

Dr Hon CHENG Chung-tai 鄭松泰議員

Geographical Constituency - New Territories West

Civic Passion

Membership in Environmental-related Committees:

- Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

Voting Record:

8 December 2016: Motion Moved by Hon Chan Han-Pan on “Updating the Hong Kong Planning Standards and Guidelines and Increasing Community Facilities to Enhance Living Environment” as Amended by Hon Alice Mak, Ir Dr Hon Lo Wai-Kwok, Hon Frankie Yick and Hon Andrew Wan	Yes
1 June 2017: Motion on “Promoting ‘Hong Kong People Using Hong Kong Water’ and Protecting Local Resources”	Yes
5 July 2017: Proposed Resolution Moved by Secretary for the Environment under the Product Eco-Responsibility Ordinance and the Interpretation and General Clauses Ordinance	Yes
16 November 2017: Proposed Resolution under the Energy Efficiency (Labelling of Products) Ordinance	
31 January 2018: Protection of Endangered Species of Animals and Plants (Amendment) Bill 2017 - Third Reading	Yes
12 April 2018: Motion Moved by Hon Frankie Yick on “Promoting the Popularization of Electric Vehicles” as Amended by Hon Kenneth Leung, Hon Charles Peter Mok, Ir Dr Hon Lo Wai-Kwok, Hon Yung Hoi-Yan, Hon Chan Hak-Kan and Hon Tanya Chan	Abstain

Panel on Environmental Affairs Attendance:

As Non-Member

2016-17	2017-18	2018-19	2019-20
0	0	1	0

Comments Made in Environmental-related Committees:

Panel on Environmental Affairs

20181126	36. Dr CHENG Chung-tai said that he objected to the introduction of MSW charging in principle, because there was no justification for the Government to add a new source of revenue given its fiscal reserves.	Waste
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20181126	45. Dr CHENG Chung-tai expressed concerns on the following issues: (a) the potential conflicts between members of the public and frontline staff of the Food and Environmental Hygiene Department ("FEHD") as a result of the implementation of the proposed MSW charging scheme... (b) privacy problems arising from the use of closed-circuit television, internet-protocol cameras and surveillance cameras with smart technology at fly-tipping black spots... (c) as the Administration would encourage members of the public to report non-compliant cases, neighbourhood relations might be damaged as a result...	Waste
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Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment)
Bill 2018

20181205	1. Dr CHENG expressed objection to the proposed charging scheme which he considered would create undue financial burdens on the general public, given that the Government could utilize some of the fiscal surplus to support waste reduction and recycling work instead. He enquired (a) how the sizes and prices of DBs were determined, and (b) whether the Administration had taken into consideration the weight, and not just the volume, of waste disposable in different DBs for determining DBs' prices.
20190107	2. Dr CHENG asked how the proposed MSW charge was to be levied in buildings with mixed uses, such as revitalized industrial buildings with residential uses; and whether the tenants of hotel-like service apartments would need to pay the proposed MSW charge if the rental already included the service charge for waste disposal. 3. Dr CHENG considered that the Administration should allow the reuse of old plastic shopping bags ("PSBs") as designated garbage bags (if the Bill was passed) in order to reduce waste, and explain the service procurement arrangements for the manufacturing of DBs.
20190218	4. Dr CHENG was concerned whether in the following scenario, a person would be subject to double penalty for an offence related to littering and another offence related to the depositing of non-compliant waste (if the Bill was passed): the person removed the packaging materials of a product and deposited them on the street without wrapping them in a DB.

	<p>5. The Administration was requested to provide a written response to the questions below from Dr CHENG:</p> <p>(a) whether recyclables collected locally by recyclers but subsequently disposed of at landfills would be subject to the proposed charging scheme (if the Bill was passed); and</p> <p>(b) what would be the measures to prevent and detect counterfeiting of DBs and DLs; and penalties (if any) for the manufacturing, distribution, sale and use of counterfeit DBs/DLs.</p>
20190326	<p>6. As the existing section 36(7) of the Waste Disposal Ordinance (Cap. 354) provided that no fee or charge prescribed for the purposes of Cap. 354 should be payable by the Government, Dr CHENG enquired whether the disposal of household waste by members of the public at litter containers ("LCs") in government premises and public pleasure grounds (e.g. parks, sports grounds and sports centres) –</p> <p>(a) would be subject to the proposed charging scheme for the disposal of municipal solid waste ("MSW") ("the proposed charging scheme"); and</p> <p>(b) was an offence under the existing provision(s) of Cap. 354.</p> <p>7. As the proposed charging scheme would pose additional legal duties to frontline cleaning staff, and part-time employees generally had less employment protection than full-time employees, Dr CHENG opined that the Housing Authority should not relax the restriction of employing part-time staff by service contractors of the Housing Department at this juncture.</p> <p>8. Dr CHENG enquired how the proposed charging scheme would be enforced in newer village-type developments.</p> <p>9. Dr CHENG expressed concern about the legal risks that the proposed charging scheme would pose to cleaning workers who removed MSW from village houses but were not formally employed by any company/organization. Moreover, he said that he was against the implementation of any scheme that would reward members of the public for reporting fly-tipping cases to the authorities.</p>
20190415	<p>10. Quoting ALA's letter dated 25 March 2019 to the Administration (LC Paper No. CB(1)875/18-19(03)), Dr CHENG requested the Administration to provide supplementary information on statutory provisions (a) similar to the proposed section 20L(1) of Cap. 354,</p>

	<p>under which a "waste collection officer" as defined in the Bill (i.e. a person who was employed by the Government etc.) who was acting in the course of providing removal services at a refuse collection point ("RCP") or by WV would not commit an offence if the person deposited NCW at RCP or onto WV, whereas another person not employed by the Government but acting in the same way would commit an offence; and (b) particularly, providing for similar differential treatment for government employees and nongovernment employees due to possible disciplinary action with more serious implications for government employees, and provide examples of related past cases.</p> <p>11. Dr CHENG expressed concern that people who took part in voluntary waste removal activities (such as coastal clean-up activities) but did not use designated bags ("DBs") would inadvertently commit offences under the Bill (if it was passed). He sought explanation on (a) how the Administration would promote the continuation of such voluntary activities after the implementation of the proposed charging scheme; and (b) what volunteers would be expected to do in order to avoid the commission of offences under the Bill.</p>
20190430	<p>12. Dr CHENG and Mr FAN expressed the following concerns:</p> <p>(a) if, after the implementation of the proposed charging scheme, non-compliant waste ("NCW") deposited by individual households in a residential building/housing estate would be eventually wrapped into DBs by the PMC concerned during its routine waste collection/removal service, then the property management fee might be increased in future to cover the additional costs borne by the PMC. This would be unfair to compliant households, which would have to indirectly subsidize the proposed MSW charge arising from non-compliant households;</p> <p>(b) the free-riding problem described above might become prevalent in buildings with refuse chutes, as it would be difficult for a PMC to identify the source of NCW if it was directly passed down a refuse chute to a large refuse bin by a waste producer; and</p> <p>(c) it would be generally difficult for PMCs to monitor compliance situation and rectify the problems of NCW disposal within residential premises. Moreover, PMCs might not be willing to report offences to the authorities due to their aversion to potential</p>

	<p>conflicts with residents.</p> <p>13. Dr CHENG, Mr OR, Mr HUI and Mr CHENG expressed concerns about the potential difficulties in taking enforcement actions against depositing of NCW in various types of buildings (such as buildings with mixed uses), and preventing aggravation of fly-tipping after the implementation of the proposed charging scheme (if the Bill was passed). They also asked about the enforcement manpower required.</p>
20190507	<p>14. Dr CHENG enquired whether the Administration would consider implementing mandatory source separation of waste if the effectiveness of the proposed charging scheme fell short of expectation (if the Bill was passed). He also considered that the Administration should formulate a blueprint and strengthen its support for the development of the recycling networks, so as to bolster business confidence in the local recycling industry.</p>
20190520	<p>15. Dr CHENG noted from the Administration's reply to Assistant Legal Adviser's letter dated 25 March 2019 (LC Paper No. CB(1)1000/18-19(04)) that the proposed charge of \$150 for each unweighed load of MSW disposed of at a "Group 3 facility" was calculated based on (a) the average actual weight load of around 0.4 tonne received by those facilities in the past few years, and (b) the proposed charge of \$365 per tonne after the implementation of the proposed MSW charging scheme. He expressed concern that the above proposed calculation method:</p> <p>(a) might be unfair to residents of outlying islands with smaller populations, as the average actual weight load received by the refuse transfer facilities on such outlying islands might be less than 0.4 tonne; and</p> <p>(b) might not be able to accommodate future changes (if any) in the MSW disposal rate of Hei Ling Chau, whose population might expand significantly due to the formation and development of artificial islands in the vicinity (the relevant development plan was currently under study).</p> <p>Dr CHENG therefore suggested that an individual charging rate for unweighed load be set for each "Group 3 facility".</p>
20191218	<p>16. Dr CHENG and Mr WU sought clarification on the functionality and actual uses of the surveillance camera systems installed by the Environmental Protection Department ("EPD") and the Food and</p>

	<p>Environmental Hygiene Department ("FEHD") for combating fly-tipping, and the relationship (if any) between smart lampposts and the two departments' surveillance camera systems. They specifically asked:</p> <p>(a) whether facial recognition technologies had been and/or would be adopted in the said surveillance camera systems of EPD and FEHD;</p> <p>(b) if facial recognition technologies would not be adopted, how the Administration could ensure the effectiveness of surveillance camera systems in facilitating enforcement against fly-tipping, and whether it would consider replacing the cameras with other technology solutions to dispel public fears over privacy intrusion; and</p> <p>(c) whether other law enforcement agencies could request access to the records of EPD and FEHD's surveillance camera systems, and if so, whether EPD and FEHD had the discretion to decline such requests.</p> <p>17. Dr CHENG asked about:</p> <p>(a) the specifications and functionality of the surveillance camera systems installed/to be installed by the Administration to combat illegal waste disposal;</p> <p>(b) procedure for determining the positioning, coverage and functionality of each surveillance camera system taking into account considerations on personal data privacy protection; and</p> <p>(c) rules and/or standards regarding the handling of the records of such surveillance camera systems, and in particular those related to data storage and deletion as well as transfer of records to other law enforcement agencies for the purposes of criminal investigation (whether related to waste disposal or not), including whether the records would be stored at the Government Cloud Platform ("GovCloud"), and whether court warrants had been/should be applied for the transfer of records.</p>
20200317	<p>18. Dr CHENG pointed out that under the MSW charging trial projects organized/to be organized in public rental housing ("PRH") estates, residents of the participating PRH estates would be provided with dummy designated garbage bags ("dummy bags") free-of-charge. However, the objective of the proposed MSW charging scheme was to drive behavioural change towards waste disposal through</p>

	<p>economic incentive, i.e. requiring waste producers to prepay designated bags ("DBs") or designated labels ("DLs") for MSW disposal. He therefore expressed doubt that the trial projects could effectively simulate the proposed MSW charging scheme.</p> <p>19. Dr CHENG asked whether similar trial projects had been/would be conducted in other types of premises. The Administration advised that the Environment and Conservation Fund had sponsored various community involvement projects in different types of premises (e.g. housing estates that had engaged PMCs, single-block buildings, commercial and industrial ("C&I") premises, public institutions, rural villages and low-density premises), the aim of which was to provide stakeholders from different sectors with first-hand experience of how MSW charging could be practised in real settings.</p> <p>20. Dr CHENG noted that according to relevant tender notices, some MSW charging trial projects in PRH estates were expected to end in 2023. He therefore enquired about the interface between the trial projects and the proposed MSW charging scheme, and in particular whether residents of the participating PRH estates would be allowed to use the free dummy bags distributed under the trial projects for waste disposal even after the passage of the Bill. He also asked whether waste wrapped in non-dummy bags deposited by residents at the estates' refuse collection areas would be collected by frontline cleaning staff during the course of the trial projects.</p>
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