

LN064-E

L.N. 64 of 2000

DUMPING AT SEA (EXEMPTION) ORDER

(Made under section 11(1) of the Dumping at Sea Ordinance (Cap. 466))

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for the Environment and Food by notice in the Gazette.

2. Interpretation

In this Order, unless the context otherwise requires---

"exempt" (獲豁免) means exempt from the requirement for a permit under section 8 of the Ordinance;

"reclamation area" (填海區) means an area affected by a relevant reclamation;

"relevant reclamation" (有關工程) means a reclamation---

(a) authorized under---

(i) the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127); or

(ii) the repealed Public Reclamations and Works Ordinance (Cap. 113, 1984 Ed.);

(b) ordered under the Roads (Works, Use and Compensation) Ordinance (Cap. 370); or

(c) which was the purpose of a Government lease granted under the repealed Foreshores and Sea Bed Ordinance (Cap. 127, 1984 Ed.).

3. General exemptions

The operations specified in Schedule 1 are exempt.

4. Other exemptions

(1) Subject to subsection (2), a relevant reclamation is exempt.

(2) The following operations are not exempt---

(a) an operation for dumping of substances or articles (other than the deposit of any waste or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed materials) in a reclamation area, the location and description of which is referred to in Schedule 2;

(b) scuttling a vessel, aircraft or marine structure in a reclamation area;

(c) loading an aircraft, vessel, marine structure or floating container in a reclamation area with substances or articles for dumping anywhere in the sea or under the sea-bed other than within that reclamation area; and

(d) loading a vehicle in a reclamation area with substances or articles for dumping from the vehicle anywhere in the waters of Hong Kong other than within that reclamation

area.

5. Conflicts

In the event of a conflict between sections 3 and 4, section 3 shall prevail.

SCHEDULE 1 [s. 3]

Operations Not Requiring A Permit

1. Disposal from an aircraft, vehicle, vessel or marine structure of sewage originating on the aircraft, vehicle, vessel or marine structure.
2. Disposal from, or incineration on, an aircraft, vehicle, vessel or marine structure of garbage originating in or on the aircraft, vehicle, vessel or marine structure; and for this purpose 'garbage' means any kind of victual or domestic waste, but does not include bulky or industrial waste.
3. Disposal from a vessel of cooling water and of ballast water, tank washings or other residues resulting from tank cleaning or tank ballasting after carriage of a substance other than a substance deposited or incinerated under a permit.
4. Deposit of cable, pipe, watermain, outfall or utility and associated equipment (other than to dispose of it) in the course of laying or maintenance.
5. Deposit of a substance from a vessel, vehicle, aircraft or marine structure in fighting a fire or preventing the spread of a fire.
6. Disposal (by way of return to the sea) of fish or shellfish or parts of fish or shellfish in the course of fishing operations or fish processing at sea.
7. Disposal (by way of return to the sea) by a fishing vessel of an article (other than a fish or shellfish) taken from the sea by the vessel in the course of normal fishing operations.
8. Disposal (by way of return to the sea) of a substance or article dredged from the sea-bed in the propagation or cultivation of shellfish.
9. Deposit of a substance or article (other than to dispose of it) in the course of salvage operations.
10. Deposit of an article to provide moorings or aids to navigation---
 - (a) by a harbour authority or lighthouse authority; or
 - (b) by any other person with the consent of a harbour authority or lighthouse authority.
11. Deposit of a substance or article in constructing or maintaining bridges, harbour, coast protection (other than beach replenishment), submerged tunnels, drainage or flood control works, if made on the site of the works.
12. Deposit to treat oil on the surface of the sea of a substance produced for that purpose subject to the conditions---
 - (a) that the Authority has approved the use of the substance; and
 - (b) that the substance is used in accordance with the conditions to which the approval

was subject.

13. Deposit of equipment to control, contain or recover oil, mixtures containing oil, flotsam or algal blooms on or near to the surface of the sea.

14. Deposit of an instrument, article, material or associated equipment (other than to dispose of it) for scientific experiment or survey, habitat or marine life management.

15. Launching or undocking of vessels or marine structures.

16. Deposit under the sea-bed of a substance or article (other than to disposal of it) to construct or operate a bored tunnel subject to the conditions---

(a) that notice of intention to construct the tunnel is first given to the Authority; and

(b) that the approval of the Authority is first obtained to carry out anything which might disturb the marine environment or the living resources which it supports.

SCHEDULE 2 [s. 4(2)]

Reclamation Areas Specified for The Purposes
of Section 4(2)(a)

1. The foreshore and sea-bed situated in an area at Mirs Bay as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered P 11894A (as mentioned in G.N. 3337 of 1979).

2. The foreshore and sea-bed situated in an area to the south of Cheung Chau as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered P 12181 (as mentioned in G.N. 339 of 1981).

3. The foreshore and sea-bed situated in an area to the east of Ninepin Group as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered P 12180B (as mentioned in G.N. 340 of 1981).

4. The foreshore and sea-bed situated in two areas to the north of Lantau Island and to the south of Tsing Yi Island as delineated and shown edged red on plans deposited in the Urban Land Registry and numbered KTM 9 and KTM 8 respectively (as mentioned in G.N. 3798 of 1987).

5. The foreshore and sea-bed situated in an area to the south of Cheung Chau as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered ISM 783 (as mentioned in G.N. 1880 of 1988).

6. The foreshore and sea-bed situated in an area at the South Tathong Channel as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered SKM 3299 (as mentioned in G.N. 311 of 1990).

7. The foreshore and sea-bed situated in an area to the west of Green Island as delineated and shown edged red on a plan deposited in the Urban Land Registry and

numbered ISM 844 (as mentioned in G.N. 1688 of 1990).

8. The foreshore and sea-bed situated in an area at North Tathong Channel as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered SKM 3363A (as mentioned in G.N. 1948 of 1990).

9. The foreshore and sea-bed situated in an area at Mid Tathong Channel as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered SKM 3364A (as mentioned in G.N. 1949 of 1990).

10. The foreshore and sea-bed situated in an area to the east of Tung Lung Chau as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered SKM 3468A (as mentioned in G.N. 4295 of 1990).

11. The foreshore and sea-bed situated in an area at Soko Islands as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered ISM 866 (as mentioned in G.N. 1329 of 1991).

12. The foreshore and sea-bed situated in an area to the south of Ma Wan as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered NANTM 4 (as mentioned in G.N. 1404 of 1991).

13. The foreshore and sea-bed situated in an area at Kap Shui Mun as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered TWM 2406 (as mentioned in G.N. 1680 of 1991).

14. The foreshore and sea-bed situated in an area at Urmston Road as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered TMM 1275 (as mentioned in G.N. 1846 of 1991).

15. The foreshore and sea-bed situated in an area at the Brothers as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered TMM 1273 (as mentioned in G.N. 1939 of 1991).

16. The foreshore and sea-bed situated in two areas to the north of Lantau as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered KTM 137A (as mentioned in G.N. 2483 of 1991).

17. The foreshore and sea-bed situated in an area at Outer Deep Bay as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered TMM 1299 (as mentioned in G.N. 2853 of 1991).

18. The foreshore and sea-bed situated in an area to the east of Sha Chau as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered NANTM 30 (as mentioned in G.N. 462 of 1992).

19. The foreshore and sea-bed situated in an area to the west of Tsing Yi as delineated and shown edged red on a plan deposited in the Urban Land Registry and numbered KTM 151 (as mentioned in G.N. 892 of 1992).

20. The foreshore and sea-bed situated in an area to the east of the Soko Islands

and south of Cheung Chau Island as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered ISM 869 (as mentioned in G.N. 1382 of 1992).

21. The foreshore and sea-bed situated in an area at Po Toi West as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered NANTM 47 (as mentioned in G.N. 1810 of 1992).

22. The foreshore and sea-bed situated in an area at Po Toi East as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered ISM 875 (as mentioned in G.N. 2363 of 1992).

23. The foreshore and sea-bed situated in an area at East Lamma Channel as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered MH 4979 (as mentioned in G.N. 2899 of 1993).

24. The foreshore and sea-bed situated in an area to the west of Sulphur Channel as delineated and shown edged black on a plan deposited in the Urban Land Registry and numbered ISM 928 (as mentioned in G.N. 4297 of 1993).

Mrs. Lily YAM

Secretary for the Environment and Food

7 March 2000

Explanatory Note

This Order exempts certain types of operation from the requirement for a permit for dumping at sea under section 8 of the Dumping at Sea Ordinance (Cap. 466).