

LEGISLATIVE COUNCIL BRIEF

Waste Disposal Ordinance

(Chapter 354)

Waste Disposal (Amendment) Bill 2003 and the Clinical Waste Control Scheme

INTRODUCTION

A At the meeting of the Executive Council on 10 June 2003, the Council ADVISED and the Chief Executive ORDERED that the Waste Disposal (Amendment) Bill 2003 at Annex A should be introduced into the Legislative Council to impose legislative control on the management of clinical waste and the disposal of imported waste, and to set out in the Waste Disposal Ordinance the international ban prohibiting the export of hazardous waste from developed countries (known as the Basel Ban).

JUSTIFICATIONS

Control of Clinical Waste

2. Clinical waste is potentially infectious and biohazardous, and if not properly handled will pose serious health risks. To protect public health, we propose to implement a Clinical Waste Control Scheme (the Control Scheme) by:

- a) establishing a statutory licensing framework for all clinical waste collectors;
- b) requiring clinical waste producers to properly manage their clinical waste by segregating those waste from other municipal solid waste and consigning the clinical waste to licensed clinical

waste collectors for disposal. Healthcare professionals will be exempted from licensing and can deliver not more than 5 kg of clinical waste to a licenced disposal facility or an authorized collection point set up by waste collectors or individual waste producers¹;

- c) promulgating Codes of Practice to provide guidance for major clinical waste producers (i.e. hospitals), waste collectors and small waste producers (i.e. clinics and medical laboratories etc) on segregation, packaging, labelling, collection, storage, transportation and disposal of clinical waste;
- d) setting up a trip-ticket system to track clinical waste from source to disposal facility; and
- e) designating the Chemical Waste Treatment Centre (CWTC) as the facility to treat clinical waste and levying a disposal charge on clinical waste producers for use of the facility.

3. The Waste Disposal Ordinance (the Ordinance) will define clinical waste and provide for licensing control on clinical waste collectors. Details of the Control Scheme will be set out in the Codes of Practice and the new Waste Disposal (Clinical Waste) (General) Regulation to be made under the Ordinance after the enactment of the Bill.

4. We propose to utilize the CWTC to treat clinical waste². At present, all clinical waste are separated from other waste and are disposed of in special trenches at landfills. While this is a safe and proper disposal method for

¹ These requirements will be set out in the new Waste Disposal (Clinical Waste) (General) Regulation to be made under the Ordinance. The proposed Regulation will also stipulate that healthcare professionals mean registered medical practitioners, registered dentists, registered veterinary surgeons, registered/listed Chinese medicine practitioners and registered/enrolled nurses as defined in the relevant legislation.

² An Environmental Impact Assessment Study had been carried out in 1998-9 and concluded that the CWTC was suitable to treat clinical waste in an environmentally acceptable manner. The Advisory Council on the Environment endorsed the Study report in May 1999.

clinical waste, high-temperature incineration is the best guarantee for all pathogens to be destroyed. We have examined other treatment methods³ but decided against them because they are either not proven or unreliable, or there is not yet any international control parameter.

5. In accordance with the User Pays Principle, we propose to levy a charge for the reception and treatment of clinical waste at the CWTC. The charge will be prescribed in the new Waste Disposal (Charges for Disposal of Clinical Waste) Regulation to be made under the Ordinance. Having regard to the current level of charges for chemical waste and our assessment of acceptance by the affected trades, we propose to set the charge at the same level currently applied to chemical waste i.e. to recover 31% of the variable operation cost⁴ of CWTC. The charge will be raised incrementally with a view to eventually recovering in full the variable operation cost for treating clinical waste at the CWTC.

6. Our current estimate of the variable operation cost of treating clinical waste at the CWTC is \$7,700 per tonne at March 2003 prices. The exact cost will be determined after the CWTC contractor has submitted a formal tender bid and the tender process has been approved. Based on a recovery rate of 31% of the variable operation cost, the charge will be around \$2,387 per tonne, or \$2.38 per kilogram of clinical waste.

Disposal of Imported Waste

7. At present, under the Ordinance, import of non-hazardous waste requires a permit from the Director of Environmental Protection (DEP)⁵. The only exception is importation for recycling purpose as the international trend is

³ We have examined treatment methods like autoclaving, microwaving, chemical disinfection, gasification, pyrolysis, plasma and irradiation etc.

⁴ The cost for operating the CWTC comprises a minimum operating charge and a set of variable operating charges. The former is a fixed minimum payment irrespective of the amount of waste handled by the facility whereas the latter are the unit charges for treating different types of waste.

⁵ Normally, DEP will not issue a permit for the importation of non-hazardous waste for the purpose of disposal in Hong Kong.

to encourage free trade of non-hazardous waste which in turn would be conducive to promoting recycling. However, it is possible that these imported waste would ultimately be disposed of in Hong Kong, either because the original arrangement for recycling has fallen through, or the importer has purposely imported the waste under the guise of recycling, when his real motive is to dispose of the waste in Hong Kong. Prosecution has been extremely difficult as Government needs to establish the offender's intent to deceive at the time of importation⁶.

8. To plug this loophole and conserve our valuable landfill space, we propose to make it an offence for a person to dispose of imported non-hazardous waste without prior authorization from DEP, which will only be granted if the applicant can prove that he has exhausted all possible recycling outlets and all means to return his waste to the place of origin. The need to prove the offender's earlier intent to deceive would not be required. The applicant will be required to pay the full disposal cost involved.

Basel Ban

9. In 1995, the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal⁷ agreed to ban the export of hazardous waste from state-members of the Organization for Economic Cooperation and Development, European Community and Liechtenstein to other states (known as the Basel Ban). The objective is to reduce the environmental impact caused by the movement of hazardous waste from developed countries to developing countries.

10. The People's Republic of China is a Party to the Basel Convention. Since 1998, DEP has been implementing the Basel Ban in Hong Kong administratively by exercising his power to approve or refuse the issue of

⁶ In the past three years, there are on average over 30 cases of identified attempts to dispose of imported non-hazardous waste in Hong Kong. The amounts of waste involved each year ranged from 130 tonnes to 470 tonnes. On average, there are only 6 successful prosecutions each year.

⁷ The Convention was adopted in Basel, Switzerland in March 1989 and came into force in May 1992. It aims to define global means to control the movement of hazardous waste, minimise their production and ensure that these waste are disposed of in an environmentally sound manner. At present, there are 156 parties to the Convention.

permits for the importation of waste. We now propose to set out the Basel Ban in clear terms in the Ordinance. This would send a strong signal to the international community regarding Hong Kong's commitment to enforcing the Ban.

Miscellaneous Amendments

11. We propose to take this opportunity to make some miscellaneous amendments to the Ordinance so as to increase the transparency of the law and further streamline enforcement operations. The key provisions include –

- (a) setting out the conditions that DEP may prescribe for waste collection and disposal licences in two new Schedules to the Ordinance. This will enable applicants to know beforehand the likely conditions that may be imposed on these licences; and
- (b) replacing the prescribed forms for the application of a waste collection licence and waste disposal licence with forms specified by DEP. This would allow DEP more flexibility in amending the application forms.

OTHER OPTIONS

12. On the control of clinical waste, we consider that no practicable alternative will offer the community a similar level of protection against the health and environmental hazards associated with the improper handling of clinical waste.

13. As regards imported waste for recycling purpose, we have considered the viability of imposing full-scale control over the import of recyclable waste. However, since some two million tonnes of such waste are currently being traded through Hong Kong, we consider that the cost concerned to both Government and the business sector would be too high and unjustified. The control would also go contrary to our policy of encouraging the recycling and reuse of waste and would adversely affect both the shipping industry and the recycling trade. The present proposal would be a more pragmatic approach.

THE BILL

14. The main provisions of the Bill are as follows –
- a) clauses 2 to 6, 15, 16, 21(a), 21(b), 22 and 25 (Eighth Schedule), provide for the introduction of the Clinical Waste Control Scheme;
 - b) clauses 10 to 12 and 20 provide for the control on the disposal of imported non-hazardous waste;
 - c) clauses 8, 9, 13, 23 (Sixth Schedule), 24 (Seventh Schedule), and 25 (Ninth Schedule) implement the “Basel Ban” and the control on the import and export of waste; and
 - d) clauses 7, 14, 17 to 19, 21(c), 25 (Tenth and Eleventh Schedules), and 26 to 30 cover the miscellaneous amendments.

B The existing provisions being amended are at Annex B.

LEGISLATIVE TIMETABLE

15. The legislative timetable will be:

| | |
|---|----------------|
| Publication in the Gazette | 20 June 2003 |
| First Reading and commencement of Second Reading debate | 25 June 2003 |
| Resumption of Second Reading debate, Committee stage and Third Reading | to be notified |

IMPLICATIONS OF THE PROPOSAL

C 16. The proposal has financial and civil service, economic, environmental and sustainability implications as set out at Annex C.

17. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. The proposal also does not affect the current binding effect of the Ordinance. The proposal has no productivity implications.

PUBLIC CONSULTATION

18. The LegCo Environmental Affairs and Health Services Panels were consulted on the proposed Control Scheme and the plan to utilize the CWTC for treatment of clinical waste in March and May 2002. The Panels had no objection to the proposals.

19. In 1999, the Advisory Council on the Environment (ACE) examined the Environmental Impact Assessment Study Report which concluded that CWTC was able to treat clinical waste in an environmentally acceptable manner. ACE endorsed the Report. In April 2002, we further consulted the ACE on the proposed Control Scheme. ACE supported the proposal.

20. In November 2001, we issued a Consultation Document on the proposed Control Scheme to the medical, Chinese medical, dental, nursing and veterinary sectors, green groups, academic institutions, waste collectors and other related organizations. We also attended eight meetings and discussion forums to explain the proposed Control Scheme to the parties concerned. Except for Greenpeace and the Kwai Tsing District Council, respondents to the Consultation Document generally supported the proposal.

21. In March 1999, the LegCo Panel on Environmental Affairs was consulted on the proposal to control disposal of imported waste. Members had no objection to the proposal. We then consulted the shipping industry and other stakeholders in May 1999. Respondents either supported or had no comments on the proposal.

22. DEP has been implementing the Basel Ban administratively since December 1998. The relevant arrangements have been made known to both local and overseas traders prior to the implementation. At the meeting of March 1999, the LegCo Panel on Environmental Affairs raised no objection to

the plan to formalize the Ban.

PUBLICITY

23. We will issue a press release on 18 June 2003. A spokesman will be available to answer media and public enquiries.

ENQUIRIES

24. Enquiries about this Brief may be directed to Ms Annie Choi, Principal Assistant Secretary for Environment, Transport and Works (Environment) at telephone number 2136 3351 or fax number 2136 3304.

Environment, Transport and Works Bureau
18 June 2003

WASTE DISPOSAL (AMENDMENT) BILL 2003

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**Waste Disposal (Chemical Waste)
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A BILL

To

Amend the Waste Disposal Ordinance.

Enacted by the Legislative Council.

1. Short title and commencement

(1) This Ordinance may be cited as the Waste Disposal (Amendment) Ordinance 2003.

(2) Subject to subsection (3), this Ordinance 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.

(3) This section, sections 8, 9, 13 (in so far as it relates to the definition of "The Basel Convention"), 23, 24 and 25 (in so far as it relates to the new Schedule 9) shall come into operation on the day on which this Ordinance is published in the Gazette.

2. Interpretation

Section 2(1) of the Waste Disposal Ordinance (Cap. 354) is amended -

(a) in the definition of "animal waste" -

(i) in paragraph (c), by repealing the semicolon and substituting a comma;

(ii) by adding "but does not include clinical waste;" after paragraph (c);

- (b) in the definition of "collection authority", in paragraph (a), by adding "and clinical waste" after "waste";
- (c) in the definition of "disposal", by adding "and clinical waste" after "waste";
- (d) in the definition of "trade waste", by repealing "and chemical waste" and substituting ", chemical waste or clinical waste";
- (e) in the definition of "waste", by adding "clinical waste," after "chemical waste,";
- (f) in the definition of "waste collection licence", by repealing "under" and substituting "referred to in";
- (g) in the definition of "waste disposal licence", by repealing "under" and substituting "referred to in";
- (h) in the definition of "獲豁免的人", by repealing "。" and substituting " ; ";
- (i) by adding -

"clinical waste" (醫療廢物) means waste
consisting of any substance, matter or
thing belonging to any of the groups
specified in Schedule 8 that is
generated in connection with -

- (a) a dental, medical, nursing or veterinary practice, or any other practice or establishment (howsoever described) providing medical care and services for the sick, injured, infirm or those who require medical treatment;
- (b) a dental, medical, nursing, veterinary, pathological or pharmaceutical research; or
- (c) a -
 - (i) dental;
 - (ii) medical;
 - (iii) veterinary; or
 - (iv) pathological, laboratory practice,but does not include chemical waste or radioactive waste;".

3. Section added

The following is added -

"9A. Collection of chemical waste or clinical waste in special circumstances

The collection authority may provide services for the collection and removal of chemical waste or clinical waste

in response to an accident or emergency involving such waste, or in circumstances where the authority thinks that it is impracticable to arrange for the chemical waste or clinical waste to be collected or removed by a person who is -

- (a) a holder of a licence under section 10(5) for the collection or removal of such waste; or
- (b) authorized pursuant to any regulation made under section 33(1)(ca) to collect or remove such waste."

4. Licensing of collection and scavenging services

Section 10 is amended -

- (a) by repealing subsection (2);
- (b) in subsection (5), by adding "or clinical waste" after "chemical waste".

5. Section substituted

Section 11 is repealed and the following substituted -

"11. Prohibition of collection of waste unless licensed or authorized

- (1) Subject to section 12, where -
 - (a) the collection authority provides any services under section 9; or

- (b) any person is permitted to provide any services specified in section 9 pursuant to a licence under section 10(1),

any other person, not being the holder of a licence under section 10(1) for that purpose, who provides such services commits an offence and is liable to a fine at level 6.

(2) A person who provides any services specified in section 10(5) and who is not -

- (a) the holder of a licence under section 10(5) for that purpose; or

- (b) authorized for that purpose pursuant to any regulation made under section 33(1)(ca),

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

6. Prohibition of unauthorized disposal of waste

Section 16 is amended -

- (a) in subsection (2) -

- (i) by adding "or premises" after "of land";
- (ii) in paragraph (d), by adding "or clinical waste" after "waste";
- (iii) by repealing paragraph (e) and substituting -

"(e) the disposal of chemical waste or clinical waste by a person who is authorized, pursuant to

any regulation made under section 33(1)(da), to use the land or premises for that purpose;

(f) the disposal of such wastes or classes of wastes, in such circumstances, as may be prescribed.";

(b) in subsection (4), by adding "or clinical waste" after "chemical waste".

7. Information as to waste delivered for disposal

Section 19(2) is amended by repealing "of \$5,000" and substituting "at level 6".

8. Permit required for the import of waste into Hong Kong

Section 20A(4) is amended -

(a) in paragraph (b)(ii), by repealing "and";

(b) in paragraph (c)(ii), by repealing "; or" and substituting a semicolon;

(c) in paragraph (d), by repealing the full stop and substituting a semicolon;

(d) by adding -

"(e) in the case of waste of a kind specified in the Seventh Schedule, that the waste

is not exported from a state that is listed in Schedule 9; and

- (f) that the issue of such permit is not in breach of Hong Kong's obligations under The Basel Convention."

9. Permit required for the export of waste from Hong Kong

Section 20B(4) is amended -

- (a) in paragraph (d), by repealing "and";
- (b) in paragraph (e)(ii), by repealing "; or" and substituting a semicolon;
- (c) in paragraph (f), by repealing the full stop and substituting "; and";
- (d) by adding -

"(g) that the issue of such permit is not in breach of Hong Kong's obligations under The Basel Convention."

10. Section added

The following is added -

"20DA. Authorization for disposal of certain imported waste

(1) This section applies only to waste the import of which into Hong Kong does not require a permit under section 20A, and the reference to "imported waste" (進口廢物) in this

section shall be construed as a reference to waste of this category that has been imported into Hong Kong.

(2) The disposal of any imported waste at a designated waste disposal facility requires an authorization granted by the waste disposal authority under this section.

(3) An application for the authorization shall be made in writing in such form as the waste disposal authority may specify.

(4) On receipt of an application made by any person ("the applicant") for the authorization, the waste disposal authority may, subject to subsection (5) -

(a) grant the authorization, with or without conditions; or

(b) refuse to grant the authorization,

and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.

(5) The waste disposal authority shall not grant an authorization under subsection (4)(a) unless the applicant has proved to the satisfaction of the authority that -

(a) the import of the waste concerned into Hong Kong did not require a permit under section 20A;

(b) it is not practicable to make alternative arrangement for the imported waste to be used (whether in Hong Kong or elsewhere) for the purpose of a reprocessing, recycling or

recovery operation or for reuse ("the specified purpose"), in a manner acceptable to the authority; and

- (c) it is not practicable for the applicant to return, or cause the importer of the imported waste to return, the imported waste to the state of export,

and in determining the practicability of the matters specified in paragraphs (b) and (c), the lack of financial means to carry out an alternative arrangement or return the imported waste to the state of export (as the case may be) shall not be a relevant consideration.

(6) Without prejudice to the generality of subsection (4)(a), a condition attached to an authorization may -

- (a) require the applicant to pay such charge as the waste disposal authority may determine for recovery of the cost of disposal of the imported waste;
- (b) specify the manner, place and time of the disposal;
- (c) specify the arrangements to be made and the procedures to be observed in relation to the disposal.

(7) The waste disposal authority may require an applicant to furnish him with such information as he considers necessary for determining whether or not to grant

the authorization, and such information may relate, in particular, to -

- (a) the details of the original arrangement made for applying the imported waste to the specified purpose after the import;
- (b) the reasons why such arrangement cannot be carried out;
- (c) proof of any attempt made in making alternative arrangement for the imported waste -

- (i) to be used (whether in Hong Kong or elsewhere) for the specified purpose;

- (ii) to be returned to the state of export.

(8) The provisions in this section shall be in addition to and shall not derogate from any other provision of this Ordinance."

11. Offences under this Part

Section 20E is amended -

- (a) in subsection (1) -

- (i) in paragraph (a) -

- (A) by adding "or an authorization granted" after "issued";

- (B) by adding "or authorization" after
"such a permit";
- (ii) in paragraph (b) -
 - (A) by adding "or an authorization
granted" after "issued";
 - (B) by adding "or authorization" after
"such a permit";
- (b) in subsection (2), by adding "or the grant of an
authorization" after "permit".

**12. Seizure and disposal of waste
following conviction**

Section 20F is amended -

- (a) in subsection (1) -
 - (i) by adding "or the disposal of any
imported waste referred to in section
20DA(2)," after "any waste,";
 - (ii) in paragraph (b) -
 - (A) in subparagraph (i), by adding "or
the disposal of any imported waste
referred to in section 20DA(2)"
before ", to return";
 - (B) in subparagraph (ii), by repealing
"manner." and substituting -
"manner,

and may, by such notice or by any other notice in writing, require the convicted person to furnish the waste disposal authority within a specified time with documentary evidence to show that the requirements made under subparagraph (i) or (ii) have been complied with.";

(b) in subsection (3), by repealing everything after "under" and substituting -

"subsection (1)(a) or (2) -

(a) (where the offence is in respect of the import or export of any waste) the importer or exporter of the waste, as the case may be; or

(b) (where the offence is in respect of the disposal of any imported waste referred to in section 20DA(2)) the convicted person,

shall be liable to the waste disposal authority for the cost of such seizure and disposal, including the cost of any transportation and storage, and such cost

shall be recoverable as a civil debt due to the waste disposal authority."

13. Interpretation and application

Section 20I(1) is amended by adding -

" "The Basel Convention" (《巴塞爾公約》) means The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal concluded at Basel in Switzerland on 22 March 1989 as amended from time to time and as applied to Hong Kong;

"designated waste disposal facility" (指定廢物處置設施) means any premises specified as such by regulations made under section 33, being premises that is used for or in connection with the disposal of waste as referred to in subsection (4) of that section;"

14. Applications for and grant of licences

Section 21 is amended -

- (a) in subsection (1), by repealing "the prescribed form" and substituting "such form as the collection authority may specify";
- (b) in subsection (2), by repealing "the prescribed form" and substituting "such form as the waste disposal authority may specify";
- (c) in subsection (7), by repealing "section 21(2)" and substituting "subsection (2)";

(d) by adding -

"(8) A person who, in or in connection with an application under this section, makes any statement (whether such statement be oral or written), or furnishes any information -

(a) which is false or misleading in a material particular; and

(b) which he knows or reasonably ought to know is false or misleading in such particular,

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

15. Circumstances under which waste disposal licence for chemical waste or clinical waste is to be granted

Section 21A is amended by adding "or clinical waste (as the case may be)" after "chemical waste" wherever it appears.

16. Effect of licences

Section 22 is amended -

(a) in subsection (1) -

(i) by repealing ", in relation to any area specified therein";

- (ii) in paragraph (e), by repealing "waste," and substituting "waste or clinical waste (as the case may be).";
 - (iii) by repealing everything after paragraph (e);
- (b) in subsection (2), by repealing everything after "disposal of" and substituting "waste.".

17. General provisions as to licences

Section 23 is amended -

- (a) by adding -

"(1A) Without limiting the general nature of the terms and conditions which the authority may include in a waste collection licence, he may include terms and conditions relating to the matters set out in Schedule 10.

(1B) Without limiting the general nature of the terms and conditions which the authority may include in a waste disposal licence, he may include terms and conditions relating to the matters set out in Schedule 11.";

- (b) in subsection (5), by repealing "or (ii)";
- (c) in subsection (6), by repealing "(4)" and substituting "(3)";

- (d) in subsection (7), by repealing "(4)" and substituting "(3)";
- (e) in subsection (8), by repealing "licence under section 21" and substituting "waste collection licence or waste disposal licence (as the case may be)".

18. Other powers of authorized officers

Section 23D is amended -

- (a) in paragraph (d), by adding ", record or document" after "drawing";
- (b) in paragraph (e), by repealing "issued thereunder" and substituting "or permit issued or any authorization granted under this Ordinance";
- (c) in paragraph (h), by repealing everything after "33 to" and substituting "state his name and address and to produce documentary evidence on such details, including an identity card issued under the Registration of Persons Ordinance (Cap. 177), for inspection by the authorized officer.".

19. Analysis of samples

Section 23E(2) is amended -

- (a) by repealing paragraph (a);
- (b) in paragraph (b) -

- (i) by repealing "each part in a separate" and substituting "the sample in a";
 - (ii) by repealing "each container" and substituting "the container";
- (c) in paragraph (c) -
- (i) by repealing subparagraph (i);
 - (ii) in subparagraph (ii), by repealing "one of the other 2 parts" and substituting "the sample";
- (d) in paragraph (d) -
- (i) by repealing "one of the remaining 2 parts" and substituting "the sample";
 - (ii) by repealing "and retain the other".

20. When appeal may be brought

Section 24(1) is amended by adding -

- "(bc) section 20DA(4)(a)(fixing the conditions of an authorization for disposal of imported waste);
- (bd) section 20DA(4)(b)(refusing to grant an authorization for disposal of imported waste);".

21. Regulations

Section 33 is amended -

- (a) in subsection (1) -
 - (i) by adding -

"(ca) the authorization of any person to collect or remove chemical waste or clinical waste without a licence for that purpose;"

(ii) by adding -

"(da) the authorization of any person to use any land or premises for the disposal of chemical waste or clinical waste without a licence for that purpose;"

(iii) in paragraph (ha), by adding "the equipment to be used," after "in particular";

(iv) by adding -

"(haa) the specification of -

(i) any person or group of persons who may remove, transport or transfer clinical waste;

(ii) the places and manner in which any such activity may be carried out;

(iii) the requirements or conditions subject to which any such activity may be carried out;"

(b) in subsection (1A)(a) -

- (i) in subparagraph (vi)(A), by adding "or clinical waste" after "chemical waste";
- (ii) in subparagraph (vii), by repealing "or" and substituting a semicolon;
- (iii) by adding -
 - "(ix) to authorize any person, with or without conditions, to use any land or premises for the receipt of clinical waste without a waste collection licence in such circumstances as may be prescribed in the regulations;
 - (x) to authorize any person, with or without conditions, to collect or remove chemical waste or clinical waste without a waste collection licence for that purpose in an emergency or other

circumstances that, in the opinion of the Director, render it impracticable for a reasonable person to engage the services of a person holding such a licence; or

(xi) to authorize any person, with or without conditions, to use any land or premises for the disposal of chemical waste or clinical waste without a waste disposal licence for that purpose in an emergency or other circumstances that, in the opinion of the Director, render it impracticable for a reasonable person to use for that purpose any land or premises in respect of which such a licence is in force;"

(c) by adding -

"(6) Regulations made under this section may provide that the Secretary may, by notice published in the Gazette, amend any Schedule to such regulations being a Schedule that

specifies the premises used for or in connection with any of the relevant activities referred to in subsection (4).".

22. Amendment of Schedules

Section 37(1) and (2) is repealed and the following substituted -

"(1) The Chief Executive in Council may, by notice published in the Gazette, amend the First, Second, Third, Fourth and Fifth Schedules and Schedule 8.

(2) The Director may, by notice published in the Gazette, amend the list of pathogens listed in Group 4 of Schedule 8 and Schedules 10 and 11.

(3) The Secretary may, by notice published in the Gazette, amend -

- (a) the relevant dates specified in the First, Second and Fifth Schedules;
- (b) Schedule 9."

23. Waste to which sections 20A(1)(a) and 20B(1)(a) apply

The Sixth Schedule is amended -

- (a) under the heading of "~~GA—Metal and metal-alloy waste in metallic, non-dispersible form~~", by repealing the entry of "GA380";

- (b) under the heading of "**GG—Other waste containing principally inorganic constituents, which may contain metals and organic material**" -
- (i) in the entry of "GG040", by adding ", not elsewhere specified or included" after "ash";
 - (ii) in the entry of "GG060", by adding "resulting from the treatment of potable water and processes of the food industry and vitamin production" after "carbon";
- (c) under the heading of "**GJ—紡織品廢物**", in the entry of "GJ 100", by repealing "無在他處" and substituting "在他處無";
- (d) under the heading of "**GM—農業食品工業產生的廢物**", in the entry of "GM 080", by repealing "無在他處" and substituting "在他處無";
- (e) under the heading of "**GN—Waste arising from tanning and fellmongery operations and leather use**", in the entry of "GN040", by adding "and not containing hexavalent chromium compounds or biocides" before ", excluding leather sludges".

24. Seventh Schedule amended

The Seventh Schedule is amended -

- (a) under the heading of "~~AA~~**Metal bearing waste**", by adding -

| | |
|--------|---|
| "AA190 | Waste having metal carbonyls as constituents |
| AA200 | Waste having hexavalent chromium compounds as constituents, not elsewhere specified or included |
| AA210 | Spent electrolytic solutions from copper electrorefining and electrowinning operations |
| AA220 | Spent etching solutions containing dissolved copper"; |

- (b) under the heading of "~~AB~~**Waste containing principally inorganic constituents, which may contain metals and organic materials**", by adding -

| | |
|--------|---|
| "AB160 | Coal fired power-plant fly ash containing any substance, matter or thing that renders the fly ash as chemical waste"; |
|--------|---|

- (c) under the heading of "~~AC~~**Waste containing principally organic constituents, which may contain metals and inorganic materials**", by adding -

| | |
|--------|---|
| "AC280 | Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles and containing hexavalent chromium compounds or biocides |
| AC290 | Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances"; |

(d) under the heading of "~~AD~~Waste which may contain either inorganic or organic constituents", by adding -

| | |
|--------|---|
| "AD170 | Spent activated carbon, not elsewhere specified or included |
| AD180 | Clinical and related wastes; that is wastes arising from dental, medical, nursing or veterinary practice, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects |
| AD190 | Waste packages and containers containing any substance, matter or thing that renders the packages or containers in question as chemical waste |
| AD200 | Waste consisting of or containing off specification or outdated chemicals that render the waste as chemical waste |
| AD210 | Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known |
| AD220 | Chemical waste, not elsewhere specified or included". |

25. Schedules 8, 9, 10 and 11 added

The following are added -

"SCHEDULE 8

[ss. 2 & 37]

GROUPS OF CLINICAL WASTE

Group 1 - Used or contaminated sharps

Syringes, needles, cartridges, ampoules and other sharp instruments which have been used or which have become contaminated with any other group of clinical waste.

Group 2 - Laboratory waste

Unsterilized laboratory stock cultures, or cultures, of infectious agents and potentially infectious waste with significant health risk from dental, medical, veterinary or pathological laboratories.

Group 3 - Human and animal tissues

All human and animal tissues, organs and body parts as well as dead animals, but excluding dead animals and animal tissues, organs and body parts arising from veterinary sources or Chinese medicine practices.

Group 4 - Infectious materials

Infectious materials from patients with the following pathogens -

Crimean/Congo haemorrhagic fever virus(克里米亞/剛果出血熱病毒);

Ebola virus(伊波拉病毒);

Guanarito virus(瓜納里托病毒);

Hendra virus(亨德拉病毒);

Herpesvirus simiae (B virus)(疱疹B病毒);

Junin virus(呼寧病毒);

Kyasanur forest disease virus(庫阿撒魯爾森林病毒);

Lassa fever virus(拉薩熱病毒);

Machupo virus(馬塞堡病毒);

Marburg virus(瑪堡病毒);

Omsk virus(鄂木斯克病毒);

Russian spring-summer encephalitis virus(俄羅斯春夏季腦炎
病毒);

Sabia virus(薩比亞病毒);

Severe Acute Respiratory Syndrome Coronavirus (嚴重急性
呼吸系統綜合症冠狀病毒);

Variola virus(天花病毒),

and materials contaminated by any of such infectious
materials.

Group 5 - Dressings

Surgical dressings, swabs and all other waste dribbling
with blood, caked with blood or containing free-flowing
blood.

Group 6 - Other wastes

Other wastes which are likely to be contaminated with -

- (a) infectious materials (other than infectious materials referred to in Group 4); or
 - (b) any clinical waste being substance, matter or thing belonging to Group 1, 2, 3, 4 or 5,
- and which may pose a significant health risk.

SCHEDULE 9

[ss. 20A & 37]

STATES INCLUDED IN ANNEX VII
OF THE BASEL CONVENTION

Australia

Austria

Belgium

Canada

Czech Republic

Denmark

Finland

France

Germany

Greece

Hungary

Iceland

Ireland

Italy

Japan

Liechtenstein

Luxembourg

Mexico
The Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
South Korea
Spain
Sweden
Switzerland
Turkey
The United Kingdom of Great Britain and Northern Ireland
United States of America

SCHEDULE 10

[ss. 23(1A) & 37]

MATTERS TO WHICH TERMS AND CONDITIONS
OF WASTE COLLECTION LICENCE
MAY RELATE

1. **General**

(1) The validity period of the licence.

2. **Operation control**

(1) The types, quantities and sources of waste which
may be collected or received.

(2) The places, or facilities provided by the
collection authority or the waste disposal

authority, to which waste may be delivered for repackaging, storage, recovery, disposal or export, and times or periods at or during which waste may be so delivered.

- (3) The times during which, and the routes along which, waste may be collected, and the time allowed for such collection.
- (4) The places, times or periods at or during which waste may be received, handled and stored at a collection point.
- (5) The method of disposal of collected waste.
- (6) The arrangements, containers, storage receptacles, vehicles and vessels to be employed or used in the collection, reception, storage, transfer and transportation of waste (including the supervision of their use by the holder of the licence, manning levels, requirements regarding waste handling procedures and the time interval and the manner in which containers or receptacles may be left in a public place).
- (7) Methods of temporary storage of waste if it cannot be delivered to the waste disposal facility within the specified time limit.
- (8) The design, construction, labelling, maintenance, operation, cleansing and disinfection of any container, storage receptacle, plant, equipment,

clothing, vehicle or vessel employed or used by the holder of the licence to collect, remove, store, receive and transport waste.

- (9) The standards, practices and restrictions on segregation, packaging, labelling and handling of waste during reception, removal, storage and transportation.
- (10) The arrangements for handling waste that is rejected at a reception point.
- (11) The training and retraining to be provided to persons involved in the collection, reception, storage, transfer and transportation of waste or related operations, and the number of persons and qualifications of persons involved or employed in carrying out the operations concerned.
- (12) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the collection, reception, storage, transfer and transportation of waste or related operations.
- (13) The documentation that shall accompany each consignment of waste or that shall be carried on any vehicle or vessel which is used for the activities concerned.

- (14) The documentation that shall be issued in respect of each consignment of waste received at a collection point.
- (15) The keeping and preservation of records and the information in specified format to be supplied to the collection authority by the holder of the licence in relation to the activities concerned, including the filling in and keeping and submission to the collection authority of trip tickets issued by the collection authority and the waste disposal authority.

3. Safety and insurance

- (1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.
- (2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.
- (3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the collection, reception,

storage, transfer and transportation of waste and related operations.

- (4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

4. Pollution control

- (1) Precautions to be taken to prevent the release of any substance that may cause air pollution or land or water contamination.
- (2) Pollution control and the monitoring of possible emissions including air and noxious pollutants, dust, noise and liquid spillage, leakage, discharge or deposit, and the precautions to be taken to prevent or otherwise mitigate any type of nuisance arising from the collection, reception, storage, transfer and transportation of waste.
- (3) The reporting of any pollution incidents to the collection authority.

5. Others

- (1) Other conditions that the collection authority thinks necessary to protect the environment and public health.

SCHEDULE 11

[ss. 23(1B) & 37]

MATTERS TO WHICH TERMS AND CONDITIONS
OF WASTE DISPOSAL LICENCE
MAY RELATE

1. **General**

- (1) The validity period of the licence.

2. **Operation control**

- (1) The technology or method to be employed for treatment or disposal of waste.
- (2) The types, quantities and sources of waste which may be received, handled, analysed, treated, stored, disposed of or transported.
- (3) The places, times or periods at or during which waste may be received, handled, treated, stored, disposed of or transported.
- (4) The arrangement for the analysis of waste prior to its reception, including the preparation of and the compliance with a waste analysis plan, the requirements for laboratories to be observed for carrying out the analysis, and verification of the analysis results against trip tickets or other records of waste that accompany the waste consignment.
- (5) The arrangements for handling waste and the substances that may result from the licensed

operation, including the use, reuse, recycling, storage, disposal or transportation of the waste or such substances.

- (6) The location, design, construction and operation of any receptacles, plant, equipment, vessels or vehicles that may be used in the reception, treatment, storage, disposal or transportation of waste.
- (7) The standards, practices and restrictions on packaging, labelling and handling of waste during reception, treatment, storage, disposal or transportation.
- (8) The cleansing and disinfection of any receptacles, plant, equipment, vessels, vehicles, clothing and places.
- (9) The training and retraining to be provided to persons involved in the waste treatment, disposal or related operations, and the number of persons and qualifications of persons employed in carrying out the operations concerned.
- (10) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the waste treatment or disposal or related operations.

- (11) Trial runs and testing to be conducted on the waste disposal facility, and the follow-up actions to be taken if any trial run or testing shows any deficiency of the facility in handling and treating waste.
- (12) The keeping and the provision to the waste disposal authority of records in specified format in relation to the types, quantities and sources of waste received, handled, treated, stored, disposed of and transferred out of the reception point, their microbiological, physical and chemical compositions, the persons, vehicles or vessels delivering the waste, the times of reception of waste, the manner, times and places of treatment or disposal of waste and the substances resulting from the licensed operation. Such records may include trip tickets issued by the collection authority and the waste disposal authority for tracking the movement of waste.

3. Site management and maintenance

- (1) The management and maintenance of the site and its surrounding areas and associated structures, communication equipment and facilities on the site.

- (2) The care and maintenance and security of any equipment and facilities to be used in the operations concerned.
- (3) The management and supervision of the waste treatment or disposal operation and all related activities.

4. Safety and insurance

- (1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.
- (2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.
- (3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the waste treatment, recycling, disposal, transfer and related operations.
- (4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

5. Pollution control

- (1) The places, times or periods at or during which the emission of air pollutants may take place or the discharge or deposit of matters may be made.
- (2) The rate of discharge or deposit of any pollutants, or any constituent of the pollutants, into the air, the waters, a public sewer or public drain or the total amount in relation to the matter discharged or deposited.
- (3) The nature, composition, colour, temperature, limit or concentration of any substance that may be emitted, discharged or deposited or of the constituents of the substance.
- (4) The treatment of the substance referred to in paragraph (3) before it is emitted, discharged or deposited and the chimney or relevant plant or equipment to be provided, maintained and used therefor.
- (5) Precautions to be taken so that any specified substance may not be discharged or deposited into any specified part of the waters of Hong Kong or any public sewer or public drain.
- (6) Precautions to be taken to prevent the release of any substance that may cause contamination to soil or ground water.

- (7) The places, times or periods at or during which a certain noise level may be generated.
- (8) The plant, equipment and measures to be provided, maintained and used for noise mitigation.
- (9) Precautions to be taken to prevent birds, pest or rodents from feeding on waste on the site.
- (10) Precautions to be taken to prevent or otherwise mitigate any nuisance that may arise from the disposal operation.
- (11) The reporting of any pollution incidents to the waste disposal authority.
- (12) Requirements for cleaning up and restoration of the land, premises, drain, water course, foreshore and the sea contaminated by the waste within such time and in such manner as specified by the waste disposal authority.

6. Environment monitoring

- (1) The equipment and facilities to be provided, and the methods and procedures to be used, for inspecting, sampling or measuring any emission, discharge, deposit or treatment products or any constituents of such products.
- (2) The places, times or frequencies at which samples of substances discharged or deposited, or of treatment products, or of air pollutants (or any

materials that may evolve into air pollutants) emitted, are to be taken and analysed for their constituents; and the places, times or frequencies at which other environmental parameters (e.g. noise levels) are to be measured.

- (3) The laboratories that may be employed for carrying out the analyses or measurements referred to in paragraph (2), and the checking and certification of the results of such analyses and measurements by qualified personnel.
- (4) The provision to the waste disposal authority of samples, and of the results of the analyses and measurements referred to in paragraph (2), and the release of related information to the public where appropriate.
- (5) The access of authorized officers to the equipment, facilities and records referred to in this section.

7. Environmental audit

- (1) Environmental audit arrangements and requirements, including the checking of environmental control and compliance status of the facility, and the follow-up actions to improve its performance.
- (2) The personnel that may be employed for carrying out the environmental audit referred to in paragraph (1), and the checking and certification

of the results of such audit by qualified personnel.

- (3) The provision of the result of, and any related information on, the environmental audit to the waste disposal authority and the release of such result and records to the public where appropriate.

8. Record keeping and reporting

- (1) Record keeping arrangements (including the types, locations and duration of records to be kept) and reporting arrangements (including the types, frequency, details and number of copies of reports) relating to the facility's operation and management.

9. Site Restoration

- (1) Requirements for the restoration, remediation and maintenance of the site before and after the closure of the waste disposal facility.
- (2) The continual pollution control referred to in section 5 after termination of the operations.
- (3) The continual environmental monitoring referred to in section 6 after termination of the operations.

10. **Others**

- (1) Other conditions that the waste disposal authority thinks necessary to protect the environment and public health."

Consequential Amendments

Waste Disposal (Chemical Waste)(General) Regulation

26. Director to issue trip ticket

Section 20 of the Waste Disposal (Chemical Waste)(General) Regulation (Cap. 354 sub. leg. C) is amended, by repealing "簽發" and substituting "發出".

**Waste Disposal (Permits and Licences)
(Forms and Fees) Regulation**

27. Title amended

The title to the Waste Disposal (Permits and Licences) (Forms and Fees) Regulation (Cap. 354 sub. leg. D) is amended by repealing "FORMS AND".

28. Sections repealed

Sections 2 and 3 are repealed.

29. Schedule 1 repealed

Schedule 1 is repealed.

30. Fees

Schedule 2 is amended -

(a) in item 1 -

(i) by repealing "referred to in section 21(1) of the Ordinance";

(ii) in paragraphs (a)(i) and (b)(i), by adding "under section 21(1) of the Ordinance" after "licence";

(b) in item 2 -

(i) by repealing "referred to in section 21(2) of the Ordinance";

(ii) in paragraphs (a)(i) and (b)(i), by adding "under section 21(2) of the Ordinance" after "licence".

Explanatory Memorandum

The main purposes of this Bill are to amend the Waste Disposal Ordinance (Cap. 354)("the Ordinance") to -

(a) extend the application of the Ordinance to clinical waste to enable regulatory control to be introduced over the collection, transportation and disposal of clinical waste;

(b) give effect to the international ban on the export of hazardous waste from some developed countries ("The Basel Ban"), and to ensure that the import or export of certain kinds of waste will not be in breach of Hong Kong's obligations under The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal ("The Basel Convention"); and

(c) strengthen the control of the disposal of imported waste.

2. Clause 1 specifies the short title of the Bill and provides for the commencement of its provisions.

3. Clause 2 adds the definition of "clinical waste" to section 2(1) and amends certain definitions accordingly.

4. Clause 3 adds new section 9A so that the Director of Environmental Protection as collection authority ("the Director") may provide services for the collection and removal of chemical waste or clinical waste in special circumstances.

5. Clause 4 repeals section 10(2) since the terms and conditions that may be attached to a waste collection licence are set out in the new Schedule 10. It also amends section 10(5) to include clinical waste as waste for the collection or removal of which a licence may be granted by the Director.

6. Clause 5 replaces the existing section 11 with the new section 11 to tie in with section 10(5) as so amended. In relation to chemical waste and clinical waste, the prohibition

under the new section 11(2) does not apply to any person who is licensed under section 10(5) or authorized pursuant to any regulation made under the new section 33(1)(ca) (c.f. clause 21(a)).

7. Clause 6 adds a new paragraph to section 16(2) so that the prohibition under section 16(1) does not apply to the use of any land or premises for the disposal of chemical waste or clinical waste by a person who is authorized pursuant to any regulation made under the new section 33(1)(da) (c.f. clause 21(b)). It also amends section 16(4) to exclude clinical waste from the exemption in that subsection.

8. Clause 7 raises the level of fine for an offence under section 19(2) to level 6 (i.e. \$100,000).

9. Clause 8 amends section 20A(4). The newly added section 20A(4)(e) gives effect to The Basel Ban, while the newly added section 20A(4)(f) ensures that the issue of an import permit would not be in breach of Hong Kong's obligations under The Basel Convention.

10. Clause 9 amends section 20B(4) to ensure that the issue of export permit would not be in breach of Hong Kong's obligations under The Basel Convention.

11. Clause 10 adds a new section 20DA to provide that the disposal of imported waste (as referred to in section 20DA(1)) at a designated waste disposal facility requires an authorization granted by the Director as the waste disposal authority. It also specifies the application procedure. Section 20DA(5) sets out

the basic requirements to be met before the Director may consider granting an authorization.

12. Clause 11 introduces to section 20E new offences in relation to the new section 20DA.

13. Clause 12 amends section 20F as a consequence of the inclusion of new offences to section 20E. It also enables the Director to require information and documents from a convicted person to show the compliance of the requirements made by the Director pursuant to section 20F(1)(b).

14. Clause 13 adds new definitions to section 20I(1), which sets out various definitions for the purposes of Part IVA ("Control of movement of waste into and out of Hong Kong") of the Ordinance.

15. Clause 14 amends section 21(1) and (2) so that a person who wishes to apply for a waste collection licence or waste disposal licence shall apply to the appropriate licensing authority in such form as the authority may specify. The newly added section 21(8) criminalizes the act of providing false or misleading information in relation to such an application.

16. Clause 15 amends section 21A so that a waste disposal licence shall not be granted for clinical waste unless the licensing authority is satisfied that the waste disposal facility concerned complies with requirements specified in the regulations.

17. Clause 16 amends section 22 to provide that a waste collection licence may authorize the collection and removal of

clinical waste. It also contains technical amendments to section 22.

18. Clause 17 adds a new section 23(1A) and (1B), which enables description of the matters to which the terms and conditions of a waste collection licence or waste disposal licence may relate. Such matters are described in the new Schedules 10 and 11. It also contains technical amendments to section 23.

19. Clause 18 amends section 23D to confer additional powers on authorized officers to facilitate the execution of their duties under the Ordinance.

20. Clause 19 amends section 23E(2) to eliminate the requirement of dividing the sample of waste or other matter into 3 parts.

21. Clause 20 amends section 24(1) to provide that any person aggrieved by a decision of the Director to grant or refuse to grant an authorization under the new section 20DA, or his decision relating to the conditions of such an authorization, may appeal to the Appeal Board.

22. Clause 21 amends section 33 to expand the regulation making power under the Ordinance -

(a) clause 21(a) amends section 33(1) to add a new section 33(1)(ca), (da) and (haa) -

(i) the new section 33(1)(ca) and (da) enables regulations to be made to prescribe the circumstances in which authorization may be given to a person to collect or remove chemical waste or

clinical waste without a waste collection licence, or to use any land or premises for the disposal of chemical waste or clinical waste without a waste disposal licence;

- (ii) the new section 33(1)(haa) enables regulation to be made to specify the person or persons who may carry out activities relating to the removal, transportation or transfer of clinical waste, as well as the places and manner in which, and the requirements and conditions subject to which, any such activity may be carried out;

(b) clause 21(b) amends section 33(1A) to add 3 new subparagraphs -

- (i) the new section 33(1A)(a)(ix) provides that the regulation may empower the Director to authorize any person to use any land or premises for the receipt of clinical waste without a waste collection licence;
- (ii) the new section 33(1A)(a)(x) and (xi) makes clear, in relation to the regulation making power under the new paragraphs (ca) and (da) of section

33(1), that the regulation may empower the Director to give the authorization referred to in those paragraphs under certain circumstances;

- (c) clause 21(b)(i) amends section 33(1A)(a)(vi)(A) to extend its application to clinical waste;
- (d) clause 21(c) adds a new section 33(6) to enable regulations to be made to empower the Secretary for the Environment, Transport and Works to make any change to any specification of the premises used in certain activities by amending any Schedule to the regulations which contains such specification.

23. Clause 22 amends section 37 to provide for the amendment of the new Schedules 8, 9, 10 and 11.

24. Clause 23 adds several kinds of waste into the Sixth Schedule and amends certain references to achieve consistency in expression.

25. Clause 24 adds several kinds of waste into the Seventh Schedule.

26. Clause 25 adds the new Schedules 8, 9, 10 and 11. Schedule 8 sets out the various groups of substances, matters or things in relation to the definition of "clinical waste". Schedule 9 lists out the countries to which The Basel Ban applies pursuant to the new section 20A(4)(e). Schedules 10 and 11 describe the matters

to which the terms and conditions of a waste collection licence or waste disposal licence may relate.

27. Clauses 26 to 30 contain consequential and minor amendments to the Waste Disposal (Chemical Waste)(General) Regulation (Cap. 354 sub. leg. C) and the Waste Disposal (Permits and Licences)(Forms and Fees) Regulation (Cap. 354 sub. leg. D).

Existing provisions of the Waste Disposal Ordinance being amended

(Date of download: 26/05/2003)

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|----------|-----|--------------------------|----------------|--------------|
| Chapter: | 354 | WASTE DISPOSAL ORDINANCE | Gazette Number | Version Date |
|----------|-----|--------------------------|----------------|--------------|

| | | | | |
|----------|---|----------------|------------------|------------|
| Section: | 2 | Interpretation | L.N. 106 of 2002 | 01/07/2002 |
|----------|---|----------------|------------------|------------|

- (1) In this Ordinance, unless the context otherwise requires-
- "analyst" (化驗師) means the Government Chemist or any person appointed by the Governor under section 23E(5); (Added 58 of 1987 s. 2)
- "animal waste" (動物廢物) means-
- the manure or urine of any animal; or
 - any dead animal or any part of any dead animal not fit for, or not intended for, human consumption; or
 - any bedding, straw or other waste contaminated by the manure or urine of any animal; (Replaced 58 of 1987 s. 2)
- "authorized officer" (獲授權人員) means a public officer authorized under section 23A; (Added 58 of 1987 s. 2)
- "chemical waste" (化學廢物) means any substance, matter or thing defined as chemical waste by regulations made under section 33; (Added 86 of 1991 s. 3)
- "Code of Practice" (工作守則) means any Code of Practice prepared or revised by the Secretary under section 35; (Added 58 of 1987 s. 2. Amended L.N. 244 of 1989; 78 of 1999 s. 7)
- "collection authority" (廢物收集當局) means-
- in relation to chemical waste, the Director;
 - in relation to any other waste, means the Director of Food and Environmental Hygiene and the Director; (Replaced 78 of 1999 s. 7. Amended L.N. 183 of 2000)
- "Director" (署長) means the Director of Environmental Protection; (Added L.N. 74 of 1986)
- "disposal" (處置) in relation to chemical waste includes treatment, reprocessing or recycling; (Added 86 of 1991 s. 3)
- "enlarged area" (放大區) means those parts of-
- a livestock waste prohibition area;
 - a livestock waste control area; or (Amended 28 of 1994 s. 2)
 - a livestock waste restriction area, (Added 28 of 1994 s. 2)
- specified in the third column of the Third Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry, which abut or share a common boundary with one or more livestock waste control areas or one or more livestock waste restriction areas; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)
- "exempt person" (獲豁免的人) means any person or any classes of person specified in the Fourth Schedule; (Added 58 of 1987 s. 2)
- "household waste" (住戶廢物) means waste produced by a household, and of a kind that is ordinarily produced by a dwelling when occupied as such;
- "keep" (飼養) includes breed, house, tend, look after or control and "kept" and "keeping" shall be construed accordingly; (Added 58 of 1987 s. 2)
- "lairage" (圍欄) means that part of a slaughterhouse or abattoir used for the admission or confinement of animals; (Added 58 of 1987 s. 2)

"livestock" (禽畜) means pigs or poultry; (Added 58 of 1987 s. 2)

"livestock keeper" (禽畜飼養人) means-

- (a) an owner of livestock; or
- (b) an owner, lessee or occupier or person responsible for the management of livestock premises; or
- (c) any person keeping livestock or having the custody or possession of livestock; or
- (d) any former livestock keeper,

but does not comprise exclusively any exempt person; (Added 58 of 1987 s. 2)

"livestock premises" (禽畜飼養場) means-

- (a) any premises, buildings, land or land covered by water owned, leased or occupied by a livestock keeper, his dependants or employees for the purpose of keeping livestock and any dwelling-place and ancillary buildings or structures connected therewith;
- (b) any other premises in or on which livestock are kept other than any premises comprising any abattoir, slaughter-house, market, fresh provision shop, lairage or hatchery in which poultry of not more than 12 days old are kept; and
- (c) any former livestock premises; (Added 58 of 1987 s. 2)

"livestock waste" (禽畜廢物) means, subject to section 2A, animal waste produced by, or connected with, livestock; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste control area" (禽畜廢物管制區) means a livestock waste control area specified in the second column of the Second Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste prohibition area" (禽畜廢物禁制區) means a livestock waste prohibition area specified in the second column of the First Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste restriction area" (禽畜廢物限制區) means a livestock waste restriction area specified in column 2 of the Fifth Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 28 of 1994 s. 2)

"livestock waste treatment plant" (禽畜廢物處理裝置) means a waste treatment plant at which livestock waste is treated by biological, chemical, physical or other means or any combination thereof in accordance with regulations made under section 33; (Added 58 of 1987 s. 2)

"poultry" (家禽) means chickens, ducks, geese, pigeons and quail; (Added 58 of 1987 s. 2)

"relevant date" (有關日期) means-

- (a) in the case of a livestock waste prohibition area, the date shown in the third column of the First Schedule in respect of that area; or
- (b) in the case of a livestock waste control area, the date shown in the third column of the Second Schedule in respect of that area; (Added 58 of 1987 s. 2)

"Secretary" (局長) means the Secretary for the Environment, Transport and Works; (Added 78 of 1999 s. 7. Amended L.N. 106 of 2002)

"slaughterhouse" (屠房) and "abattoir" (屠場) has the meaning assigned to it in the Public Health and Municipal Services Ordinance (Cap 132); (Added 58 of 1987 s. 2)

"street waste" (街道廢物) means dust, dirt, rubbish, mud, road scapings or filth, but does not include human excretal matter;

"trade waste" (行業廢物) means waste from any trade, manufacture or business, or any waste building or civil engineering materials, but does not include animal waste and chemical waste; (Amended 86 of 1991 s. 3)

"waste" (廢物) means any substance or article which is abandoned and includes animal waste, chemical waste, household waste, livestock waste, street waste and trade waste; (Amended 86 of 1991 s. 3)

"waste collection licence" (廢物收集牌照) means a licence under section 10;

"waste disposal authority" (廢物處置當局), in respect of all classes of waste, means the Director; (Replaced L.N. 74 of 1986)

"waste disposal licence" (廢物處置牌照) means a licence under section 16;

"waste treatment plant" (廢物處理裝置) means a plant at which waste is treated for the purpose of removing therefrom (wholly or in part) pollutants contained therein. (Added 58 of 1987 s. 2)

(Amended 78 of 1999 s. 7)

(2) For the purposes of this Ordinance any substance or article which is discarded or otherwise dealt with as waste shall be presumed to be waste until the contrary is proved.

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| Section: | 10 | Licensing of collection and scavenging services | L.N. 320 of 1999 | 01/01/2000 |
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(1) Notwithstanding section 9, the collection authority may, by licence, permit any person to provide services for all or any of the matters referred to in that section.

(2) A licence under subsection (1) may specify the place and method of disposal or may require that any waste or matter for disposal be delivered to facilities provided by the collection authority or the waste disposal authority.

(3)-(4) (Repealed 78 of 1999 s. 7)

(5) The Director as collection authority may by licence permit any person to provide services for the collection or removal of chemical waste. (Added 86 of 1991 s. 4)

(6) The fee for a licence referred to in subsection (1) or (5) and in respect of which the Director is the collection authority shall be the prescribed fee. (Added 86 of 1991 s. 4)

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| Section: | 11 | Prohibition of unauthorized collection of waste | | 30/06/1997 |
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Subject to section 12, where in any area, the collection authority has provided any services under section 9 or has, by licence under section 10, permitted any other person to provide any of the services specified in section 9, any person who, not being the holder of a licence under section 10, provides any such services, that is to say any service provided by the collection authority under section 9 or referred to in section 10(5) or by any other person under a licence under section 10, commits an offence and is liable to a fine of \$100000.

(Amended 86 of 1991 s. 5)

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| Section: | 16 | Prohibition of unauthorized disposal of waste | 29 of 1998 s. 68 | 01/07/1997 |
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Remarks:

Amendments retroactively made - see 29 of 1998 s. 68

PART IV

DISPOSAL OF WASTE

(1) Subject to subsection (2), a person shall not use, or permit to be used, any land or premises for the disposal of waste unless he has a licence from the Director to use the land or premises for that purpose. (Amended L.N. 76 of 1982; L.N. 74 of 1986; 86 of 1991 s. 6)

(2) Subsection (1) shall not apply to the use of land for-

- (a) the disposal of household waste from a private dwelling if the disposal takes place within the curtilage of that dwelling;
- (b) the disposal of waste if the land is used for tipping by the Civil Engineering Department or such use is authorized by the Director; (Amended L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991)
- (c) the deposit of any inert matter used as landfill (other than any matter to which the Dangerous Goods Ordinance (Cap 295) applies or that is toxic);
- (d) the deposit of any substance (other than chemical waste) which is being used in the course of agricultural or horticultural operations; (Amended 86 of 1991 s. 6)
- (e) the disposal of such other wastes, or classes of waste, or in such circumstances as may be prescribed.

(3) Any person who contravenes subsection (1) commits an offence.

(4) Where waste other than chemical waste is disposed of on unleased land, as defined in the Land (Miscellaneous Provisions) Ordinance (Cap 28), pursuant to a licence issued under section 5 of that Ordinance, no licence under subsection (1) shall be required. (Amended 86 of 1991 s. 6; 29 of 1998 s. 68)

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| Section: | 19 | Information as to waste delivered for disposal | | 30/06/1997 |
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(1) The Director may require any person who delivers to him for disposal any waste (other than household waste) to state the nature of the waste and to give such other information relating to the waste as the Director may require. (Amended L.N. 76 of 1982; L.N. 74 of 1986)

(2) Any person who, in complying with a requirement under subsection (1) makes any statement or gives any information which he knows to be incorrect in a material particular or who recklessly makes a statement or gives information which is incorrect in a material particular or knowingly omits any material particular therefrom commits an offence and is liable to a fine of \$5000.

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| Section: | 20A | Permit required for the import of waste into Hong Kong | | 30/06/1997 |
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PART IVA

CONTROL OF MOVEMENT OF WASTE INTO AND OUT OF HONG KONG

(1) The import into Hong Kong of-

- (a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is imported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; or
- (b) any waste of a kind specified in the Seventh Schedule, or not specified in the Sixth

Schedule,
requires a permit issued by the waste disposal authority under this section.

(2) An application for a permit under this section-

- (a) shall be in the form that the waste disposal authority directs specifying-
 - (i) the reason for the proposed waste import;
 - (ii) the name and address of the importer of the waste;
 - (iii) the name and address of the waste producer;
 - (iv) the name and address of the disposer of the waste;
 - (v) the address of the waste disposal or reuse facility to be used;
 - (vi) the name and address of every intended carrier of the waste or his agent;
 - (vii) the names of the states of export and transit and their competent authorities;
 - (viii) whether the permit is for a single shipment or multiple shipments;
 - (ix) the projected date of each shipment and the period of time over which waste is to be imported;
 - (x) the mode of transportation envisaged;
 - (xi) a physical description of the waste and its composition and information on any special handling requirements;
 - (xii) the type of packaging envisaged;
 - (xiii) the estimated quantity by weight or volume of waste to be imported;
 - (xiv) details of the process by which and place at which the waste was or is being generated;
 - (xv) a description of the method of disposal or reuse; and (xvi) such other information as the waste disposal authority may reasonably require to determine whether or not to issue a permit; and
- (b) shall be accompanied by-
 - (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) a contingency plan showing the procedures to be followed in case of accident;
 - (iii) documents confirming the existence of the liability insurance and bond or other financial guarantee mentioned in subsection (4)(b); and
 - (iv) the prescribed fee.

(3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the import of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.

(4) The waste disposal authority shall not issue a permit under this section for the import of any waste unless he is satisfied-

- (a) that the waste will be managed in Hong Kong in accordance with the laws of Hong Kong and in an environmentally sound manner;
- (b) that there is in force, or there will be in force at the time of the import of the waste-
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the import operation; and
 - (ii) a bond, or other financial guarantee acceptable to the waste disposal authority, providing for payment to the waste disposal authority of the cost of any seizure or disposal of the waste under section 20F that may occur; and
- (c) in the case of waste to be imported other than for the purpose of reuse or a reprocessing, recycling or recovery operation, that-
 - (i) the state of export does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or
 - (ii) the import of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; or
- (d) in the case of waste to be imported for reuse or for a reprocessing, recycling or recovery operation, that the waste is required as a raw material for such reuse or

operation in Hong Kong.

(Added 14 of 1995 s. 3)

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|----------|-----|--|--|------------|
| Section: | 20B | Permit required for the export of waste from Hong Kong | | 30/06/1997 |
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- (1) The export from Hong Kong of-
- (a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is exported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; or
 - (b) any waste of a kind specified in the Seventh Schedule, or not specified in the Sixth Schedule,
- requires a permit issued by the waste disposal authority under this section.
- (2) An application for a permit under this section-
- (a) shall be in the form that the waste disposal authority directs specifying-
 - (i) the reason for the proposed waste export;
 - (ii) the name and address of the exporter of the waste;
 - (iii) the name and address of the waste producer;
 - (iv) the name and address of the disposer of the waste;
 - (v) the address of the waste disposal or reuse facility to be used;
 - (vi) the name and address of every intended carrier of the waste or his agent;
 - (vii) the names of the states of import and transit and their competent authorities;
 - (viii) whether the permit is for a single shipment or multiple shipments;
 - (ix) the projected date of each shipment and the period of time over which waste is to be exported;
 - (x) the mode of transportation envisaged;
 - (xi) a physical description of the waste and its composition and information on any special handling requirements;
 - (xii) the type of packaging envisaged;
 - (xiii) the estimated quantity by weight or volume of waste to be exported;
 - (xiv) details of the process by which and place at which the waste was or is being generated;
 - (xv) a description of the method of disposal or reuse; and (xvi) such other information as the waste disposal authority may reasonably require to determine whether or not to issue a permit; and
 - (b) shall be accompanied by-
 - (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) documents confirming the existence of the liability insurance and the bond or other financial guarantee mentioned in subsection (4)(b); and
 - (iii) the prescribed fee.
- (3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the export of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (4) The waste disposal authority shall not issue a permit under this section for the export of any waste unless he is satisfied-
- (a) that the competent authority of the state of import and of each state of transit has consented to the import or transit, as the case may be, of the waste;
 - (b) that the competent authority of the state of import and of each state of transit has confirmed that its laws, if any, as regards the existence of-
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the export operation;

- and
- (ii) a bond, or other financial guarantee, providing for payment to the competent authority of the state of import and each state of transit of the cost of any seizure or disposal of the waste by such competent authority, have been complied with in respect of the proposed export;
 - (c) that the waste will be managed or disposed of in an environmentally sound manner;
 - (d) that the waste will not be disposed of within the area south of the parallel of 60 degrees south; and
 - (e) in the case of waste to be exported other than for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste, that-
 - (i) Hong Kong does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or
 - (ii) the export of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; or
 - (f) in the case of waste to be exported for the purpose of a reprocessing, recycling or recovery operation or for reuse, that the waste is required as a raw material for such operation or reuse in the state of import.

(Added 14 of 1995 s. 3)

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| Section: | 20E | Offences under this Part | | 30/06/1997 |
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- (1) A person who-
 - (a) except under and in accordance with a permit issued under this Part, does anything for which such a permit is required; or
 - (b) except under and in accordance with a permit issued under this Part, causes or allows another person to do anything for which such a permit is required,
 commits an offence and is liable-
 - (i) for the first offence to a fine of \$200000 and to imprisonment for 6 months; and
 - (ii) for a second or subsequent offence to a fine of \$500000 and to imprisonment for 2 years.
- (2) A person who, to procure the issue of a permit under this Part-
 - (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
 commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Added 14 of 1995 s. 3)

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| Section: | 20F | Seizure and disposal of waste following conviction | | 30/06/1997 |
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- (1) Where a person is convicted of an offence under section 20E in respect of the import or export of any waste, the waste disposal authority may-
 - (a) seize and dispose of the waste; or
 - (b) by notice in writing require the convicted person, within a specified time-
 - (i) in the case of a conviction in respect of the import of waste, to return the waste to the state of export, or to dispose of the waste in Hong Kong to the satisfaction of the waste disposal authority; or
 - (ii) in the case of a conviction in respect of the export of waste, to take back the waste into Hong Kong, or, if that is not reasonably practicable, to dispose of

the waste in an environmentally sound manner.

(2) If any person fails to comply with a notice given under subsection (1)(b) he commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months; and where a person is convicted of an offence under this subsection the waste disposal authority may, without further notice, seize and dispose of the waste.

(3) Where the waste disposal authority seizes or disposes of any waste under subsection (1)(a) or (2), the importer or exporter of the waste, as the case may be, shall be liable to the waste disposal authority for his costs of such seizure and disposal, including the cost of any transportation and storage, and such costs shall be recoverable as a civil debt due to the waste disposal authority.

(Added 14 of 1995 s. 3)

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| Section: | 20I | Interpretation and application | 30/06/1997 |
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- (1) In this Part, unless the context otherwise requires-
- "competent authority" (主管當局) means such authority as may be designated by the government of a sovereign state to be responsible, within such geographical areas as that government deems, for receiving the notification of transboundary movement of waste, and any such information related to such movement, and for responding to such notification;
- "disposal" (處置), in relation to waste, means any transfer operation, storage, reprocessing, recycling, material recovery, deposit, destruction, discharge (whether into water or into a sewer or drain or otherwise) or burial (whether underground or otherwise), and "dispose of" shall be construed accordingly;
- "disposer" (處置者), in relation to waste imported into Hong Kong, means the person who carries out the disposal of the waste, or reuses the waste, in the manner contemplated in the application for a permit for the import of the waste;
- "export from Hong Kong" (輸出香港), in relation to waste, means to take, or cause to be taken, out of Hong Kong any waste, but does not include a reference to waste which-
- (a) was brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
 - (b) remained at all times in or on the vessel, aircraft, train or vehicle in or on which it was brought into Hong Kong;
- "exporter" (輸出者), in relation to waste, means any person who arranges for waste to be exported;
- "import into Hong Kong" (輸入香港), in relation to waste, means to bring, or cause to be brought, into Hong Kong any waste for the purpose of disposal or reuse in Hong Kong or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;
- "importer" (輸入者), in relation to waste, means any person who arranges for waste to be imported;
- "management" (管理), in relation to waste, means the handling, transportation, disposal or reuse of the waste;
- "state of export" (輸出國), in relation to the import of waste into Hong Kong, means a state, territory or geographical area from which such import is planned to be initiated or is initiated;
- "state of import" (輸入國), in relation to the export of waste from Hong Kong, means a state, territory or geographical area to which such export is planned to take place for the purpose of disposal or reuse in that state, territory or geographical area or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;
- "state of transit" (過境國) means any state, territory or geographical area, other than Hong Kong or the state of export or the state of import, through which a transboundary movement of waste is planned or takes place;
- "transboundary movement" (越境移運) means any movement of waste from an area under the

jurisdiction of one state or territory to or through an area under the jurisdiction of another state or territory, or to or through an area not under the jurisdiction of any state, where at least 2 such states or territories are involved in the movement.

(2) For the purposes of this Part, waste is contaminated if it is contaminated by a substance to an extent which-

- (a) significantly increases the risk to human health, property or the environment associated with the waste; or
- (b) prevents the reprocessing, recycling, recovery or reuse of the waste in an environmentally sound manner,

and "uncontaminated" (未受污染) in relation to waste shall be construed accordingly.

(3) For the purposes of this Part, waste is managed or disposed of in an environmentally sound manner if it is managed or disposed of in a manner which will, as far as is practicable, protect human health and the environment against any adverse effects which may result from such waste.

(4) This Part does not apply to waste that is-

- (a) derived from the normal operations of a vessel, aircraft, train or vehicle or its equipment; and
- (b) brought into or taken out of Hong Kong in or on the vessel, aircraft, train or vehicle.

(Added 14 of 1995 s. 3)

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| Section: | 21 | Applications for and grant of licences | L.N. 320 of 1999 | 01/01/2000 |
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PART V

LICENCES

(1) A person who wishes to apply for a waste collection licence shall apply to the collection authority in the prescribed form.

(2) A person who wishes to apply for a waste disposal licence shall apply to the waste disposal authority in the prescribed form.

(3) An application under subsection (1) or (2) shall be accompanied by the prescribed fee. (Amended 8 of 1986 s. 8; 78 of 1999 s. 7)

(4) Subject to section 21A, the appropriate licensing authority may either grant or refuse to grant a licence. (Amended 86 of 1991 s. 8)

(5) If he refuses to grant a licence, the licensing authority shall within 30 days of such refusal notify the applicant in writing of his refusal and shall inform him of his reasons therefor.

(6) The licensing authority shall not grant a licence under this section where he considers that, notwithstanding any authorization or requirement conferred or imposed pursuant to section 22-

- (a) the waste collection or disposal operation will not be able to achieve all the limits, and requirements, and quality standards and quality objectives prescribed in-
 - (i) the Air Pollution Control Ordinance (Cap 311);
 - (ii) the Water Pollution Control Ordinance (Cap 358); and
 - (iii) the Noise Control Ordinance (Cap 400); or
- (b) any emission or discharge arising from the waste collection or disposal operation would be or would be likely to be a danger to public health, a source of pollution to the environment or a source of nuisance to the neighbouring area. (Added 14 of 1995 s. 4)

(7) The waste disposal authority is not required to consider an application under section 21(2) unless it is made by the owner or lawful occupier of the land or premises used for the conduct of the waste disposal operation in question. (Added 14 of 1995 s. 4)

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| Section: | 21A | Circumstances under which waste disposal licence for chemical waste is to be granted | | 30/06/1997 |
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Without prejudice to the generality of section 21(4), the licensing authority shall not grant a waste disposal licence in respect of chemical waste under that section unless he is satisfied that the land or premises in respect of which the licence is sought has a waste disposal facility which-

- (a) has the capacity to dispose of such minimum quantity of chemical waste and within such period; or
 - (b) is capable of disposing of chemical waste in such other manner,
- as may be prescribed.

(Added 86 of 1991 s. 9)

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| Section: | 22 | Effect of licences | | 30/06/1997 |
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(1) A waste collection licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize and require, in relation to any area specified therein all or any of the following-

- (a) the removal and disposal of household waste, street waste, trade waste, livestock waste or animal waste; (Amended 58 of 1987 s. 8)
- (b) the cleansing and emptying of pail latrines;
- (c) the desludging of aqua privies and septic tanks; (Amended 86 of 1991 s. 10)
- (d) the removal and disposal of excretal matter from such latrines, privies and tanks; (Amended 86 of 1991 s. 10)
- (e) the collection or removal of chemical waste, (Added 86 of 1991 s. 10)

which, but for such authorization, would be a contravention of section 11.

(2) A waste disposal licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize and use of land or premises for the disposal of waste, which, but for such authorization, would be a contravention of section 16.

(Amended 86 of 1991 s. 10)

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| Section: | 23 | General provisions as to licences | | 30/06/1997 |
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(1) A licence issued under this Ordinance shall be for such period and may be subject to such terms and conditions as the authority issuing the same thinks fit.

(2) Any licence issued under this Ordinance may, upon its expiry, be renewed upon application and upon payment of the prescribed fee.

(3) Where a licence issued under this Ordinance is in force and the authority by whom it was issued considers it necessary in the public interest, the authority may, by notice in writing, to the holder of the licence-

- (a) (i) impose new or amended terms or conditions subject to the observance of which, as from a specified date, the licence shall continue in force;
- (ii) cancel the licence as from a specified date if the holder fails to observe any such term or condition;
- (b) cancel the licence as from a specified date;
- (c) revoke or amend or add to any notice previously given under this subsection, or any part of such notice.

(4) Subject to subsection (5), the date specified in a notice for the addition or amendment of any term or condition under paragraph (a)(i) or (c) of subsection (3) or the cancellation of a licence under paragraph (b) thereof shall be not less than 90 days after the day on which the notice is given to the holder of the licence.

(5) Where in the opinion of the authority by whom a licence is issued it is necessary to amend or add a term or condition under paragraph (a)(i) or (ii) or (c) of subsection (3) or cancel a licence or consent under paragraph (b) thereof because the continuation of the activities to which the licence relates would cause a danger to public health or would be so seriously detrimental to the amenities of the area affected by the activities that the continuation of them ought not to be permitted, he may exercise any of the said powers with effect from such date as the circumstances may require and shall not be bound to comply with subsection (4).

(6) Where a notice is given under subsection (4), the person to whom the notice is given may, within the period of 30 days after such notice is given, make written submissions to the authority by whom the notice was issued as to why any new or amended terms and conditions should not be imposed or as to why the licence should not be cancelled.

(7) The authority by whom a notice under subsection (4) is issued and to whom written submissions are made by any person under subsection (6) may, after considering such submissions, by further notice to the said person withdraw the notice at any time before it comes into effect.

(8) If any person who has been granted a licence under section 21 contravenes any term or condition subject to which the licence was granted to him, he commits an offence and is liable-

- (a) in the case of a waste collection licence-
 - (i) for the first offence, to a fine of \$100000;
 - (ii) for a second or subsequent offence, to a fine of \$200000; and
 - (iii) in addition, if the offence is a continuing offence to a fine of \$5000 for each day during which it is proved to the satisfaction of the court that the offence has continued; or
- (b) in the case of a waste disposal licence-
 - (i) for the first offence, to a fine of 200000 and to imprisonment for 6 months;
 - (ii) for a second or subsequent offence, to a fine of \$500000 and to imprisonment for 6 months; and
 - (iii) in addition, if the offence is a continuing offence to a fine of \$10000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Added 28 of 1994 s. 16)

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| Section: | 23D | Other powers of authorized officers | 30/06/1997 |
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An authorized officer who has, pursuant to section 23C or any warrant issued thereunder, entered any place or premises, stopped any vehicle or boarded any vessel, or who has been allowed access to any place, premises, vehicle or vessel in the course of his duties, may-

- (a) inspect therein any waste treatment plant or other plant or equipment or observe any process or procedure which he has reason to suspect is being, has been, or is intended to be, used in connection with the collection, storage, treatment, transportation or disposal of any waste;
- (b) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to do anything which the authorized officer reasonably considers to be necessary for facilitating an inspection or observation under paragraph (a); (Amended 28 of 1994 s. 18)
- (c) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to produce for examination any drawing, record or document which is in the possession of such person, or which such person can reasonably obtain, relating to any waste treatment plant or other plant or equipment inspected under paragraph (a); (Amended 28 of 1994 s. 18)

- (d) seize, remove and detain any such drawing produced under paragraph (c) or any other article or thing found therein if he has reason to suspect that it is, or contains, evidence of an offence against this Ordinance;
- (e) examine and make copies of any records kept pursuant to any requirement under this Ordinance or of any licence issued thereunder;
- (f) obtain samples of-
 - (i) any waste or any constituent of waste or of any matter contaminated thereby; or
 - (ii) any waste which he has reason to believe may be subject to disposal under section 17; (Amended 28 of 1994 s. 18)
- (g) carry out any necessary tests or take any photographs for the purposes of obtaining evidence in connection with any offence against this Ordinance; and (Added 28 of 1994 s. 18)
- (h) require any person whom he reasonably suspects of having committed an offence against this Ordinance or of having contravened any regulation made under section 33 to give his correct name and address and produce documentary evidence to that effect to the authorized officer. (Added 28 of 1994 s. 18)

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| Section: | 23E | Analysis of samples | 30/06/1997 |
|----------|-----|---------------------|------------|

(1) A certificate of analysis of a sample of any waste or other matter obtained from any place, premises, vehicle or vessel under section 23D(f) may be tendered in evidence in any proceedings under this Ordinance and shall, until the contrary is proved, be evidence of the facts stated therein if the procedure in this section has been complied with, or substantially complied with so far as is reasonably practicable, in relation to that sample.

(2) An authorized officer who obtains a sample of any waste or other matter under subsection (1) shall-

- (a) divide it into 3 approximately equal parts;
- (b) place each part in a separate container and suitably mark or label each container;
- (c) ensure that the person in charge of the place, premises, vehicle or vessel from which the sample is obtained or his employee or agent-
 - (i) is handed one of the parts as that person or his employee or agent may select or, if that is not reasonably practicable, is handed or sent by post one of the parts as the authorized officer may select; and
 - (ii) is informed that one of the other 2 parts is intended to be submitted to the analyst for analysis; and
- (d) personally submit one of the remaining 2 parts to the analyst for analysis and retain the other.

(3) As soon as the analyst has completed an analysis under subsection (2)(d) he shall furnish to the collection authority or the waste disposal authority, as the case may be, and to the person in charge of the place, premises, vehicle or vessel from which the sample was obtained or his employee or agent, a certificate of the results of the analysis.

(4) A certificate under subsection (3) shall be signed by the analyst but the analysis may be made by a person acting under the directions of the analyst and any certificate purporting to be signed by the analyst shall be presumed, until the contrary is proved, to have been signed by him.

(5) The Governor may, by notice published in the Gazette, appoint any person to be an analyst for the purposes of this section.

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| Section: | 24 | When appeal may be brought | 30/06/1997 |
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PART VI

APPEALS

- (1) A person who is aggrieved by a decision or direction of a public officer or a collection authority or waste disposal authority or the Director under any of the following provisions may appeal to the Appeal Board established under section 25- (Amended 86 of 1991 s. 11)
- (aa) section 15F (refusing to grant or revocation of written authorization); (Added 28 of 1994 s. 20)
 - (ab) section 15G (directions as to livestock waste pollution); (Added 28 of 1994 s. 20)
 - (a) section 17(1) (directions as to disposal of waste);
 - (b) sections 20A(3) and 20B(3) (refusing to issue a permit for the import of waste into or the export of waste from Hong Kong or fixing the conditions of such a permit (including any condition deemed to apply by virtue of section 20D)); (Replaced 14 of 1995 s. 5)
 - (ba) section 20C(1)(a) (varying, suspending or revoking a permit); (Added 14 of 1995 s. 5)
 - (bb) section 20C(1)(b) (revoking the suspension of a permit); (Added 14 of 1995 s. 5)
 - (c) sections 21(4) and 21A (refusing to grant a licence); (Amended 86 of 1991 s. 11)
 - (d) section 23(1) (fixing terms and conditions of licence);
 - (e) section 23(3)(a)(i) (imposing new or amended terms or conditions for continuance of licence);
 - (f) sections 23(3)(a)(ii) and 23(3)(b) (cancelling a licence);
 - (g) section 23(3)(c) (revoking, amending or adding to a notice); (Amended 86 of 1991 s. 11)
 - (h) section 33 (any decision or direction of the Director made pursuant to regulations made under section 33). (Added 86 of 1991 s. 11)
- (2) An appeal under subsection (1) shall be made within 21 days after the person aggrieved has received notice of the decision or direction.
- (3) Where the decision appealed from was made under a provision mentioned in subsection (1)(e), (f) or (g) the notice thereof shall be suspended from the day on which notice of appeal is given and until the appeal is disposed of, withdrawn or abandoned, unless-
- (a) the decision is considered by the authority whose decision it is to be necessary because in relation to a licence to which the notice relates the continuation of the activities to which the notice relates would cause a danger to public health or be seriously detrimental to the amenities of the area affected by the activities; and
 - (b) the notice contains a statement to that effect.
- (4) No appeal may be made under subsection (1)(ab) except on the following grounds-
- (a) that the service of the notice is not justified by the terms of this Ordinance;
 - (b) that there has been some material informality, defect or error in the form or content of the notice or in connection with the service of the notice; or
 - (c) that the notice should have been served on some person other than the appellant. (Added 28 of 1994 s. 20)

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| Section: | 33 | Regulations | L.N. 320 of 1999 | 01/01/2000 |
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- (1) The Governor in Council may after consultation with the Advisory Council on the Environment by regulation provide for- (Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994; 78 of 1999 s. 7)
- (a) the additional wastes or classes of waste to which a draft waste disposal plan under section 3 shall apply;
 - (b) the design and construction of containers or enclosures for the storage of animal

- waste;
- (ba) the capacity, design, type, number, construction and materials used in the construction of containers provided in or on livestock premises for the storage of livestock waste; (Added 58 of 1987 s. 11)
 - (bb) the capacity, design, type, number, construction and materials used in the construction of containers provided outside livestock premises for the collection of livestock waste; (Added 58 of 1987 s. 11)
 - (c) the precautions to be taken to guard against dangers to public health or risks of pollution arising from waste;
 - (d) the waste or classes of waste that may be disposed of under section 16 without a licence;
 - (e) any substance, matter or thing to be defined as chemical waste with reference to such substance or chemical as may be prescribed and exceptions thereto, including the exception of any substance, matter or thing-
 - (i) of a class or description specified by the Director by notice in the Gazette; or
 - (ii) which the Director is satisfied having regard to such criteria or procedures as may be prescribed, does not constitute a danger to health or risk of pollution to the environment; (Replaced 86 of 1991 s. 12)
 - (ea) the class, quantity or other description of waste in respect of which notice is to be given under section 17; (Added 86 of 1991 s. 12)
 - (eb) exemptions or exclusions from the requirement to give notice under section 17 or from the regulations or any requirement thereof; (Added 86 of 1991 s. 12)
 - (ec) the registration of persons producing or causing to be produced any waste, the keeping of a register or registers by the Director for that purpose and the particulars to be entered in any such register or registers; (Added 86 of 1991 s. 12)
 - (ed) applications for registration and other procedures relating to registration; (Added 86 of 1991 s. 12)
 - (ee) the inspection of the register in such places and at such times as may be determined by the Director and the issue by him of certified copies of entries in the register; (Added 86 of 1991 s. 12)
 - (ef) the amendment of the register by the Director and the assignment, amendment or cancellation by him of registration numbers; (Added 86 of 1991 s. 12)
 - (eg) prohibitions against producing or causing to be produced any waste by an unregistered person and the invalidity of the transfer of any registration; (Added 86 of 1991 s. 12)
 - (f) the capacity, design, construction and materials to be used in the construction of containers holding beverages or fluids;
 - (g) prohibiting the distribution of containers or any class of container which do or does not comply with such requirements as may be prescribed under paragraph (f), and without prejudice to the generality of the foregoing, such prohibition may be by reference to-
 - (i) the type of container;
 - (ii) the date of distribution;
 - (iii) place of distribution by retail sale;
 - (iv) the type of beverage or fluid;
 - (v) the source of the container;
 - (h) the storage of any waste, the places, manner and conditions in which it is to be stored including-
 - (i) requirements as to containers for storage;
 - (ii) the labelling of such containers;
 - (iii) specifications of and particulars to be contained in such labels;
 - (iv) the display of notices in places of storage;
 - (v) specifications of and particulars to be contained in such notices; and
 - (vi) the maximum quantity of waste that may be stored; (Replaced 86 of 1991 s.

12)

- (ha) the collection, removal, transportation, transfer, reception, import or export or disposal, including treatment, reprocessing and recycling of any waste including in particular the arrangements to be made and the procedure to be observed in relation to such activities; (Added 86 of 1991 s. 12)
 - (hb) the duties of any person producing, causing to be produced, or in possession of any waste or engaged in or connected with any activity described in paragraph (ha); (Added 86 of 1991 s. 12)
 - (i) any fees and charges payable under this Ordinance; (Amended 8 of 1986 s. 8; 78 of 1999 s. 7)
 - (j) the charges payable to the Director for any service provided by or on behalf of the Crown in relation to the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of any waste or class of waste; (Replaced 14 of 1995 s. 8)
 - (ja) the procedure for appeals under Part VI and the forms to be used in relation to such appeals; (Added 86 of 1991 s. 12)
 - (jb) the service of any notice under this Ordinance; (Added 14 of 1995 s. 8)
 - (k) prescribing anything which is to be or may be prescribed by regulations.
 - (l) different requirements in relation to wastes of different classes or descriptions; (Added 86 of 1991 s. 12)
 - (m) generally carrying into effect the provisions of this Ordinance. (Added 86 of 1991 s. 12)
- (1A) Regulations made under this section may-
- (a) empower the Director-
 - (i) to issue any document, in such form as he may determine, to be used in relation to the production, possession, collection, transportation, transfer, reception, import or export or disposal including treatment, reprocessing or recycling of any waste;
 - (ii) in such document to specify particulars or information to be supplied by any person engaged in or connected with any activity referred to in subparagraph (i);
 - (iii) without prejudice to subparagraph (ii), to require from any person specified in the regulations information as he may consider appropriate relating to any activity referred to in subparagraph (i);
 - (iv) to specify additional particulars in respect of any labels required pursuant to subsection (1)(h);
 - (v) to require the removal from any place of any waste which in his opinion is a threat to the health or safety of any person or constitutes a risk of pollution to the environment;
 - (vi) to approve or otherwise-
 - (A) arrangements made for the disposal of chemical waste in circumstances as may be prescribed; or
 - (B) storage of waste in excess of a prescribed maximum quantity;
 - (vii) to grant exemptions with or without conditions from the regulations or any specified provision of the regulations; or
 - (viii) to determine or specify the form of any document (not being a document the form of which is prescribed) required for the purposes of the regulations;
 - (b) provide-
 - (i) in respect of chemical waste, that notwithstanding that regulations relating thereto have come into operation, they or any provision thereof shall not apply to such waste until a day appointed by the Director by notice in the Gazette for the purpose and that he may appoint different days with reference to any chemical or substance prescribed under subsection (1)(e) or a chemical or substance which is included in or is a constituent or component of such chemical or substance;

- (ii) that any requirement to register imposed on a person pursuant to the regulations shall not apply to such persons and for such period or under such circumstances as may be prescribed. (Added 86 of 1991 s. 12)
- (1B) Without prejudice to the generality of subsection (1)(j), regulations made under that subsection may-
 - (a) provide for different levels of charges to be payable for waste received at different transfer, reception or disposal points or for waste delivered in different types of vehicle;
 - (b) where any service referred to in that subsection is provided in response to an accident or emergency involving waste (and whether or not in consequence of the accident or emergency there is an imminent danger to any person or property), provide for different or additional charges than would be the case where any such service is provided otherwise than in response to such an accident or emergency;
 - (c) where any charge (including part of any charge) prescribed under that subsection remains unpaid after becoming due and payable, provide for the imposition of a surcharge not exceeding 20% of that charge;
 - (d) provide for the recovery of any charge (including any surcharge) prescribed under that subsection. (Added 14 of 1995 s. 8)
- (2) Regulations under this section may provide-
 - (a) that-
 - (i) a contravention of any specified provision thereof; or
 - (ii) to knowingly or recklessly provide incorrect or misleading information or omit material particulars or information or knowingly or recklessly certify as correct anything which is incorrect, in relation to any requirement in the regulations,
shall be an offences punishable with a fine not exceeding \$200000 and imprisonment not exceeding 6 months; and
 - (b) that if a person is convicted of an offence referred to in paragraph (a) and that offence is a continuing offence, such person shall, in addition to the penalties which may be imposed under that paragraph, be liable to a fine of \$10000 for each day on which the offence continues. (Replaced 86 of 1991 s. 12)
- (3) Regulations under this section may, in respect of any charge payable to the Director incurred or to be incurred under this Ordinance, provide for-
 - (a) the Director to authorize the deferral of payment of the charge for a period specified by the Director and, in that connection, to specify the security (if any) to be furnished to and received by the Director as guarantee for payment of the deferred charge;
 - (b) the appointment by the Director of a person to collect on the Director's behalf the charge or any security referred to in paragraph (a);
 - (c) methods of the collection of the charge or security by the Director or by any person appointed under paragraph (b) and the manner in which a charge or security so collected should be accounted for. (Added 10 of 1997 s. 3)
- (4) Regulations under this section may, as regards any premises used for or in connection with the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste (which activities are referred to in this subsection as "relevant activities" (有關活動))-
 - (a) provide for-
 - (i) the regulation of traffic within, entering or leaving the premises;
 - (ii) the safety of persons present in the premises;
 - (iii) the avoidance of any nuisance or any risk of damage to health or the environment arising from the carrying on of any activity in the premises;
 - (iv) the prevention of any disruption to the operation of the premises or the carrying out of any relevant activity in the premises;
 - (v) measures to prevent or deter the commission of any offence under this Ordinance in or in relation to the premises;

- (vi) means of detecting the commission of any offence against this Ordinance in or in relation to the premises;
- (vii) measures to deter the evasion of any charges payable under this Ordinance in connection with a relevant activity in the premises;
- (b) confer on the Director such powers as may be necessary or expedient for achieving the purposes specified in paragraph (a)(i) to (vii);
- (c) authorize the Director-
 - (i) to delegate-
 - (A) any person charged with carrying out or assisting in the carrying out of any relevant activity in such premises, or any person employed by such person; or
 - (B) any person charged with the collection of charges payable to the Director under this Ordinance or any person employed by such person, to exercise any of the powers conferred on the Director by regulations made under paragraph (b);
 - (ii) to give directions of a general character to any person such as is specified in subparagraph (i) in relation to the performance of functions or the exercise of powers vested by this Ordinance. (Added 10 of 1997 s. 3)
- (5) Regulations under this section-
 - (a) may require the disclosure by a third person of information concerning the identity of any person who, being the driver of a vehicle, is suspected of having committed an offence against this Ordinance and may provide for the admission into evidence in proceedings for an offence under this Ordinance of information so obtained as proof of the identity of the driver of a vehicle at the time of the offence;
 - (b) may provide, for the purposes of any criminal proceedings under this Ordinance or any civil proceedings under this Ordinance, including proceedings for the recovery of any charge payable under this Ordinance, for the admission into evidence of any document-
 - (i) produced by means of an image recording or printing device; or
 - (ii) purporting to be a record concerning such a device, as proof of the matters contained in such document. (Added 10 of 1997 s. 3)

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| Section: | 37 | Amendment of Schedules | L.N. 320 of 1999 | 01/01/2000 |
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(1) The Governor in Council may, by notice published in the Gazette, amend the First, Second, Third, Fourth and Fifth Schedules. (Amended 14 of 1995 s. 9)

(2) The Secretary may, by notice published in the Gazette, amend the relevant dates specified in the First, Second and Fifth Schedules. (Amended 28 of 1994 s. 22; 78 of 1999 s. 7)
(Added 58 of 1987 s. 13)

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| Schedule: | 6 | WASTE TO WHICH SECTIONS 20A(1)(a) AND 20B(1)(a) APPLY | | 30/06/1997 |
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[sections 20A, 20B & 20H
& Seventh Schedule]

In this Schedule-

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;

- (b) the indicative "ex" against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) "non-dispersible"(非擴散性) in relation to waste does not include any waste in the form of powder, sludge, dust or solid items containing encased hazardous liquids.

GA-Metal and metal-alloy waste in metallic, non-dispersible form

The following waste and scrap of precious metals and their alloys:

| | | |
|-------|----------|--|
| GA010 | ex711210 | -of gold ¹ |
| GA020 | ex711220 | -of platinum ¹ (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium) |
| GA030 | ex711290 | -of other precious metal ¹ , e.g. silver |

The following ferrous waste and scrap of iron or steel:

| | | |
|-------|----------|--|
| GA040 | 720410 | -Waste and scrap of cast iron |
| GA050 | 720421 | -Waste and scrap of stainless steel |
| GA060 | 720429 | -Waste and scrap of other alloy steels |
| GA070 | 720430 | -Waste and scrap of tinned iron or steel |
| GA080 | 720441 | -Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles |
| GA090 | 720449 | -Other ferrous waste and scrap |
| GA100 | 720450 | -Remelted scrap ingots |
| GA110 | ex730210 | -Used iron and steel rails |

The following waste and scrap of non-ferrous metals and their alloys:

| | | |
|-------|----------|-----------------------------|
| GA120 | 740400 | -Copper waste and scrap |
| GA130 | 750300 | -Nickel waste and scrap |
| GA140 | 760200 | -Aluminium waste and scrap |
| GA150 | ex780200 | -Lead waste and scrap |
| GA160 | 790200 | -Zinc waste and scrap |
| GA170 | 800200 | -Tin waste and scrap |
| GA180 | ex810191 | -Tungsten waste and scrap |
| GA190 | ex810291 | -Molybdenum waste and scrap |
| GA200 | 810420 | -Magnesium waste and scrap |
| GA220 | ex810510 | -Cobalt waste and scrap |
| GA230 | ex810600 | -Bismuth waste and scrap |
| GA240 | ex810710 | -Cadmium waste and scrap |
| GA250 | ex810810 | -Titanium waste and scrap |
| GA260 | ex810910 | -Zirconium waste and scrap |
| GA270 | ex811000 | -Antimony waste and scrap |
| GA280 | ex811100 | -Manganese waste and scrap |
| GA290 | ex811211 | -Beryllium waste and scrap |
| GA300 | ex811220 | -Chromium waste and scrap |
| GA310 | ex811230 | -Germanium waste and scrap |
| GA320 | ex811240 | -Vanadium waste and scrap |
| | ex811291 | Waste and scrap of |
| GA330 | | -Hafnium |
| GA340 | | -Indium |
| GA350 | | -Niobium |
| GA360 | | -Rhenium |
| GA370 | | -Gallium |
| GA380 | | -Thallium |
| GA390 | ex284430 | -Thorium waste and scrap |
| GA400 | ex280490 | -Selenium waste and scrap |
| GA410 | ex280450 | -Tellurium waste and scrap |
| GA420 | ex280530 | -Rare earth waste and scrap |

GB-Metal bearing waste arising from melting, smelting and refining of metals

| | | |
|-------|--------|---|
| GB010 | 262011 | -Hard zinc spelter |
| GB020 | | Zinc containing dross: |
| GB021 | | -Galvanizing slab zinc top dross (>90% Zn) |
| GB022 | | -Galvanizing slab zinc bottom dross (>92% Zn) |
| GB023 | | -Zinc die casting dross (>85% Zn) |
| GB024 | | -Hot dip galvanizers slab zinc dross (batch) (>92% Zn) |
| GB025 | | -Zinc skimmings |
| GB030 | | Aluminium skimmings |
| GB040 | | Slags from precious metals and copper processing for further refining |
| GB050 | | Tantalum bearing tin slags with less than 0.5% tin |

GC-Other waste containing metals

| | | |
|-------|----------|--|
| GC010 | | Electrical assemblies consisting only of metals or alloys |
| GC020 | | Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery |
| GC030 | ex890800 | Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste |
| GC040 | | Motor vehicle wrecks, drained of liquids |
| GC050 | | Spent catalysts: |
| GC051 | | -fluid catalytic cracking (FCC) catalysts |
| GC052 | | -precious metal bearing catalysts |
| GC053 | | -transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc) |
| GC070 | ex261900 | Slag arising from the manufacture of iron or steel(2) excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards, including environmental protection specifications |

GD-Waste from mining operations: this waste to be in non-dispersible form

| | | |
|-------|----------|---|
| GD010 | ex250490 | Natural graphite waste |
| GD020 | ex251400 | Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise |
| GD030 | 252530 | Mica waste |
| GD040 | ex252930 | Leucite, nepheline and nepheline syenite waste |
| GD050 | ex252910 | Felspar waste |
| GD060 | ex252921 | Fluorspar waste |
| | ex252922 | |
| GD070 | ex281122 | Silica waste in solid form excluding those used in foundry operations |

GE-Glass waste in non-dispersible form

| | | |
|-------|----------|---|
| GE010 | ex700100 | Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses |
| GE020 | | Fibre glass waste |

GF-Ceramic waste in non-dispersible form

| | | |
|-------|----------|---|
| GF010 | | Ceramic waste which has been fired after shaping, including ceramic vessels (before and/or after use) |
| GF020 | ex811300 | Cermet waste and scrap (metal ceramic composites) |
| GF030 | | Ceramic based fibres not specified or included in the Seventh Schedule |

GG-Other waste containing principally inorganic constituents,
which may contain metals and organic material

| | | |
|-------|----------|--|
| GG010 | | Partially refined calcium sulphate produced from flue gas desulphurisation (FGD) |
| GG020 | | Waste gypsum wallboard or plasterboard arising from the demolition of buildings |
| GG030 | ex2621 | Bottom ash and slag tap from coal fired power plants |
| GG040 | ex2621 | Coal fired power plants fly ash |
| GG050 | | Anode butts of petroleum coke and/or bitumen |
| GG060 | ex2803 | Spent activated carbon |
| GG080 | ex262100 | Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications |
| GG090 | | Sulphur in solid form |
| GG100 | | Limestone from the production of calcium cyanamide (having a pH less than 9) |
| GG110 | ex262100 | Neutralized red mud from alumina production |
| GG120 | | Sodium, potassium, calcium chlorides |
| GG130 | | Carborundum (silicon carbide) |
| GG140 | | Broken concrete |
| GG150 | ex262090 | Lithium-Tantalum and Lithium-Niobium containing glass scraps |

GH-Solid plastic waste

All solid plastic waste including but not limited to:

| | | |
|---|--|--|
| GH010 GH011 GH012 GH013 GH014 | 3915 ex391510 ex391520 ex391530 ex391590 | Waste, parings and scrap of plastics of: -polymers of ethylene -polymers of styrene -polymers of vinyl chloride -polymers or co-polymers e.g.: . polypropylene . polyethylene terephthalate . acrylonitrile co-polymer . butadiene co-polymer . styrene co-polymer . polyamides . polybutylene terephthalates . polycarbonates . polyphenylene sulphides . acrylic polymers . paraffins (C10-C13) ³ . polyurethane (not containing chlorofluorocarbons) . polysiloxanes (silicones) . polymethyl methacrylate . polyvinyl alcohol . polyvinyl butyral . polyvinyl acetate . polymers of fluorinated ethylene (Teflon, PTFE) |
| GH015 | ex391590 | -Resins or condensation products e.g.: . urea formaldehyde resins . phenol formaldehyde resins . melamine formaldehyde resins . epoxy resins . alkyd resins . polyamides |

GI-Paper, paperboard and paper product waste

| | | |
|----------------|----------------|--|
| GI010 GI011 | 4707 470710 | Waste and scrap of paper or paperboard: -of unbleached kraft paper or paperboard or of corrugated paper or paperboard |
| GI012 | 470720 | -of other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass |
| GI013 | 470730 | -of paper or paperboard made mainly of mechanical pulp (e.g. newspapers, journals and similar printed matter) |
| GI014 | 470790 | -other, including but not limited to: 1) laminated paperboard 2) unsorted waste and scrap |

GJ-Textile waste

| | | |
|-------|----------|---|
| GJ010 | 5003 | Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock) |
| GJ011 | 500310 | -not carded or combed |
| GJ012 | 500390 | -other |
| GJ020 | 5103 | Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock |
| GJ021 | 510310 | -noils of wool or of fine animal hair |
| GJ022 | 510320 | -other waste of wool or of fine animal hair |
| GJ023 | 510330 | -waste of coarse animal hair |
| GJ030 | 5202 | Cotton waste (including yarn waste and garnetted stock) |
| GJ031 | 520210 | -yarn waste (including thread waste) |
| GJ032 | 520291 | -garnetted stock |
| GJ033 | 520299 | -other |
| GJ040 | 530130 | Flax tow and waste |
| GJ050 | ex530290 | Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.) |
| GJ060 | ex530390 | Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie) |
| GJ070 | ex530490 | Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i> |
| GJ080 | ex530519 | Tow and waste (including yarn waste and garnetted stock) of coconut |
| GJ090 | ex530529 | Tow and waste (including yarn waste and garnetted stock) of abaca (<i>Manila hemp</i> or <i>Musa textilis</i> Nee) |
| GJ100 | ex530599 | Tow and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included |
| GJ110 | 5505 | Waste (including noils, yarn waste and garnetted stock) of man-made fibres |
| GJ111 | 550510 | -of synthetic fibres |
| GJ112 | 550520 | -of artificial fibres |
| GJ120 | 630900 | Worn clothing and other worn textile articles |
| GJ130 | ex6310 | Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials |
| GJ131 | ex631010 | -sorted |
| GJ132 | ex631090 | -other |

GK-Rubber waste

| | | |
|-------|----------|---|
| GK010 | 400400 | Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom |
| GK020 | 401220 | Used pneumatic tyres |
| GK030 | ex401700 | Waste and scrap of hard rubber(e.g. ebonite) |

GL-Untreated cork and wood waste

| | | |
|-------|----------|---|
| GL010 | ex440130 | Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms |
| GL020 | 450190 | Cork waste, crushed, granulated or ground cork |

GM-Waste arising from agro-food industries

| | | |
|-------|----------|--|
| GM070 | ex2307 | Wine lees |
| GM080 | ex2308 | Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included |
| GM090 | 152200 | Degras, residues resulting from the treatment of fatty substances or animal or vegetable waxes |
| GM100 | 050690 | Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised |
| GM110 | ex051191 | Fish waste |
| GM120 | 180200 | Cocoa shells, husks, skins and other cocoa waste |
| GM130 | | Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption |

GN-Waste arising from tanning and fellmongery operations and leather use

| | | |
|-------|----------|--|
| GN010 | ex0502 | Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair |
| GN020 | ex050300 | Horsehair waste, whether or not put up as a layer with or without supporting material |
| GN030 | ex050590 | Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation |
| GN040 | ex411000 | Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges |

GO-Other waste containing principally organic constituents, which may contain metals and inorganic materials

| | | |
|-------|----------|--|
| GO010 | ex050100 | Waste of human hair |
| GO020 | | Waste straw |
| GO030 | | Deactivated fungus mycelium from penicillin production to be used as animal feed |
| GO040 | | Waste photographic film base and waste photographic film not containing silver |
| GO050 | | Single use cameras without batteries |

(Added 14 of 1995 s. 10)

- 1 Mercury is specifically excluded as a component of these metals or their alloys or amalgams.
- 2 This entry covers the use of such slags as a source of titanium dioxide and vanadium.
- 3 These cannot be polymerised and are used as plasticisers.

| | | | |
|-----------|---|---|------------|
| Schedule: | 7 | WASTE TO WHICH SECTIONS 20A(1)(b) AND 20B(1)(b) APPLY | 30/06/1997 |
|-----------|---|---|------------|

[sections 20A, 20B
& 20H & Sixth
Schedule]

In this Schedule-

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;
- (b) the indicative "ex" against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) "containing"(含有) or "contaminated with" (受污), in relation to any waste, means that the substance referred to is present to an extent which-
 - (i) renders the waste hazardous; or
 - (ii) renders the waste not suitable for submission to a reprocessing, recycling or recovery operation or for reuse;
- (d) "elsewhere specified or included" (在他處載列或包括) means elsewhere specified or included in this Schedule or in the Sixth Schedule; and
- (e) "expressly listed elsewhere" (在他處清楚列明) means expressly listed elsewhere in this Schedule or in the Sixth Schedule.

RA-Waste containing principally organic constituents,
which may contain metals and inorganic materials

| | |
|-------|--|
| RA010 | Waste, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more. |
| RA020 | Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials. |

RB-Waste containing principally inorganic constituents,
which may contain metals and organic materials

| | |
|-------|--|
| RB010 | Asbestos (dusts and fibres). |
| RB020 | Ceramic based fibres of physico-chemical characteristics similar to those of asbestos. |

RC-Waste which may contain either inorganic or organic constituents

Waste that contains, consists of or is contaminated with any of the following.

| | |
|-------|---|
| RC010 | -any congener of polychlorinated dibenzo-furan |
| RC020 | -any congener of polychlorinated dibenzo-dioxin |
| RC030 | Leaded anti-knock compound sludges. |
| RC040 | Peroxides other than hydrogen peroxide. |

AA-Metal bearing waste

| | | |
|--------------------|----------|--|
| AA010 ¹ | ex261900 | Dross, scalings and other waste from the manufacture of iron and steel |
| AA020 ¹ | ex262019 | Zinc ashes and residues |
| AA030 ¹ | 262020 | Lead ashes and residues |
| AA040 ¹ | ex262030 | Copper ashes and residues |
| AA050 ¹ | ex262040 | Aluminium ashes and residues |
| AA060 ¹ | ex262050 | Vanadium ashes and residues |
| AA070 ¹ | 262090 | Ashes and residues containing metals or metal compounds not elsewhere specified or included |
| AA080 ¹ | | Thallium waste and residues |
| AA090 ¹ | ex280480 | Arsenic waste and residues |
| AA100 ¹ | ex280540 | Mercury waste and residues |
| AA110 | | Residues from alumina production not elsewhere specified or included |
| AA120 | | Galvanic sludges |
| AA130 | | Liquors from the pickling of metals |
| AA140 | | Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc. |
| AA150 | | Precious metal bearing residues in solid form which contain traces of inorganic cyanides |
| AA160 | | Precious metal ash, sludge, dust and other residues such as: |
| AA161 | | -ash from incineration of printed circuit boards |
| AA162 | | -photographic film ash |
| AA170 | | Lead-acid batteries, whole or crushed |
| AA180 | | Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not elsewhere specified or included |

AB-Waste containing principally inorganic constituents,
which may contain metals and organic materials

| | | |
|-------|----------|--|
| AB010 | 262100 | Slag, ash and residues(2), not elsewhere specified or included |
| AB020 | | Residues arising from the combustion of municipal/household waste |
| AB030 | | Waste from non-cyanide based systems which arise from surface treatment of metals |
| AB040 | ex700100 | Glass waste from cathode-ray tubes and other activated glasses |
| AB050 | ex252921 | Calcium fluoride sludge |
| AB060 | | Other inorganic fluorine compounds in the form of liquids or sludges |
| AB070 | | Sands used in foundry operations |
| AB080 | | Spent catalysts not in the Sixth Schedule |
| AB090 | | Waste hydrates of aluminium |
| AB100 | | Waste alumina |
| AB110 | | Basic solutions |
| AB120 | | Inorganic halide compounds, not elsewhere specified or included |
| AB130 | | Used blasting grit |
| AB140 | | Gypsum arising from chemical industry processes |
| AB150 | | Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD) |

AC-Waste containing principally organic constituents,
which may contain metals and inorganic materials

| | | |
|-------|----------|---|
| AC010 | ex271390 | Waste from the production/processing of petroleum coke and bitumen, excluding anode butts |
| AC020 | | Asphalt cement waste |
| AC030 | | Waste oils unfit for their originally intended use |
| AC040 | | Leaded petrol (gasoline) sludges |
| AC050 | | Thermal (heat transfer) fluids |
| AC060 | | Hydraulic fluids |
| AC070 | | Brake fluids |
| AC080 | | Antifreeze fluids |
| AC090 | | Waste from production, formulation and use of resins, latex, plasticisers, glues and adhesives |
| AC100 | | Nitrocellulose |
| AC110 | | Phenols, phenol compounds including chlorophenol in the form of liquids or sludges |
| AC120 | | Polychlorinated naphthalenes |
| AC130 | | Ethers |
| AC140 | | Triethylamine catalysts for setting foundry sands |
| AC150 | | Chlorofluorocarbons |
| AC160 | | Halons |
| AC170 | | Treated cork and wood waste |
| AC180 | ex411000 | Leather dust, ash, sludges and flours |
| AC190 | | Fluff-light fraction from automobile shredding |
| AC200 | | Organic phosphorous compounds |
| AC210 | | Non-halogenated solvents |
| AC220 | | Halogenated solvents |
| AC230 | | Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations |
| AC240 | | Waste arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin) |
| AC250 | | Surface active agents (surfactants) |
| AC260 | | Liquid pig manure, faeces |
| AC270 | | Sewage sludge |

AD-Waste which may contain either inorganic or organic constituents

| | |
|-------|--|
| AD010 | Waste from the production and preparation of pharmaceutical products |
| AD020 | Waste from the production, formulation and use of biocides and phyto-pharmaceuticals |
| AD030 | Waste from the manufacture, formulation and use of wood preserving chemicals Waste that contain, consist of or are contaminated with any of the following: |
| AD040 | -inorganic cyanides, except precious metal-bearing residues in solid form containing traces of inorganic cyanides |
| AD050 | -organic cyanides |
| AD060 | Waste oils/water, hydrocarbons/water mixtures, emulsions |
| AD070 | Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish |
| AD080 | Waste of an explosive nature |
| AD090 | Waste from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included |
| AD100 | Waste from non-cyanide based systems which arise from surface treatment of plastics |
| AD110 | Acidic solutions |
| AD120 | Ion exchange resins |
| AD130 | Single use cameras with batteries |
| AD140 | Waste from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included |
| AD150 | Naturally occurring organic material used as a filter medium (such as bio-filters) |
| AD160 | Municipal/household waste |

(Added 14 of 1995 s. 10)

-
- 1 These entries include waste in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.
 - 2 This entry includes waste in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

| | | | | |
|----------|------|---|-------------------|--------------|
| Chapter: | 354C | WASTE DISPOSAL (CHEMICAL WASTE) (GENERAL) REGULATION | Gazette Number | Version Date |
| Section: | 20 | Director to issue trip ticket | | 30/06/1997 |

PART V

COLLECTION AND TRANSPORTATION OF CHEMICAL WASTE

The Director may issue any document (in this Part referred to as a "trip ticket"), in such form as he may determine, for the purpose of recording particulars or obtaining information in relation to the production, collection, transportation, reception, transfer, import or export of chemical waste and in such document specify-

- (a) particulars or information to be furnished by a waste producer, waste collector or reception point manager;
- (b) matters to be certified by any such person; or
- (c) any other requirement to be complied with by any such person.

(Enacted 1992)

| | | | | |
|----------|------|---|----------------|--------------|
| Chapter: | 354D | WASTE DISPOSAL (PERMITS AND LICENCES) (FORMS AND FEES) REGULATION | Gazette Number | Version Date |
|----------|------|---|----------------|--------------|

| | | | | |
|--|--|--------------------|--|------------|
| | | Empowering section | | 30/06/1997 |
|--|--|--------------------|--|------------|

(Cap 354 section 33)

[7 February 1992]

(L.N. 21 of 1992)

| | | | | |
|----------|---|--------------------------|--|------------|
| Section: | 2 | Waste collection licence | | 30/06/1997 |
|----------|---|--------------------------|--|------------|

The form contained in Part 1 of Schedule 1 shall be the prescribed form for the purpose of applying for a waste collection licence referred to in section 21(1) of the Ordinance or for the renewal of such a licence.

(Enacted 1992)

| | | | | |
|----------|---|------------------------|--|------------|
| Section: | 3 | Waste disposal licence | | 30/06/1997 |
|----------|---|------------------------|--|------------|

The form contained in Part 2 of Schedule 1 shall be the prescribed form for the purpose of applying for a waste disposal licence referred to in section 21(2) of the Ordinance or for the renewal of such a licence.

(Enacted 1992)

| | | | | |
|-----------|---|--|--|------------|
| Schedule: | 1 | | | 30/06/1997 |
|-----------|---|--|--|------------|

[sections 2 & 3]

PART 1

For Official Use
Code No.
WDO/ / /

GOVERNMENT OF HONG KONG

WASTE DISPOSAL ORDINANCE
(Chapter 354)

Application for a*/renewal of a*/Waste Collection Licence

* Delete as necessary.

Note: Please use separate sheets where the space provided in the form is not sufficient.

SECTION A. Applicant.

Name (Person or Company)

(in English) _____

(in Chinese) _____

I.D. Card No. (if the applicant is an individual) _____

Business Registration Certificate No.

(indicate by individual or by company) _____

Correspondence Address _____

Telephone No. _____ Fax No. _____

Current Waste Collection Licence No.

(for licence renewal only) _____

Date of

Expiry _____

SECTION B. Maintenance Depot/Area for Keeping Plant, Vehicles or Vessels.

Business Registration Certificate No.

(if different from above) _____

Address (if different from above) _____

Name of Manager _____

Manager's I.D. Card

No. _____

Business Telephone

No. _____

SECTION C. Waste Description and Operational Details.

Briefly describe all waste types to be collected.

| WASTE | WASTE CODE (if applicable) | PHYSICAL FORM (solid/liquid/sludge/others, please specify) | INTENDED DAILY CAPACITY (m ³ or tonne) | METHOD OF COLLECTION & TRANSPORT (Truck/Lighter/others, please specify) | INTENDED DISPOSAL FACILITY |
|-------|-------------------------------|---|--|--|----------------------------|
|-------|-------------------------------|---|--|--|----------------------------|

SECTION D. Waste Collection Vehicle or Vessel and Related Equipment.

VEHICLE TYPE & MAKE

| YEAR OF MANUFACTURE | VEHICLE REGISTRATION NO. | PERMITTED GROSS VEHICLE WEIGHT (TONNE) | PAYLOAD (TONNE) | PARKING ARRANGEMENT |
|---------------------|--------------------------|---|--------------------|---------------------|
| 1. | | | | |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |

| VESSEL TYPE & MAKE | YEAR OF CON- STRUCTION | VESSEL LICENCE NO. | SIZE (LENGTH, BREADTH , DEPTH) | GROSS & NET REGISTERE D TONNAGE | MOORING ARRANGEMEN T |
|--------------------|---------------------------|-----------------------|---|---|----------------------------|
|--------------------|---------------------------|-----------------------|---|---|----------------------------|

- 1.
- 2.
- 3.
- 4.
- 5.

Other Plant and Equipment (Please specify type and quantity)-

SECTION E. Supplementary Information.

Please submit the following information with the application-

1. Drawing(s) showing-
 - (a) the detailed specifications of the vehicles or vessels employed to collect wastes; and
 - (b) the location and layout of the maintenance depot.
2. Operational Plan.

This should comprise a detailed description of the collection scheme with the following information-

 - (a) types of establishments and their geographical locations from which the wastes are to be collected;
 - (b) the number and size of containers or storage receptacles employed for carrying the wastes to be collected and transported;

- (c) waste handling procedures including the loading/unloading of wastes on and off the vehicles or vessels;
- (d) measures for dealing with wastes in the event of an emergency, breakdown or mechanical failure of the vehicles, vessels or other equipment;
- (e) provisions made for pollution control and monitoring of possible emissions including air and noxious pollutants, dust, noise and liquid spillage during transportation;
- (f) safety equipment and measures to be provided;
- (g) manning levels, and qualifications and experience of operational personnel;
- (h) arrangements for keeping records; and
- (i) liability insurance, if any, to cover claims arising out of injuries to persons, property and the environment which may result from the collection and transportation operation.

3. Resume of Management Staff (including qualifications and relevant waste management experience).

SECTION F. Declaration.

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

| | | |
|-------------|---------------------------------------|-------|
| _____ | _____ | _____ |
| (Signature) | (Name in Block Letters) (Capacity) | |

on behalf of

| | |
|--|--------|
| _____ | _____ |
| (Company Name and Chop as appropriate) | (Date) |

(L.N. 471 of 1995)

PART 2

For Official Use
Code No.
WDO/ / /

GOVERNMENT OF HONG KONG
WASTE DISPOSAL ORDINANCE
(Chapter 354)

Application for a*/renewal of a*/Waste Disposal Licence

* Delete as necessary.

Note: Please use separate sheets where the space provided in the form is not sufficient.

SECTION A. Applicant.

Name (Person or Company)

(in English) _____

(in Chinese) _____

I.D. Card No. (if the applicant is an individual) _____

Business Registration Certificate No.

(indicate by individual or by company) _____

Correspondence Address _____

Telephone No. _____ Fax No. _____

Current Waste Disposal Licence No.

(for licence renewal only) _____

Date of

Expiry _____

SECTION B. Facility.

Name of Waste Disposal Facility

(if different from company name) _____

Business Registration Certificate No.

(if different from above) _____

Address (if different from above) _____

Name of Manager _____

Manager's I.D. Card

No. _____

Business Telephone

No. _____

SECTION C. Waste Description and Operational Details.

Briefly describe all waste types to be accepted at the facility.

| WASTE TYPE | WASTE CODE (if applicable) | PHYSICAL FORM (solid/liquid sludge/others, please specify) | DESIGNED DAILY CAPACITY (m ³ or tonne) | WASTE STORAGE ARRANGEMENTS (Drums/tanks/others, please specify) | WASTE TREATMENT/ DISPOSAL METHODS |
|------------|-------------------------------|---|---|---|--------------------------------------|
|------------|-------------------------------|---|---|---|--------------------------------------|

SECTION D. Waste Treatment or Disposal Process Details.

D1. Total Facility Capacity (Maximum) _____ tonnes per annum
 _____ tonnes per day
 or per batch

D2. Hours of Operation

| | | | |
|-----------------|------|------|---|
| Weekdays | From | h to | h |
| Saturday | From | h to | h |
| Sunday | From | h to | h |
| Public holidays | From | h to | h |

D3. Component Processes (Attach schematic diagrams where possible)

| PROCESS DESCRIPTION | MAXIMUM CAPACITY (tpa) | OPERATIONAL MODE & CAPACITY (CONTINUOUS/BATCHWISE/OTHERS, PLEASE SPECIFY) | PROCESS COMMISSIONING DATE | REMAINING OPERATIONAL LIFE |
|---------------------|------------------------|---|----------------------------|----------------------------|
|---------------------|------------------------|---|----------------------------|----------------------------|

SECTION E. Effluent, Emission and Residues.

List all types of effluent, emission or residues that will be generated from the waste treatment/disposal operation.

| EFFLUENT, EMISSION & RESIDUES | PHYSICAL FORM | QUANTITY OR RATE OF DISCHARGE | MONITORING ARRANGEMENT | PROPOSED ULTIMATE DISPOSAL METHOD |
|-------------------------------|---------------|-------------------------------|------------------------|-----------------------------------|
|-------------------------------|---------------|-------------------------------|------------------------|-----------------------------------|

SECTION F. Supplementary Information.

Please submit the following information with the application-

1. Site Location Plan.

This should be drawn on a scale appropriate to the facility showing the site of the facility to which the application relates coloured red, any adjoining land in the same ownership coloured blue and sufficient details to identify the site and the topography of its environment.

2. Operational Plan.

It should comprise a detailed description of the operation of the facility including a layout plan and other drawing(s) on an appropriate scale showing the key features of the facility. The following information should be included-

- (a) site engineering works and infrastructure;
- (b) the waste reception arrangements including loading and unloading of wastes and waste screening procedures;
- (c) the number, size and location of tanks and receptacles employed for the storage of materials and wastes to be processed at the facility;
- (d) the operating procedures for the facility including a flow diagram of various treatment or disposal processes;
- (e) measures for dealing with the wastes in the event of an emergency, breakdown or mechanical failure of the facility;
- (f) provisions made for site pollution control and monitoring of possible emissions including air and water pollutants, wastes, noise level, and environmental auditing arrangements;
- (g) arrangements for the storage and delivery of residues from treatment of wastes and by products to final disposal site;
- (h) site safety facilities and measures and site security arrangements;
- (i) manning levels, and qualifications and experience of staff;
- (j) site maintenance and quality assurance plan;
- (k) arrangements for keeping records; and
- (l) liability insurance, if any, to cover claims arising out of injuries to persons, property and the environment which may result from the disposal operation.

3. Resume of Management Staff (including qualifications and relevant waste management experience).

SECTION G. Declaration.

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

(Signature) (Name in Block Letters)
(Capacity)

on behalf of

(Company Name and Chop as appropriate) (Date)

(L.N. 471 of 1995)

| | | | | |
|-----------|---|------|------------------|------------|
| Schedule: | 2 | FEES | L.N. 302 of 2000 | 22/12/2000 |
|-----------|---|------|------------------|------------|

| Item | Particular | Fee \$ |
|------|--|--------------------|
| 1A. | Permit required for the import of waste into Hong Kong referred to in section 20A(1) of the Ordinance- | |
| | (a) for a single shipment of waste | 11595 |
| | (b) for multiple shipments of waste | 18430 |
| | | (L.N. 402 of 1996) |
| 1B. | Permit required for the export of waste from Hong Kong referred to in section 20B(1) of the Ordinance- | |
| | (a) for a single shipment of waste | 11595 |
| | (b) for multiple shipments of waste | 18430 |
| | | (L.N. 402 of 1996) |
| 1. | Waste collection licence referred to in section 21(1) of the Ordinance- | |
| | (a) for provision of a waste collection service- | |
| | (i) upon application for a new licence | 19270 |
| | (ii) upon application for a renewal of a licence under section 23(2) of the Ordinance | 9320 |
| | (b) for collection of waste produced by the licensee- | |
| | (i) upon application for a new licence | 4530 |
| | (ii) upon application for a renewal of a licence under section 23(2) of the Ordinance | 2465 |
| 2. | Waste disposal licence referred to in section 21(2) of the Ordinance- | |
| | (a) for provision of a waste disposal service- | |
| | (i) upon application for a new licence..... | 29820 |
| | (ii) upon application for a renewal of a licence under section 23(2) of the Ordinance | 14840 |
| | (b) for disposal of waste produced by the licensee- | |
| | (i) upon application for a new licence..... | 2915 |
| | (ii) upon application for a renewal of a licence under section 23(2) of the Ordinance | 1510 |

(Enacted 1992. L.N. 270 of 1994; L.N. 492 of 1996; L.N. 570 of 1997; L.N. 302 of 2000)

IMPLICATIONS OF THE PROPOSAL

FINANCIAL AND CIVIL SERVICE IMPLICATIONS

Clinical Waste Control Scheme—Financial Implications

We intend to equip the Chemical Waste Treatment Centre (CWTC) with the necessary reception facilities to treat clinical waste. The capital cost is estimated to be \$45 million (at MOD prices). The variable recurrent payment to the operator for treating clinical waste, estimated to be \$22 million per annum, has been included in ETWB/EPD's envelope with effect from 2004-05. The exact costs will be determined after the single tender with the CWTC contractor is invited and duly approved. We are also identifying measures to lower the costs. EPD will absorb the workload for managing the relevant contract.

2. We will initially recover 31% of the variable operation cost by charging parties delivering clinical waste to the CWTC. We plan to increase the charge incrementally until it reaches full recovery of the variable operation cost. Government departments would not be required to pay disposal fees. The Hospital Authority (HA) would be required to absorb the recurrent disposal cost, estimated to be \$2.39 million in 2004-05, within its budget.

3. From 2004/05, waste producers, including the Department of Health (DH) and HA, would need to employ licensed clinical waste collectors to collect their clinical waste for proper disposal. DH estimates that this would cost an additional \$10.58 million per annum. At present, the Food and Environmental Hygiene Department (FEHD) provides clinical waste collection service to some HA hospitals. In future, HA would need to employ licensed clinical waste collectors to collect clinical waste from all of its hospitals and the estimated additional collection cost is \$1.5 million per annum. DH and HA would be required to absorb the additional collection cost within its budget.

4. At present, FEHD also provides clinical waste collection services to some private hospitals and education institutions. FEHD will withdraw all these services, as well as those for some HA hospitals, upon the

implementation of the Control Scheme, when clinical waste will be collected by private sector collectors. FEHD estimates that \$1.44 million will be saved per annum.

Clinical Waste Control Scheme—Civil Service Implications

5. EPD will deploy 10 staff to implement the Control Scheme. This will allow EPD to carry out each year 200 complaint investigations and 800 random proactive inspections as well as licence processing and prosecution. This may not meet the requirements of a full-fledged enforcement programme, given the large number of clinical waste producers. We will have to rely heavily on self-regulation and compliance by the healthcare professionals.

Control on Disposal of Imported Waste

6. The proposed control has no financial and civil service implications to the Government because the amount of imported non-hazardous waste that may be authorized by DEP for local disposal is expected to be small, and the disposal cost would be recovered from the importer.

ECONOMIC IMPLICATIONS

7. The proposed Clinical Waste Control Scheme will pose minimal compliance burden on the business. We estimate that for a typical clinic, the waste collection cost would range from \$30 to \$300 each month, depending on the location of the clinic, while the disposal fee will be \$1-2 per day. The clinical waste collectors will have to pay the collection licence fee, which should be incorporated as part of the operating cost to be reflected in their collection fee. On the other hand, the Control Scheme will have positive economic implication by fostering jobs in the waste collection trade. Additional jobs will also be created for the works and subsequent operation of the CWTC for the disposal of clinical waste.

ENVIRONMENTAL IMPLICATIONS

8. The proposal will have positive environmental implications since it would exercise tighter control on the handling of clinical waste as well as the disposal of imported waste.

9. In relation to the proposed treatment of clinical waste at the CWTC, which is a purpose-built facility equipped with effective pollution control devices, an Environmental Impact Assessment was completed in 1999. That study concluded that the proposed treatment is not expected to cause any adverse environmental impacts. It has also concluded that the risk to members of the public due to transportation of clinical waste from hospitals and clinics to the CWTC is minimal. The Advisory Council on the Environment endorsed the Report in May 1999. The recommendations and mitigation measures suggested in the Report will be incorporated in the tender documents.

SUSTAINABILITY IMPLICATIONS

10. The proposal would help minimize the environmental and public health risks arising from the improper handling of clinical waste and dumping of imported waste. In particular, there would be improvement to such indicators as “communicable diseases”, “volume of waste” and “landfill capacity” through proper handling of infectious clinical waste, charging for their disposal and encouraging waste reduction, although the overall impact may not be significant given that the volume of clinical waste and imported waste constitutes only 0.1% [or 7,000 tonnes] of the total waste generated per year.