 提供船長所知並與該船隻所運送的廢物有關的資料；”。

(4) 第 4(2)(b)(ii) 條現予廢除，代以——

“(ii) 進入、檢查和搜查第 (i) 節提述的車輛或第 (ia) 節提述的船隻及在該車輛或船隻內或之上的任何物件，並從該車輛或船隻取去和扣留任何狀似廢物的物料的樣本；”。

(5) 第 4(2)(b)(iii) 條現予修訂，廢除“第 (i) 節所提述的任何車輛”而代以“該車輛或船隻”。

(6) 第 4(2)(c) 條現予修訂——

(a) 在所有的“或物件”之前加入“、船隻”；

(b) 在“車主或該”之後加入“船隻或”。

(7) 第 4 條現予修訂，加入——

“(4A) 署長或獲授權人員可行使以下權力——

(a) 在署長認為合適的情況下，拒絕於某指定廢物處置設施接收任何廢物；

4. Powers of Director

(1) Section 4(2) is amended by adding—

“(aa) the power to order or signal the master of a vessel within or entering or leaving a designated waste disposal facility—

(i) to stop the vessel immediately;

(ii) to move the vessel to or moor it at any place within the facility;

or

(iii) to leave the facility;”.

(2) Section 4(2)(b)(i) is amended by repealing “him” and substituting “the Director”.

(3) Section 4(2)(b) is amended by adding—

“(ia) to require the master of a vessel within a designated waste disposal facility or stopped by the Director under paragraph (aa)—

(A) to produce the licence issued by the Director of Marine in respect of the vessel under regulation 3 of the Merchant Shipping (Miscellaneous Craft) Regulations (Cap. 313 sub. leg. F) for examination;

(B) to give the name and address of the registered owner of the vessel;

(C) to provide such information as is within the master’s knowledge concerning the waste being carried on the vessel;”.

(4) Section 4(2)(b)(ii) is repealed and the following substituted—

“(ii) to enter, examine and search the vehicle referred to in subparagraph (i) or the vessel referred to in subparagraph (ia) and any thing in or on that vehicle or vessel, and to take from it and retain samples of any materials having the appearance of waste;”.

(5) Section 4(2)(b)(iii) is amended by repealing “any vehicle referred to in subparagraph (i)” and substituting “that vehicle or vessel”.

(6) Section 4(2)(c) is amended by adding “, vessel” after “vehicle” where it twice appears.

(7) Section 4 is amended by adding—

“(4A) The Director or an authorized officer may also exercise the following powers—

(a) refuse to accept any waste at a designated waste disposal facility in such circumstances as the Director thinks fit;

(b) 在受第 (4B) 款的規限下，規定將任何廢物送交某指定廢物處置設施的人述明有關廢物的性質，並提供署長認為決定是否於該設施接收有關廢物而需要的其他資料；

(c) 藉於署長決定的某指定廢物處置設施內的顯眼處張貼關閉告示，關閉該設施或其某部分，為期則按署長認為有需要者而定。

(4B) 如將任何廢物送交某指定廢物處置設施的人告知署長有關廢物是建築廢物，則署長不得規定該人述明有關建築廢物屬於附表 2 第 3 欄指明的哪一種類。”。

(8) 第 4(5) 條現予修訂，在“(2)”之後加入“或 (4A)”。

5. 對運作造成干擾或混亂的罪行

第 5(2)(a) 條現予修訂，在“指定人員”之後加入“及獲授權人員”。

6. 加入條文

現加入——

“5A. 涉及不正確資料的罪行

任何人如在充作遵守第 4 條的規定的情況下——

(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

(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。”。

7. 影象記錄證明書以及印曬設備

第 6(1)(a) 條現予修訂，在兩度出現的“車輛”之後加入“或船隻”。

(b) subject to subsection (4B), require any person who delivers any waste to a designated waste disposal facility to state the nature of the waste and give such other information as the Director considers necessary to determine whether or not to accept the waste at that facility;

(c) close a designated waste disposal facility or any part of it for such period as the Director considers necessary by posting a notice of closure in such conspicuous places in the facility as the Director may determine.

(4B) If a person delivering any waste to a designated waste disposal facility informs the Director that the waste is construction waste, the Director shall not require the person to state whether the construction waste falls within any type specified in column 3 of Schedule 2.”.

(8) Section 4(5) is amended by adding “or (4A)” after “(2)”.

5. Offence of causing disruption or disorder

Section 5(2)(a) is amended by adding “and authorized officer” after “designated officer”.

6. Section added

The following is added—

“5A. Offences involving incorrect information

A person who, in purported compliance with a requirement under section 4—

(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) knowingly or recklessly omits any material particular from any statement or information,

commits an offence and is liable to a fine at level 6.”.

7. Certificates of image recording and printing devices

Section 6(1)(a) is amended by adding “or vessels” after “vehicles”.

8. 附表的修訂

第 8 條現予修訂，在“附表”之前加入“任何”。

9. 指定廢物處置設施

附表現予修訂——

- (a) 廢除“附表”而代以“附表 1”；
 (b) 廢除“[第 2 及 8 條]”而代以“[第 2 及 8 條及附表 2]”；
 (c) 加入——

“19. 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
20. 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
21. 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
22. 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
23. 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
24. 鯪魚涌臨時公眾填土躉船轉運站	香港鯪魚涌海裕街	圖則編號 P 20332-6
25. 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

8. Amendment of Schedules

Section 8 is amended by repealing “the Schedule” and substituting “any of the Schedules”.

9. Designated waste disposal facilities

The Schedule is amended——

- (a) by repealing “SCHEDULE” and substituting “SCHEDULE 1”;
 (b) by repealing “[ss. 2 & 8]” and substituting “[ss. 2 & 8 & Sch. 2]”;
 (c) by adding——

“19. 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
20. 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
21. Tseung Kwan O Area 137 Fill Bank	Eastern side of Tseung Kwan O Area 137, N.T.	Plan number P 20332-3
22. Tuen Mun Area 38 Fill Bank	Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.	Plan number P 20332-4
23. Sai Ying Pun Temporary Public Filling Barging Point	Eastern Street North, Sai Ying Pun, Hong Kong.	Plan number P 20332-5
24. Quarry Bay Temporary Public Filling Barging Point	Hoi Yu Street, Quarry Bay, Hong Kong.	Plan number P 20332-6
25. 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

26. 梅窩臨時公眾填料接 新界大嶼山梅窩 圖則編號
收設施 梅窩碼頭路 P 20332-8”。

26. Mui Wo Temporary Mui Wo Ferry Plan
Public Fill Pier Road, Mui number
Reception Facility Wo, Lantau, N.T. P 20332-8”.

10. 加入附表 2

現加入——

“附表 2 [第 3A、4 及 8 條]

指定廢物處置設施接收的建築廢物種類

項目	指定廢物處置設施	接收的建築廢物種類
1.	附表 1 第 1、2 及 3 項指明的堆填區	含有按重量計不多於 50% 的惰性建築廢物的建築廢物。
2.	附表 1 第 11、12、13、14、15、16 及 17 項指明的離島廢物轉運設施	含有任何百分比的惰性建築廢物的建築廢物。
3.	附表 1 第 19 及 20 項指明的篩選分類設施	含有按重量計多於 50% 的惰性建築廢物的建築廢物。
4.	附表 1 第 21、22、23、24、25 及 26 項指明的公眾填料接收設施	完全由惰性建築廢物組成的建築廢物。”。

行政會議秘書
林植廷

行政會議廳
2004 年 10 月 26 日

10. Schedule 2 added

The following is added——

“SCHEDULE 2 [ss. 3A, 4 & 8]

TYPES OF CONSTRUCTION WASTE ACCEPTED AT
DESIGNATED WASTE DISPOSAL FACILITIES

Item	Designated waste disposal facility	Type of construction waste accepted
1.	Landfills specified in items 1, 2 and 3 of Schedule 1	Construction waste containing not more than 50% by weight of inert construction waste.
2.	Outlying islands transfer facilities specified in items 11, 12, 13, 14, 15, 16 and 17 of Schedule 1	Construction waste containing any percentage of inert construction waste.
3.	Sorting facilities specified in items 19 and 20 of Schedule 1	Construction waste containing more than 50% by weight of inert construction waste.
4.	Public fill reception facilities specified in items 21, 22, 23, 24, 25 and 26 of Schedule 1	Construction waste consisting entirely of inert construction waste.”.

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
26 October 2004

註 釋

本規例為下述目的修訂《廢物處置(指定廢物處置設施)規例》(第 354 章, 附屬法例 L) (“主體規例”)——

- (a) 指明可供處置建築廢物的廢物處置設施, 以及建築廢物於該等設施被接收處置所須符合的惰性成份規定(見第 3 及 10 條);
- (b) 賦權環境保護署署長 (“署長”) 可就由船隻送交廢物往指定廢物處置設施而作出規管(見第 4(1) 至 (6) 條);
- (c) 賦權署長在他認為合適的情況下, 可拒絕於某指定廢物處置設施接收任何廢物, 並可為決定是否於該設施接收有關廢物而規定須提供資料(見由第 4(7) 條加入的主體規例新的第 4(4A)(a) 及 (b) 條);
- (d) 授權署長可暫時關閉指定廢物處置設施(見由第 4(7) 條加入的主體規例新的第 4(4A)(c) 條);
- (e) 就作出不正確陳述或提供不正確資料而訂定罪行(見第 6 條); 及
- (f) 指明在附表 1 之下新訂的處所為指定廢物處置設施(見第 9 條)。

Explanatory Note

This Regulation amends the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L) (“the principal Regulation”) for the following purposes—

- (a) to specify the waste disposal facilities that are available for disposal of construction waste and the inert content specifications that the construction waste must conform to in order to be accepted for disposal at those facilities (see sections 3 and 10);
- (b) to empower the Director of Environmental Protection (“the Director”) to regulate the delivery of waste by vessels to designated waste disposal facilities (see section 4(1) to (6));
- (c) to empower the Director to refuse to accept any waste at a designated waste disposal facility in such circumstances as he thinks fit and require information for determining whether or not to accept the waste at the facility (see new section 4(4A)(a) and (b) of the principal Regulation added by section 4(7));
- (d) to empower the Director to close a designated waste disposal facility temporarily (see new section 4(4A)(c) of the principal Regulation added by section 4(7));
- (e) to make it an offence for a person to make incorrect statement or give incorrect information (see section 6); and
- (f) to specify additional premises as designated waste disposal facilities under Schedule 1 (see section 9).