



環境保護督察協會(香港公務員總工會盟會)

Environmental Protection Inspectorate Association

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立法會公務員及資助機構員工事務委員會

致：主席葉劉淑儀議員, GBS, JP及全體委員

環境保護督察職系檢討(EPI grade review)

鑑於環境保護督察職系的「工作性質」、「職責」及「工作複雜程度」，相對於職系在1979年成立之初，已出現根本性改變。為此，本會已於2007年向環境保護署及公務員事務局提出為環境保護督察職系展開職系檢討的要求。雖然得到部門管方支持並成立工作小組，跟進環境保護督察職系檢討事宜，更於2009年6月中旬將「職系檢討建議文件」提交公務員事務局作進一步審視，遺憾的是，公務員事務局在2009年8月及2010年5月回覆部門時，雖然認同環境保護督察職系的工作性質及職責有改變，但仍拒絕職系檢討的要求。

環境保護助理職系在1979年成立時(1990年改名為環境保護督察)，職責類似技術員，主要負責調查和監測各種污染，校準及保養污染量度設備以及在實驗室內進行化驗及協助分析和解釋結果，**執法和廢物設施管理職能**並沒有包括在環境保護督察職系人員的職責內(見附件1)。但在過去20年，隨著環保署負責執行污染控制、環境條例及其附屬規例的制定，已導致環境保護督察職系的職責和責任出現根本性改變，由「技術支援」性質轉變為「以執法及檢控為主」的督察類別。最明顯的變化是環境保護督察的職級。現時超過75%的督察職系人員從事執法和廢物設施管理職能，而超過55%的督察職系人員部署在環境法規管理科，其主要職能是控制污染和執法(見附件2及3)。

除了工作的性質及職責出現根本性改變外，**工作複雜程度也大幅上升**。由於環保署在1999年全面推行綜合執法，環境保護督察職系人員通過在職培訓後，現在需要處理各種各樣的環境污染投訴及執行多樣環保法規。環境保護督察除了被要求對不同領域環境科學有一定知識外，還要有能力獨立處理各類污染問題和監測企業違規的污染活動。多年來環境條例及其附屬規例的實施和發展，這些新的責任都強加給督察職系人員，目前環境保護督察所須執法的條例及其附屬規例已經超過50條(見附件4)，更多新的法規還繼續再來。事實上，除了警務人員外，環境保護督察可能是唯一的技術職系人員須執行這麼多不同的法規。

除了新的執法責任，另外一個主要根本性改變的職責是，督察職系人員須要管理和運作1989年建成後的廢物處置設施，這包括現時香港的3個策略性堆田區及13



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個廢物轉運站等等。督察職系人員從事運作和監測廢物處置設施，所需的技術功能和要求，都與工程督察職系(Inspector of Works grade)相若。此外，他們還須執行廢物處置法規。

事實上，環境保護署在1998年曾得公務員事務局支持，聘請獨立顧問為環保督察職系進行職系檢討(見附件5)，當時顧問報告已明確指出環境保護督察職系的工作性質和工作要求已有根本性改變，建議進行薪酬檢討，切合現況。有關建議得到環境保護署及當時的規劃環境地政局所認同及支持。直至現在，署方仍然認為環境保護督察職系的工作性質、職責及工作複雜性程度，出現根本性的改變，須要進行職系檢討。所以，本會認為環境保護督察職系架構檢討要求符合公務員事務局在2010年6月21日委員會會議上提出進行職系架構檢討要求的其中一個準則，即「有關工作性質和工作要求，職責及工作複雜性程度出現根本性改變」，因此，懇請主席及各位委員，積極考慮及支持環境保護督察進行職系架構檢討的要求。如有查詢，請致電9353 9618與本人聯絡。

環境保護督察協會
(會長 蕭永基 蕭永基)

2011年3月28日

- 附件 1 : Comparison of Daily Duties of EPI since its creation
- 附件 2 : Evolution of the Role, Functions and Responsibilities of the EPI Grade
- 附件 3 : Distribution of Duties in EPI Grade Posts as at 1 April 08
- 附件 4 : Environmental Legislation Enforced by EPD
- 附件 5 : Letter from Director of Environmental Protection dated 1 Dec 1998

Comparison of the Daily Duties of the EPI Grade since its Creation

Duty Nature	Duties in ESC Paper for the Creation of EPA I (September 1979)	Duties of EPI in the Revised Departmental Duty List (July 2008)
Enforcement		<ul style="list-style-type: none"> * Performing duties associated with pollution complaint handling and the enforcement of environmental protection legislation. * Investigating pollution complaints and taking follow-up actions such as issuing warnings to polluters and replies to complainants. * Collecting evidence and making technical sampling decision on-site; and possible court appearance as a witness in support of prosecutions. * Conducting compliance inspections under various legislative requirements. * Processing applications for environmental permits and licences in particular carrying out technical assessment of Construction Noise Permit (CNP).
Management of Facilities		<ul style="list-style-type: none"> * Providing field monitoring, office and laboratory based technical support for the planning, implementation and review of various environmental improvement projects; and the management of environmental facilities. * Undertaking pollution surveys and investigations/ inspections and interpreting and presenting results for professional staff. * Data handling/ compiling, writing computer programmes and providing IT services. * Preparing presentation materials and reports for professional staff. * Liaising with contractors/ government departments for providing technical goods and services. * Monitoring contractors' compliance with contract and environmental performance requirements.
Technical Support	<ul style="list-style-type: none"> a. Assist in investigating and monitoring of various types of pollution and analysis results of reports; assist in interpretation of results. b. Install equipment, carry out laboratory tests and calibrate equipment. c. Compile and collating results for presentation in graphical and tabular forms. d. Transfer survey data to magnetic tapes for 	<ul style="list-style-type: none"> * Providing field monitoring, office and laboratory based technical support for the planning, implementation and review of various environmental management programmes and improvement projects. * Assisting professional staff in conducting screening and scoping for various designated projects under the Environmental Impact Assessment Ordinance (EIAO). * Undertaking pollution surveys and investigation/ inspections and interpreting and presenting results for professional staff. * Undertaking environmental sampling and analysis. * Procuring, installing, calibrating, maintaining, operating scientific/ technical/ environmental monitoring equipment. * Data handling/ compiling, writing computer programmes and providing IT services.

	processing by computer.	* Preparing presentation materials and reports for professional staff.
Staff Management	Supervising and training Environmental Protection Assistant II.	- Supervising junior staff for daily operation.
Interaction with Public		* Responding to technical enquiries from public. * Undertaking environmental education activities.

Comparison of the Daily Duties of the EPI Grade since its Creation

Duty Nature	Duties in ESC Paper for the Creation of SEPA (May 1987)	Duties of SEPI in the revised Departmental Duty List (July 2008)
Enforcement	<p>a. Conduct inspections for the purpose of complaint investigations, check licensing conditions, check whether improvement orders or abatement notices are complied with and assess the acceptability of action taken by industry to meet statutory requirements.</p> <p>b. Conduct inspections for the purpose of preparing evidence for prosecutions and sample collections, and report on the results of the inspections and the analysis of the samples.</p> <p>c. Assist in the preparation and presentation of evidence in support of prosecutions and appear in court to give evidence.</p>	<p>* Duties related to those of EPI rank#, making sampling decision on site and dealing with more technically complex or more sensitive issue, such as complicated enquiries, sensitive pollution complaints, and complex licence/ permit processing.</p> <p>* Preparing operational arrangements for special operations.</p> <p>* Leading an inspectorate/ enforcement team.</p>
Management of Facilities Technical Support	<p>d. Carry out and supervise surveillance investigations and monitoring of environmental quality and assist in processing technical data and the interpretation and presentation of results.</p> <p>e. Carry out and supervise laboratory works, field surveys and monitoring work, and coordinate laboratory back-up and support facilities.</p> <p>f. Carry out and supervise field calibration and maintain monitoring equipment and waste treatment systems.</p> <p>g. Prepare and supervise the preparation of plans, maps, figures and tables to assist in the formulation of environmental management</p>	<p>* Duties related to those of EPI rank#, but in particular dealing with more technically complex and more sensitive issues.</p> <p>* Duties related to those of EPI rank#, but in particular dealing with more technically complex and more sensitive issues.</p>

	programmes.	
Staff Management	<p>h. Supervise the technical aspects of supplies stock.</p> <p>i. Supervising technical and minor staff in the performance of their duties.</p>	<p>* Supervising EPIs and junior staff in all duties including being team leader.</p> <p>* Planning and organizing staff and other resources.</p> <p>* Training and coaching EPIs</p>
Interaction with Public	<p>j. Give, as directed, information and routine advice to industry and the public on the conditions to be imposed on consents, licenses and permits, and other pollution control equipments.</p>	<p>* Duties related to those of EPI rank#, but in particular dealing with more technically complex and more sensitive issues.</p>

Please refer to the major duties for the EPI rank listed above.

Comparison of the Daily Duties of the EPI Grade since its Creation

Duty Nature	Duties in ESC Paper for the Creation of CEPA (May 1991)	Duties of CEPI in the Revised Departmental Duty List (July 2008)
Enforcement	<p>a. Processing applications for various licenses and permits for the purpose of pollution control; vetting assessment of eligibility and calculation of ex-gratia payment and capital grant and conducting field checks.</p> <p>b. Carrying out and supervising various surveys and the inspection of pollution sources and pollution control/treatment facilities.</p> <p>c. Conducting and supervising investigations in relation to complaints, compliance with permit/licence/exempting conditions and preparing reports.</p> <p>d. Collecting, preparing and presenting evidence in court for prosecution purposes.</p> <p>e. Assisting in the preparation of court briefs and summonses and appearing in court as prosecution officer during the first hearing.</p> <p>f. Preparing and issuing warnings, orders and notices in accordance with various statutory pollution control requirements.</p>	<ul style="list-style-type: none"> * Leading pollution control investigations and enforcement activities. * Preparing and issuing warnings, orders and notices in accordance with legislation. * Appearing in court as prosecution officer during first hearing. * Duties related to those of the SEPI and EPI ranks##, with higher level of responsibility.
Management of Facilities	<p>g. Supervising contract works and checking compliance requirement.</p> <p>Serving notice to contractors and giving warnings on non-compliance with the contract provisions.</p>	<ul style="list-style-type: none"> * Overseeing contractors' work and remedial action for non-compliance with contract requirements. * Duties related to those of the SEPI and EPI ranks##, with higher level of responsibility.
Technical	<p>h. Organizing ambient and source monitoring.</p>	<ul style="list-style-type: none"> * Duties related to those of the SEPI and EPI ranks##, with higher level of responsibility.

Support	programmes and processing data obtained from the field and laboratory. i. Supervising and planning the purchase, calibration, operation and maintenance of environmental measuring equipment.	
Staff Management	j. Supervising technical staff in the performance of their duties. k. Assisting in the planning, training and development of technical staff	* Supervising SEPIs, EPIs and junior staff in performance of their duties. * Training and coaching of SEPIs and EPIs. * Assisting Head of Grade in grade management, particularly in posting arrangements and review panels.
Interaction with Public		* Duties related to those of the SEPI and EPI ranks##, with higher level of responsibility.

Please refer to the major duties for the SEPI and EPI ranks listed above.

This document was compiled in July 2008

Reference

EPD website : Career with EPD "The Career of the Environmental Protection Inspector Grade"

http://www.epd.gov.hk/epd/english/business_job/job_cpp/career_epd.htm#epi (Last Revision Date : 03 March 2008)

Evolution of the Role, Functions and Responsibilities of the EPI Grade

From 1979 to 1986	<ul style="list-style-type: none"> ✚ EPA grade created in 1979, with a single functional rank, plus a training rank; ✚ EPAs were technicians for laboratory duties, field surveys and data processing work;
From 1986 to 1989	<ul style="list-style-type: none"> ✚ SEPA rank created in 1987 to assist professionals in pollution control and law enforcement duties; since 1989 following the publication of the White Paper, ✚ EPA's and SEPAs' duties expanded to include site supervision of waste management facilities and contractors;
From 1989 to present	<ul style="list-style-type: none"> ✚ Duties of EPAs and SEPAs (renamed as EPIs and SEPIs in 1990) expanded; SEPIs, as assisted by EPIs, lead law compliance inspections, and evidence collection for prosecution; handle applications and technical assessments of environmental licences, permits/approvals; and deal direct with counterparts at supervisory and professional levels; ✚ CEPI rank created in 1991, to relieve professionals of more routine functional and managerial duties; to assist in court prosecution and to be the operational manager for deployment and supervision of SEPIs and EPIs in a typical control section, reporting to senior professionals; ✚ Integrated enforcement widely implemented in 1999 with the EPI grade staff dealing with a broad range of environmental pollution complaints and inspections and enforcement of multi-disciplinary environmental legislation. They are expected to be knowledgeable in all media and disciplines and competent to independently handle cases that span across different media and in monitoring the regulated businesses for law compliance; ✚ The EPI grade staff has been delegated the responsibilities of the day-to-day site management and supervision of the contractors of the waste facilities built after 1989. Their functions include contract management, enforcement of operational and environmental requirements of contracts, and technical assistance in the development of new waste facilities; ✚ Since the implementation of the Construction Waste Disposal Charging scheme beginning in 2005, the EPI grade staff is further delegated the law enforcement power and responsibilities to help administer the scheme, alongside with their facility management and supporting functions.

Distribution of Duties in EPI Grade Posts as at 1 April 2008

Main Duties of the Posts	EPI posts		SEPI posts		CEPI posts		Total
	No.	%	No.	%	No.	%	
Enforcement, Facilities Management & Contract Enforcement	335	77	195	78	39	81	569 (78%)
Technical Support	98	23	54	22	9	19	161 (22%)
Total	433		249		48		730 (100%)

Environmental Legislation Enforced by the EPD

(Position as at June 2008)

i) Air

Legislation	Description of Control	Maximum Penalty
Air Pollution Control Ordinance (Cap. 311) 1983	Provides for the control of air pollution from stationary sources and motor vehicles. Also enables promulgation of regulations (as below).	* fine \$500,000, 12-month imprisonment * daily fine \$100,000 for continuing offence
Air Pollution Control (Appeal Board) Regulations 1983	Provides for appeal by any person aggrieved by decisions, requirements or specifications under the Air Pollution Control Ordinance.	n/a.
Air Pollution Control (Asbestos) (Administration) Regulation 1996	Provides for the qualifications and fees for registration as asbestos consultants, contractors, supervisors and laboratories.	* fine \$500,000, 12-month imprisonment * daily fine \$100,000 for continuing offence
Air Pollution Control (Construction Dust) Regulation 1997	Require contractors to take dust reduction measures when construction work is being carried out.	* fine \$100,000, 3-month imprisonment * daily fine \$10,000 for continuing offence
Air Pollution Control (Dry-cleaning Machines) (Vapour Recovery) Regulation 2001	Requires dry-cleaning machines using PCE as a dry-cleaning agent to be equipped with a vapour recovery system and to meet the stipulated emission standard.	* fine \$100,000 * daily fine \$20,000 for continuing offence
Air Pollution Control (Dust & Grit Emission) Regulations 1974	Stipulates the emission standards, assessment procedures and requirement for assessing particulate emissions from stationary combustion sources.	* fine \$5,000 * daily fine \$50 for continuing offence
Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation 2003	Requires pre-Euro light diesel vehicles up to 4 tonnes to have emission reduction devices for licence renewal.	* fine \$5,000
Air Pollution Control (Fuel Restriction) Regulations 1990 (please also refer to the amended provisions under the APC (Fuel Restriction) (Amendment) Regulation 2008))	Provides for the prohibition on the use of liquid fuels of a sulphur content of more than 0.5% by weight and of a viscosity of more than 6 centistokes at 40°C, or of solid fuels of a sulphur content of more than 1% by weight in any relevant plant, except for Sha Tin where only gaseous fuel is allowed.	* fine \$20,000, 6-month imprisonment * daily fine \$5,000 for continuing offence
Air Pollution Control (Furnaces, Ovens & Chimneys) (Installation and Alteration) Regulations 1972	Requires the submission of plans for the installation and alteration of furnaces, ovens and chimneys to ensure appropriate designs. Requires prior approval to ensure suitable design for the installation and alteration of furnaces, ovens and chimneys.	* fine \$50,000 * daily fine \$500 for continuing offence
Air Pollution Control (Motor	Sets out the specifications of liquid motor	* fine \$50,000

Legislation	Description of Control	Maximum Penalty
Vehicle Fuel) Regulation 1994	vehicle fuel to be used in motor vehicles and prohibits the sale of leaded petrol. Restricts sulphur content of diesel fuel to 0.05%.	* daily fine \$5,000 for continuing offence
Air Pollution Control (Open Burning) Regulation 1996	Prohibits open burning of construction wastes, tyres and cables for metal salvage, and controls other open burning activities by permit system.	* fine \$50,000 * fine \$500 per 15 minutes for continuing offence, 3-month imprisonment
Air Pollution Control (Petrol Filling Stations) (Vapour Recovery) Regulation 1999	Requires petrol dispensers and petrol storage tanks of petrol filling stations and petrol delivery vehicles to be equipped with effective vapour recovery systems and to observe good practice during petrol unloading and vehicle refueling.	* fine \$200,000, 6-month imprisonment
Air Pollution Control (Smoke) Regulations 1983	Restricts emissions of dark smoke from stationary combustion sources.	* fine \$20,000 * fine \$100 per 15 minutes for continuing offence
Air Pollution Control (Specified Processes) Regulations 1987	Provides the administrative framework for the licensing of Specified Processes.	* fine \$200,000, 6-month imprisonment * daily fine \$20,000 for continuing offence
Air Pollution Control (Specified Processes) (Specification of Requirement Particulars and Information) Order 1993 and 1994	Provides for the supply of information and specifications by owners of certain existing specified processes to the air pollution control authority.	n/a
Air Pollution Control (Vehicle Design Standards) (Emission) Regulation 1992	Tightens the emission standards further for all newly registered vehicles.	n/a
Building (Demolition Works) Regulation (Cap. 123) 1962	Regulates building demolition, including prevention of nuisance.	n/a
Ozone Layer Protection Ordinance (Cap. 403) 1989	Gives effect to Hong Kong's international obligations under the 1985 Vienna Convention, the 1987 Montreal Protocol and any amendments to control the manufacture, the import and the export of ozone depleting substances.	* fine \$1,000,000, 24-month imprisonment * daily fine \$100,000 for continuing offence
Ozone Layer Protection (Controlled Refrigerants) Regulation 1994	Requires the conservation of controlled refrigerants used in large scale installations and motor vehicles.	* fine \$100,000
Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation	Prohibits the import of portable fire extinguishers containing halons from all countries, and other controlled products from a country or place not a party to the Montreal	* fine \$200,000, 6-month imprisonment

Legislation	Description of Control	Maximum Penalty
1993	Protocol unless the Authority considers that it complies with the requirements of the Protocol.	
Air Pollution Control (Volatile Organic Compounds) Regulation 2007	Sets out the limits on VOC content of paints/coatings, printing inks and selected consumer products to reduce the total emission of VOCs from these projects to the atmosphere. Requires the annual reporting of sales amount of regulated products, labeling, information display and prior notification for regulated paints, and installation of emission control device for all lithographic hestest web printing machines.	* fine \$200,000, 6-month imprisonment
Air Pollution Control (Fuel Restriction)(Amendment) Regulation 2008 (effective date : Oct 2008 tentative)	Mandating the use of ultra low sulphur diesel (ULSD) or cleaner diesel fuel in industrial and commercial processes and allowing the use of other fuels and technologies as an alternative means to reduce emssions.	* fine \$50,000, 3-month imprisonment
(forthcoming) Banning Idling vehicles with running engines	* 2009 tentative * public consultation ended on 31/3/2008	* no information

ii) Noise

Legislation	Description of Control	Maximum Penalty
General Construction Work	Noise Control Ordinance (Cap. 400) 1988; Noise Control (General) Regulation 1989; Noise Control (Appeal Board) Regulation 1989; Noise Control (Construction Work) Regulation 1996; Noise Control (Designated Area) Notice 2001	Controls construction noise from (a) the use of powered mechanical equipment; and (b) the carrying out of certain noisy works in designated areas, between 7 p.m. and 7 a.m. and on general holidays by construction noise permits. Director of Environmental Protection issues permit in accordance with two relevant statutory Technical Memoranda.
Percussive Piling	Noise Control Ordinance (Cap. 400) 1988; Noise Control (General) Regulations 1989; Noise Control (Appeal Board) Regulation 1989.	(a) Prohibits percussive piling between 7 p.m. and 7 a.m. and on general holidays; and (b) restricts the working hours of
		* fine \$200,000 * daily fine \$20,000 for continuing offence
		* fine \$100,000 * daily fine \$20,000 for continuing offence

	Legislation	Description of Control	Maximum Penalty
	Noise Control (Amendment) Ordinance 1997	percussive piling at other times by construction noise permits. Director of Environmental Protection issues permit in accordance with a relevantly statutory Technical Memorandum.	
Industrial and Commercial Activities	Noise Control Ordinance (Cap. 400) 1988; Noise Control (General) Regulations 1989; Noise Control (Appeal Board) Regulation 1989	Controls noise from industrial and commercial activities, including ventilation noise, through noise abatement notices. Director of Environmental Protection issues notices in accordance with a relevant statutory Technical Memorandum.	* fine \$100,000 * daily fine \$20,000 for continuing offence
Noisy Products	Noise Control Ordinance (Cap. 400) 1988; Noise Control (Hand Held Percussive Breakers) Regulation 1991; Noise Control (Air Compressors) Regulation 1991	Controls the import, manufacture, supply and use of hand held percussive breakers and portable air compressors. Requires such noisy construction equipment to comply with a stringent noise emission standard and be fitted with a noise emission label issued by the Director of Environmental Protection before use.	* fine \$200,000 * daily fine \$20,000 for continuing offence
Individual Motor Vehicles	Road Traffic Ordinance (Cap. 374) 1982; Noise Control Ordinance (Cap. 400) 1988; Noise Control (Motor Vehicles) (Amendment) Regulation 2002	Requires all motor vehicles, including buses, commercial vehicles, lorries & motor cycles, first registered in Hong Kong to meet with stringent noise emission standards.	* fine \$10,000, 3-month imprisonment

iii) Wastes

Legislation	Description of Control	Maximum Penalty
Waste Disposal Ordinance (Cap. 354) 1990	Provides for the licensing of collection services and disposal facilities for all types of waste, the prohibition of livestock keeping in urban areas, the control of livestock keeping in restriction areas, the control of the discharge or deposit of livestock waste in designated control areas, the control scheme on chemical waste, the control of illegal dumping of waste, the control of import and export of waste and for the establishment of a system whereby specified wastes must be notified to the relevant authority who may give directions as to the method of disposal. Requires also the production of a comprehensive plan for the collection and disposal of wastes.	* fine \$500,000, 2-yr imprisonment * daily fine \$10,000 for continuing offence
Waste Disposal (Livestock Waste) Regulations 1988	Sets out the detail legal requirements for proper handling of livestock waste to guard against dangers to public health or risks of pollution.	* fine \$50,000 * daily fine \$5,000 for continuing offence
Waste Disposal (Chemical Waste) (General) Regulation 1992	Provides for control on all aspects of chemical waste disposal, including storage, collection, transport, treatment and final disposal.	* fine \$200,000, 6-month imprisonment
Waste Disposal (Permits and Licences) (Forms and Fees) Regulation 1992	Prescribes the forms and fees for application of licences for waste collection and disposal, and the permits for import and export of waste.	n/a
Waste Disposal (Appeal Board) Regulation 1992	Provides for the setting up of an appeal mechanism against decisions made under the Waste Disposal Ordinance.	n/a
Waste Disposal (Charges for Disposal of Chemical Waste) Regulation 1995	Requires payment of charges for disposal of chemical waste at the Chemical Waste Treatment Centre thus creating an economic incentive towards waste minimization.	n/a
Waste Disposal (Designated Waste Disposal Facility) Regulation 1997	Provides for the maintenance of orderly conduct with sites used for waste disposal activities; measures to counteract the evasion of charges payable in connection with the provision of waste disposal services at such sites; and proof matters in proceedings before a court in relation to the provision of waste disposal activities at such sites.	* fine \$100,000

Legislation	Description of Control	Maximum Penalty
Waste Disposal (Refuse Transfer Station) Regulation 1998	Extends the services of government-owned refuse transfer stations to private waste collectors and requires payment of service charges.	* fine \$200,000, 6-month imprisonment
Dumping at Sea Ordinance (Cap. 466) 1995	Provides for control on marine dumping, and for connected purposes.	* fine \$500,000, 2-yr imprisonment * daily fine \$10,000 for continuing offence
Public Health and Municipal Services Ordinance (Cap. 132) 1960	Provides for prevention and control of waste. It also provides for removal of litter or waste from any places.	* see fixed penalty fine below
Fixed Penalty (Public Cleanliness Offence) Ordinance (Cap. 570) 2001	Provides for fixed penalty for offences including littering, spitting, unauthorized display of bills or posters, and dog fouling in public places. EPD is empowered to enforce the scheduled offence "unlawful depositing of waste".	* fine \$1,500
Waste Disposal (Charges for Disposal of Construction Waste) Regulation 2005	Introduce a charging scheme for the disposal of construction waste at landfills, sorting facilities and public fill facilities providing an economic incentive for developers and construction contractors to reduce C&D materials.	* fine \$100,000
(forthcoming) Clinical waste control	* 2010 tentative	* no information
(forthcoming) Product Eco-Responsibility Bill	* 2009 tentative	* no information

iv) Water

Legislation	Description of Control	Maximum Penalty
Water Pollution Control Ordinance (Cap. 358) 1980	Provides for the designation of control zones within which discharges of effluent other than domestic sewage into a foul sewer or discharge of unpolluted water into stormwater drain must be licensed.	* fine \$1,000,000, 2-yr imprisonment * daily fine \$40,000 for continuing offence
Water Pollution Control (General) Regulations 1986	Gives practical effect to the Ordinance.	* fine \$200,000, 6-month imprisonment
Water Pollution Control (Appeal Board) Regulations 1985	Sets out procedures to be followed in appeals against orders made or directions given under the Ordinance.	n/a
Water Pollution Control (Sewerage) Regulation 1994	Imposes requirements on private lot owners to collect and convey wastewater to public sewers and provides for control over the operation and maintenance of private	* fine \$200,000 * daily fine \$10,000 for continuing offence

Legislation	Description of Control	Maximum Penalty
	wastewater treatment facilities.	

v) Dumping at Sea

Legislation	Description of Control	Maximum Penalty
Dumping At Sea Ordinance (Cap. 466) 1995	Provides for control on marine dumping, extends control on marine pollution, gives legal effect to the Marine Dumping Action Plan.	* fine \$500,000, 2-yr imprisonment * daily fine \$10,000 for continuing offence

vi) Environmental Impact Assessment

Legislation	Description of Control	Maximum Penalty
Environmental Impact Assessment Ordinance (Cap. 499) 1998	Requires all public and private sector projects with potential for significant environmental impacts to be subject to the EIA process. Implement the measures recommended in the EIA studies through the issuance and enforcement of environmental permits.	* fine \$5,000,000, 2-yr imprisonment (on indictment) * fine \$1,000,000, 1-yr imprisonment (summary conviction) * daily fine \$10,000 for continuing offence

vii) Hazardous Chemicals

Legislation	Description of Control	Maximum Penalty
Hazardous Chemicals Control Ordinance (Cap. 595) 2008	Provides for the regulation, through an activity-based permit system, the import, export, manufacture and use of non-pesticide hazardous chemicals that have potentially harmful or adverse effects on human health or the environment.	* fine \$50,000, 1-yr imprisonment
Hazardous Chemicals Control (General) Regulation 2008	Provides for applications for : * issue or renewal of permit for the manufacture, export, import or use of scheduled chemicals * variation of permit condition * variation of directions of DEP regarding the disposal of scheduled chemical * issue of duplicates of permit	n/a
Import and Export Ordinance (Cap. 60)	Provides for the regulation of import and export of articles into and from Hong Kong, the handling and carriage of such articles with Hong Kong. The import/ export of, inter alia, the scheduled chemicals subject to the control of the Hazardous Chemicals Control Ordinance requires an import/ export licence	n/a

Legislation	Description of Control	Maximum Penalty
	issued by EPD under Cap. 60 on a consignment basis. The enforcement of the licensing requirements is carried out by C&ED.	

Sep 2008

References

EPD website : "Environmental Legislation"

http://www.epd.gov.hk/epd/english/laws_regulations/envir_legislation/laws_maincontent_el.html

Department of Justice : "Bilingual Laws Information System"

<http://www.legislation.gov.hk/eng/home.htm>

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修頓中心廿八樓

1 December 1998

To : All EPI Grade Staff

附件 5

Dear Colleagues,

EPI Grade Review

I am writing to let you know that the departmental senior management accepts in principle the consultant's recommendations for the EPI Grade Review.

In brief, the report findings confirm our belief that some adjustment to the EPI grade's pay scale is justified. We will reflect this in our proposed submission to CSB and SPEL. Having regard, however, to the prevailing economic climate, as recommended by the consultant we would first put up a proposal to create a new higher rank for the EPI grade. We would also explore in detail the feasibility of replacing the existing EPI grade with a new grade in the Higher Diploma group in the longer term.

As explained in my meeting with your DCC and EPIB representatives on 26 November, the department management would welcome your comment on the proposals. I would encourage you to reflect your views to your DCC group representative or to the EPIB representative in the coming weeks before the X'mas holidays.

We hope to complete the consultations in early January 1999 so that we could proceed with a submission to CSB and SPEL as early as possible.

Yours sincerely

(Robert J S Law)
Director of Environmental Protection

(w/Chinese translation attached)



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