

Legislative Council Passes Waste Disposal Bill

The Legislative Council (LegCo) today (July 2) passed the Waste Disposal (Amendment) (No.2) Bill 2003.

Introduced in December 2003, the Bill seeks to amend the Waste Disposal Ordinance (Cap. 354) to provide a statutory basis for the implementation of a construction waste disposal charging scheme, and to strengthen control against illegal disposal of waste. The key features of the charging scheme are:

- (a) to impose charges on the disposal of construction waste at landfills, sorting facilities and public fill reception facilities;
- (b) to set the disposal charge at \$125 per tonne at landfills, \$100 per tonne at sorting facilities and \$27 per tonne at public fill reception facilities. The proposed charges represent full cost recovery of the waste facilities;
- (c) to establish a direct settlement system requiring major waste producers, mainly major construction contractors with contracts of \$1 million or above in value, who produce about 70 to 80 per cent of construction waste, to open billing accounts with and pay waste disposal charges to the Government directly;
- (d) to remove on-site payment arrangement and require all charges to be paid through billing accounts for the remaining construction waste arising mostly from renovation works; and
- (e) to exempt all construction contracts that are awarded before the commencement of the charging scheme.

Moving the motion to resume the Bill for the second reading in LegCo today, the Secretary for the Environment, Transport and Works, Dr Sarah Liao, said, "The construction waste disposal charging scheme is in line with the polluter-pays principle, and is an essential component of our waste management strategy. It provides an economic incentive for waste producers to reduce waste and carry out sorting to facilitate reuse/recycling."

"I understand that the implementation of the charging scheme will have an impact on the trade. We had therefore been in close liaison with the trade in drawing up the details of the charging

scheme and had revised some of the key features of the scheme to address the trade's concerns," she said.

The Waste Disposal Ordinance has already provided for sanctions against illegal disposal of waste. However, the introduction of the charging scheme may aggravate the problem of illegal disposal of waste. In order to deter people from avoiding the charges, we consider it necessary to strengthen the legal provisions against illegal disposal of waste. The Bill proposes -

- (a) to empower the court to order the person convicted of illegal disposal of waste to remove the waste on government land. In cases where the removal work has already been carried out by Government, the court could order the convicted person to pay all or part of the removal cost incurred by Government as appropriate;
- (b) to empower the Director of Environmental Protection (DEP) to enter without warrant any places (other than domestic premises and dwelling place on private land) to remove the waste deposited illegally in cases where there is an imminent risk of serious environmental impact and immediate remedial actions are required. DEP shall only enter domestic premises and dwelling place on private land when a warrant is obtained. DEP would be entitled to apply to the court to recover from the convicted person the cost of removing the waste; and
- (c) to revise the existing offence of unlawful depositing of waste to make available the exception of having lawful authority or excuse or the permission of the owner or occupier of the land regardless of where the waste is deposited; to further stipulate that the driver of a vehicle (not being a public transport carrier) from which waste is deposited as well as the employer of that driver are to be regarded as the persons causing waste to be deposited; and to provide for the statutory defences of reasonable precautions and due diligence to a defendant charged with the offence of illegal disposal of waste.

The Bill is an enabling legislation. Upon the enactment of the Bill, details of the charging scheme will be set out in the new Waste Disposal (Charges for Waste Disposal) Regulation, and the related powers to implement the charging scheme in Government-owned facilities will be provided in the amended Waste Disposal (Designated Waste Disposal Facility) Regulation. The Government aims to implement the charging scheme in 2005.

Ends/Friday, July 2, 2004