

**WASTE DISPOSAL (CLINICAL WASTE)(GENERAL)
REGULATION**

CONTENTS

Section		Page
	PART 1	
	GENERAL	
1.	Commencement	1
2.	Interpretation	1
	PART 2	
	DISPOSAL AND DELIVERY OF CLINICAL WASTE	
3.	Proper disposal of clinical waste	2
4.	Delivery of clinical waste by healthcare professional	4
5.	Delivery of clinical waste by licensed waste collector	5
6.	Director's power to require removal of clinical waste	6
7.	Precautions for public health or safety	6
	PART 3	
	LICENCE AND AUTHORIZATION	
8.	Circumstances under which waste disposal licence is to be granted	7
9.	Authorization for on-site collection point	7
10.	Collection, removal or disposal of clinical waste without licence	9
11.	Amendment, revocation or imposition of terms or conditions	10

PART 4

MISCELLANEOUS

12.	Director's power to require information	10
13.	Offence of furnishing false information	11
14.	Exemptions	11
15.	Terms and conditions of licences and authorization not prejudiced	11
Schedule	Provisions Relating to Label on Clinical Waste Container	12

Draft

WASTE DISPOSAL (CLINICAL WASTE)(GENERAL) REGULATION

(Made by the Chief Executive in Council under section 33 of the Waste Disposal Ordinance (Cap. 354) after consultation with the Advisory Council on the Environment)

PART 1

GENERAL

1. Commencement

This Regulation 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.

2. Interpretation

In this Regulation, unless the context otherwise requires –

“authorized waste collector” (獲授權廢物收集者) means a person who is authorized under section 10(1) to collect or remove clinical waste without having a waste collection licence;

“authorized waste disposer” (獲授權廢物處置者) means a person who is authorized under section 10(3) to use any land or premises for the disposal of clinical waste without having a waste disposal licence;

“collection point” (收集站) means –

- (a) any land or premises that may be used by a licensed waste collector or an authorized waste collector for the receipt of clinical waste under a waste collection licence or an authorization under section 10(1) (as the case may be); or
- (b) any land or premises that is or are authorized to be used as an on-site collection point under section 9(1);

“healthcare professional” (醫護專業人士) means –

- (a) a registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156);
- (b) a registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161);
- (c) a registered nurse within the meaning of the Nurses Registration Ordinance (Cap. 164) or an enrolled nurse within the meaning of that Ordinance;

- (d) a registered veterinary surgeon within the meaning of the Veterinary Surgeons Registration Ordinance (Cap. 529); or
- (e) a registered Chinese medicine practitioner within the meaning of the Chinese Medicine Ordinance (Cap. 549) or a listed Chinese medicine practitioner within the meaning of that Ordinance;

“licensed waste collector” (持牌廢物收集者) means a person who is authorized by a waste collection licence to provide services for the collection or removal of clinical waste;

“off-site reception point” (場外接收站) means any land or premises that is or are authorized, under a waste disposal licence or an authorization under section 10(3), to be used exclusively for the disposal of clinical waste that is not produced at the land or premises;

“on-site reception point” (場內接收站) means any land or premises that –

- (a) is or are used for any practice or establishment, research or laboratory practice referred to in the definition of “clinical waste” in section 2(1) of the Ordinance; and
- (b) is or are authorized, under a waste disposal licence or an authorization under section 10(3), to be used for the disposal of clinical waste that is produced at the land or premises as well as clinical waste that is not produced at the land or premises;

“owners’ corporation” (業主立案法團) means a corporation registered under section 8 of the Building Management Ordinance (Cap. 344);

“reception point” (接收站) means an on-site reception point or an off-site reception point;

“sharps container” (利器容器) means a container referred to in section 4(2)(e)(i);

“waste collection licence” (廢物收集牌照) means a licence under section 10 of the Ordinance in relation to clinical waste;

“waste disposal licence” (廢物處置牌照) means a licence under section 16 of the Ordinance in relation to clinical waste.

PART 2

DISPOSAL AND DELIVERY OF CLINICAL WASTE

3. Proper disposal of clinical waste

(1) A person who produces or causes to be produced, or who has in his possession or custody any clinical waste, shall cause or arrange for the clinical waste to be properly disposed of.

(2) A person does not comply with subsection (1) in relation to clinical waste he produces or causes to be produced, or has in his possession or custody, at any land or premises unless –

- (a) he consigns the clinical waste to a licensed waste collector for delivery to a reception point from the land or premises;
- (b) he being a healthcare professional delivers, or his employee who is a healthcare professional delivers on his behalf, the clinical waste from the land or premises to a reception point or a collection point;
- (c) he consigns the clinical waste to an authorized waste collector for delivery from the land or premises;
- (d) he consigns the clinical waste to the collection authority which provides services for the collection and removal of clinical waste under section 9A of the Ordinance, or to a public officer authorized to provide such services under section 23A of the Ordinance for delivery from the land or premises; or
- (e) if a waste disposal licence is in force in respect of the land or premises and the clinical waste may be disposed of at the land or premises in accordance with the licence, he –
 - (i) disposes of the clinical waste; or
 - (ii) causes or arranges for the clinical waste to be disposed of,

at the land or premises in accordance with the licence.

(3) Subsection (1) does not apply to –

- (a) a person who has in his possession or custody any clinical waste in the capacity of –
 - (i) a licensed waste collector;
 - (ii) an authorized waste collector;
 - (iii) the collection authority; or
 - (iv) a public officer authorized to act on behalf of the collection authority;
- (b) clinical waste at an off-site reception point; or
- (c) clinical waste that is imported into, or is to be exported out of, Hong Kong under a permit issued under section 20A(3) or 20B(3) (as the case may be) of the Ordinance.

(4) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine of \$200,000.

4. Delivery of clinical waste by healthcare professional

(1) A healthcare professional delivering clinical waste under section 3(2)(b) may do so without having a waste collection licence.

(2) The delivery of any clinical waste by a healthcare professional to a reception point or collection point shall be made in accordance with all of the following requirements –

- (a) the clinical waste shall not –
 - (i) exceed 5 kilograms in weight on any one occasion; or
 - (ii) contain any substance, matter or thing that belongs to Group 4 (Infectious materials) of Schedule 8 to the Ordinance;
- (b) the healthcare professional shall not use a means of transport for delivering the clinical waste, other than a private car within the meaning of the Road Traffic Ordinance (Cap. 374);
- (c) the clinical waste shall be delivered directly to a reception point or collection point within 24 hours after the clinical waste begins to be so delivered;
- (d) the clinical waste shall not be left unattended while it is being delivered;
- (e) the clinical waste shall be packed or stored –
 - (i) in the case of clinical waste consisting of any substance, matter or thing that belongs to Group 1 (Used or contaminated sharps) of Schedule 8 to the Ordinance, in containers that are puncture-resistant, shatter-proof and leak-proof; and
 - (ii) in all other cases, in containers that are made of rigid material, impervious to moisture and leak-proof, and that will not rip, tear or burst under normal conditions of handling;
- (f) each of the containers referred to in paragraph (e) shall bear, on the outside of the container concerned a label of such dimensions as are specified in Part 1 of the Schedule, which label shall contain the symbol specified in Part 2 of that Schedule;
- (g) each of the containers referred to in paragraph (e) shall be properly and securely packaged, closed and sealed to prevent spillage or leakage;

- (h) the healthcare professional shall, while it is being delivered, carry –
 - (i) adequate and appropriate first aid equipment for use in case of injury to any person caused by the clinical waste; and
 - (ii) adequate and appropriate equipment for the purpose of cleaning up any such clinical waste which has been spilled; and
- (i) the healthcare professional shall, in case of any spillage of the clinical waste while it is being delivered, clean up the spilled clinical waste by using the equipment specified in paragraph (h)(ii).

(3) Where a requirement in relation to a delivery of clinical waste under subsection (2) is not complied with, the healthcare professional delivering the clinical waste and, if the healthcare professional delivers it on behalf of another person as his employee, that other person each commits an offence and is liable on conviction to a fine at level 6.

(4) In any proceedings against a person for an offence under subsection (3) in relation to clinical waste delivered on behalf of the person by his employee, the person has a defence if he proves that he took all reasonable measures and exercised all due diligence to avoid the commission of the offence.

5. Delivery of clinical waste by licensed waste collector

(1) A licensed waste collector shall, within 24 hours of collecting any clinical waste, deliver the clinical waste to a reception point, but where a direction has been given to him under subsection (2), he shall, within that period, deliver the clinical waste to the reception point specified in the direction.

(2) The Director may give a direction in writing to a licensed waste collector requiring the licensed waste collector to deliver any clinical waste collected by him to the reception point specified in the direction.

(3) Where a licensed waste collector is unable to comply with subsection (1), he shall inform the Director as soon as reasonably practicable.

(4) A licensed waste collector who fails to comply with subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

(5) In any proceedings for an offence under subsection (4) in respect of a failure to comply with subsection (1), the licensed waste collector has a defence if he proves that –

- (a) he took all reasonable measures and exercised all due diligence to deliver the clinical waste;

- (b) the failure to deliver the clinical waste within the period specified in subsection (1) was due to circumstances beyond his control; and
- (c) as soon as reasonably practicable he informed the Director of the failure.

6. Director's power to require removal of clinical waste

(1) Where the Director is of the opinion that any clinical waste is, or is likely to be, a danger to public health or safety, a source of pollution to the environment or a source of nuisance to the neighbouring area, the Director may, by notice in writing served on an owner or occupier of the land or premises where the clinical waste is located, require the owner or occupier –

- (a) to remove the clinical waste or cause or arrange it to be removed, within such period as may be specified in the notice, to a particular facility or a facility of a particular class or description specified in the notice; and
- (b) immediately thereafter to establish to the satisfaction of the Director that paragraph (a) has been complied with.

(2) For the purposes of subsection (1), if the land or premises where the clinical waste is located is or are common areas of the land or premises, a reference in that subsection to “occupier” shall be construed as including a reference to the owners’ corporation of the land or premises and a person responsible for the management of the land or premises.

(3) A person who fails to comply with a requirement made under subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 6 months.

7. Precautions for public health or safety

(1) Without prejudice to any specific duty or requirement imposed under any other provision of this Regulation, a person shall, in storing, collecting, removing, delivering, transporting, receiving, transferring, disposing of, importing, exporting or otherwise handling clinical waste, take all such precautions as are necessary for preventing any danger to public health or safety, any pollution to the environment and any nuisance to the neighbouring area.

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine of \$200,000 and to imprisonment for 6 months.

PART 3

LICENCE AND AUTHORIZATION

8. Circumstances under which waste disposal licence is to be granted

The Director shall not grant a waste disposal licence under section 21(4) of the Ordinance in respect of the disposal of clinical waste unless he is satisfied that the land or premises in respect of which the licence is sought has a waste disposal facility that is capable of –

- (a) reducing the harmful effect of clinical waste on the environment by serving as a facility for the disposal of clinical waste at the land or premises where the clinical waste is produced and avoiding the movement of clinical waste; or
- (b) disposing of clinical waste in any other manner that is beneficial to the environment.

9. Authorization for on-site collection point

(1) The Director may, on application by a person referred to in subsection (2), by notice in writing served on the person, authorize him to use the land or premises specified in the notice as an on-site collection point for such a period and subject to such terms and conditions as the Director considers appropriate and specifies in the notice.

(2) An application for the purpose of subsection (1) may only be made by a person who –

- (a) uses the land or premises concerned for any practice or establishment, research or laboratory practice referred to in the definition of “clinical waste” in section 2(1) of the Ordinance;
- (b) produces or causes to be produced clinical waste at the land or premises concerned; and
- (c) is not a licensed waste collector.

(3) A person authorized under subsection (1) to use any land or premises as an on-site collection point may, without having a waste collection licence, use the land or premises specified in the notice for the receipt of clinical waste (whether delivered by or on behalf of himself or another person).

(4) Without limiting the generality of subsection (1) or section 11(1), a notice served under subsection (1) –

- (a) may contain terms and conditions that require the person authorized under subsection (1) to do any or all of the following –

- (i) ensure that clinical waste received at the land or premises specified in the notice –
 - (A) is limited to clinical waste of such nature; and
 - (B) does not exceed such quantity, as may be specified in the notice;
 - (ii) in respect of each consignment of clinical waste delivered to the land or premises specified in the notice, prepare a waste delivery record containing –
 - (A) the name, address and telephone number of the person who produces or caused to be produced the clinical waste and by whom or on whose behalf the clinical waste is delivered to the land or premises;
 - (B) the date and time of the delivery of the clinical waste;
 - (C) the origin, nature and quantity of the clinical waste; and
 - (D) such other particulars relating to the clinical waste as may be specified in the notice;
 - (iii) in respect of each consignment of clinical waste delivered by another person to the land or premises specified in the notice, provide that other person with a copy of the waste delivery record referred to in subparagraph (ii); and
 - (iv) keep the waste delivery record referred to in subparagraph (ii) for a period specified in the notice, and produce it to the Director for inspection upon request; and
- (b) may contain other terms and conditions relating to the matters set out in Schedule 10 of the Ordinance.
- (5) The Director shall not grant an authorization under subsection (1) if –
- (a) he considers that the use of the land or premises concerned for the receipt of clinical waste would be, or would be likely to be, a danger to public health or safety, a source of pollution to the environment or a source of nuisance to the neighbouring area; or

(b) the applicant concerned is not the owner or lawful occupier of the land or premises concerned.

(6) The Director may, by notice in writing served on a person to whom an authorization is granted under subsection (1), withdraw the authorization if –

(a) any of the terms or conditions to which the authorization is subject is not complied with; or

(b) the Director considers that further use of the specified land or premises for the receipt of clinical waste would be, or would be likely to be, a danger to public health or safety, a source of pollution to the environment or a source of nuisance to the neighbouring area.

(7) A person to whom an authorization is granted under subsection (1) shall comply with all the terms and conditions to which the authorization is subject.

(8) A person who fails to comply with subsection (7) commits an offence and is liable on conviction to a fine at level 5.

10. Collection, removal or disposal of clinical waste without licence

(1) Where the Director is of the opinion that –

(a) an emergency involving clinical waste has arisen; or

(b) the circumstances are such that it would not be reasonably practicable to arrange for any clinical waste to be collected or removed by a licensed waste collector,

he may, by notice in writing served on a person, authorize him to collect or remove clinical waste without having a waste collection licence for such a period and subject to such terms and conditions as the Director considers appropriate and specifies in the notice.

(2) Without limiting the generality of subsection (1) or section 11(1), the Director may impose terms and conditions relating to the matters set out in Schedule 10 of the Ordinance.

(3) Where the Director is of the opinion that –

(a) an emergency involving clinical waste has arisen; or

(b) the circumstances are such that it would not be reasonably practicable to use, for the disposal of any clinical waste, any land or premises in respect of which a waste disposal licence is in force,

he may, by notice in writing served on a person, authorize him to use the land or premises specified in the notice for the disposal of clinical waste without having a waste disposal licence for such a period and subject to such terms and conditions as the Director considers appropriate and specifies in the notice.

(4) Without limiting the generality of subsection (3) or section 11(1), the Director may impose terms and conditions relating to the matters set out in Schedule 11 of the Ordinance.

(5) A person to whom an authorization is granted under subsection (1) or (3) shall comply with all the terms and conditions to which the authorization is subject.

(6) A person who fails to comply with subsection (5) commits an offence and is liable on conviction to a fine at level 5.

11. Amendment, revocation or imposition of terms or conditions

(1) The Director may, by notice in writing served on a person authorized under section 9 to use any land or premises as an on-site collection point, an authorized waste collector or an authorized waste disposer, amend or revoke any term or condition specified in an authorization under section 9 or 10(1) or (3) (as the case may be), or impose any new term or condition, if the Director is satisfied that it is appropriate to do so for the purpose of protecting public health or safety, or environmental protection.

(2) Where the Director amends or revokes any term or condition or imposes any new term or condition under subsection (1), the amendment, revocation or imposition takes effect at the time specified in the notice.

PART 4

MISCELLANEOUS

12. Director's power to require information

(1) The Director may require a person who produces or causes to be produced, or who has in his possession or custody any clinical waste to furnish to him, in such form and within such time as he may determine, any information in respect of –

- (a) any clinical waste produced or caused to be produced by him or in his possession or custody;
- (b) any clinical waste consigned by him to a licensed waste collector or an authorized waste collector under section 3(2)(a) or (c);
- (c) any clinical waste delivered by him or on his behalf to a reception point or collection point under section 3(2)(b).

(2) The Director may require a licensed waste collector, a person authorized under section 9 to use any land or premises as an on-site collection point, or an authorized waste collector to furnish to him, in such form and within

such time as he may determine, any information in respect of any clinical waste collected, removed, delivered or transferred by him.

(3) The Director may, in relation to a reception point, require a person who is the holder of the waste disposal licence concerned or to whom the authorization concerned under section 10 is granted, or the person who is in charge of the reception point to furnish to him, in such form and within such time as he may determine, any information in respect of any clinical waste delivered to the reception point.

(4) A person who fails without reasonable excuse to comply with a requirement made under subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 6.

13. Offence of furnishing false information

Where, in furnishing any information under this Regulation, a person –

- (a) makes a statement which he knows to be incorrect in a material particular;
- (b) recklessly makes a statement which is incorrect in a material particular; or
- (c) knowingly or recklessly omits a material particular,

he commits an offence and is liable on conviction to a fine at level 6.

14. Exemptions

(1) The Director may, where he is satisfied that it is reasonable to do so, grant exemptions from this Regulation or any requirement under this Regulation, either on his own volition or on application.

(2) The Director may attach such terms and conditions as he considers reasonable to an exemption granted under subsection (1).

15. Terms and conditions of licences and authorization not prejudiced

For the avoidance of doubt, the requirements of this Regulation are in addition to and do not prejudice any term or condition of any waste collection licence, waste disposal licence or authorization granted under section 9 or 10(1) or (3).

SCHEDULE

[s. 4]

PROVISIONS RELATING TO LABEL ON CLINICAL WASTE
CONTAINER

PART 1

DIMENSIONS OF LABEL

Type of container	Dimensions of label
Sharps container	not less than 6 cm x 6 cm
Container other than sharps container	not less than 12 cm x 12 cm

PART 2

SYMBOL IN LABEL



Specifications of the symbol

1. The colours of the symbol shall be as follows:

Border – black

Background – white or primary colour of the container

Words and characters – black

International biohazard sign – black

2. The international biohazard sign appearing in the symbol shall have a minimum height as follows:

Type of container	Minimum height
Sharps container	3 cm
Container other than sharps container	6 cm

3. Each of the English words appearing in the symbol shall have a minimum height as follows:

Type of container	Minimum height
Sharps container	0.5 cm
Container other than sharps container	1 cm

4. Each of the Chinese characters appearing in the symbol shall have a minimum height as follows:

Type of container	Minimum height
Sharps container	0.7 cm
Container other than sharps container	1.5 cm

Clerk to the Executive Council

COUNCIL CHAMBER

2005

Explanatory Note

This Regulation provides for the control and regulation of the disposal and delivery of clinical waste.

2. Section 1 provides for the commencement of the Regulation.
3. Section 2 sets out the definitions necessary for the interpretation of the Regulation.
4. Sections 3 and 4 provide for the means by which clinical waste may be properly disposed of.
5. Section 5 requires a licensed waste collector to deliver the clinical waste he has collected to a reception point (as defined in section 2) within 24 hours.
6. Section 6 empowers the Director of Environmental Protection (“the Director”) to require removal of clinical waste.
7. Section 7 requires a person handling clinical waste to take precautions to prevent any danger to public health or safety or any pollution or risk of pollution to the environment and nuisance to the neighbouring area.
8. Section 8 provides for the circumstances under which a waste disposal licence may be granted.
9. Section 9 provides for the authorization for using land or premises as an on-site collection point.

10. Section 10 provides for the circumstances under which the Director may authorize a person to collect or remove clinical waste without having a waste collection licence. The section also provides for the circumstances under which the Director may authorize a person to use specified land or premises for the disposal of clinical waste without having a waste disposal licence.
11. Section 11 provides for the amendment, revocation or imposition of terms or conditions subject to which an authorization is granted under section 9 or 10(1) or (3).
12. Section 12 empowers the Director to require persons handling clinical waste to furnish to him information relating to the clinical waste.
13. Section 13 provides for the offence of furnishing false information.
14. Section 14 empowers the Director to grant exemptions from the Regulation.
15. Section 15 makes it clear that the requirements in the Regulation do not prejudice the terms or conditions of a waste collection licence or a waste disposal licence or an authorization under section 9 or 10(1) or (3).