

116 Measures of the Shenzhen Special Economic Zone on Management of the Refuse and Clay Residue[深圳经济特区余泥渣土管理办法（1998）]

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Order of the Shenzhen People’s Government

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Measures of the Shenzhen Special Economic Zone on Management of Refuse and Clay Residue was deliberated and adopted at the Eighty-Ninth Executive Meeting of the Shenzhen People’s Government of the Second Term on January 14, 1998, and it is now promulgated and shall take effect as of the date of promulgation.

Measures of the Shenzhen Special Economic Zone
on Management of the Refuse and Clay Residue

Chapter I General Provision

Article 1 In order to strengthen management of the refuse and clay residue in the Shenzhen Special Economic Zone, maintain the environmental sanitation of the city, these measures are hereby formulated in accordance with the related law, regulations, and in the light of specific conditions.

Article 2 The refuse and clay residue referred to in these measures shall mean the construction waste and clay residue brought about by construction projects, repair and renovation projects.

All units and individuals engaged in dumping, shipping, receiving, and disposing of the refuse and clay residue within the Shenzhen Special Economic Zone (hereinafter referred to as the Special Zone) shall abide by these measures.

Article 3 Management of the refuse and clay residue shall be conducted at two levels---the municipal and district levels.

The administrative department of environmental sanitation of the municipal people’s government (hereinafter referred to as the municipal department of environmental sanitation) shall be responsible for management of the refuse and clay residue in the whole city. The administrative department of environmental sanitation of a district people’s government (herein after referred to as the district department of environmental sanitation) shall be responsible for management of the refuse and clay residue within its own jurisdiction.

The administrative offices for professional management of the refuse and clay residue established by the municipal, district departments of environmental sanitation (hereinafter referred to as the administrative offices) shall be responsible for daily management of the refuse and clay residue in accordance with their division of functions.

Article 4 The main duties of the municipal department of environmental sanitation in management of the refuse and clay residue shall be as follows:

- (1) formulating specific measures for implementation of management of refuse and clay residue, and organizing their enforcement;

- (2) directing, coordinating, supervising, and examining management of the refuse and clay residue of various districts;
- (3) examining and approving the municipal projects' application for dumping and shipping of the refuse and clay residue;
- (4) examining the resources of the units and individual operators engaged in professional shipping of the refuse and clay residue;
- (5) conducting unified management of the refuse and clay residue receiving fields;
- (6) cleaning the refuse and clay residue with no person to be held responsible on the municipal roads not handed over yet and within the limits of predetermined government-reserved land.

The main duties of a district department of environmental sanitation in management

of the refuse and clay residue shall be as follows:

- (1) examining and approving the application of the district projects and the repair and renovation projects within its jurisdiction for dumping and shipping of the refuse and clay residue;
- (2) cleaning the refuse and clay residue with no person to be held responsible on the municipal roads within its jurisdiction and in residential quarters.

Article 5 The departments of public security, land planning, construction,

environmental protection, etc., shall assist the departments of environmental sanitation in managements of the refuse and clay residue.

Chapter II Management of Dumping and Shipping

Article 6 If a construction project needs to dump the refuse and clay residue, the unit in charge of construction or the unit undertaking construction shall bring the permit for starting construction and the budget for the project to the municipal or district administrative office before starting construction to apply for approving its plan to dump the refuse and clay residue, and report accurately the sorts, quantities, etc., of the refuse and clay residue. If there is no budget for the project, the quantity verified on the site shall be taken as a basis to be counted on.

The municipal, district administrative offices shall, within 3 business days from the date of receiving reported documents for application, verify the quantity and sorts of the refuse and clay residue to be dumped, and allow dumping if the road base at the exit of the construction site are hard enough to meet the standard and washing devices are available.

Article 7 If any unit needs to dump the refuse and clay residue because of repair and renovation projects, the unit in charge of construction or the unit undertaking construction shall apply to the district administrative office of the locality for dumping.

If any resident needs to dump the refuse and clay residue because of repairing and renovating of a house, the owner or the management agency of residential village (the management agency of property) shall apply to the district administrative office for dumping.

The district administrative office shall examine and approve dumping within 3 business days from the date of receiving reported documents for application.

Article 8 The units and individuals engaged in shipping the refuse and clay residue shall apply for *Shipping Permit*, a vehicle without *Shipping Permit* shall not be allowed to ship the refuse and clay residue.

Shipping Permit shall not be loaned, transferred, altered, forged.

Article 9 In case of shipping the refuse and clay residue on one's own, the administrative office shall examine the shipping conditions of the self-provided vehicle at the same time when processing the application for *Shipping Permit*.

In case of entrusting others with shipping, the entrusted shipping unit or individual shall have *Qualifications Certificate*, and bring the following

documents to the administrative office to apply for *Shipping Permit*:

- (1) *Qualifications Certificate*;
- (2) the contract for shipping or other related documents.

Article 10 The administrative office shall issue *Shipping Permit* to those who

have met the conditions. *Shipping Permit* shall indicate the dumping unit, shipping operator and designated routes for shipping, shipping schedule and receiving field.

Article 11 The units and individual operators engaged in professional shipping of the refuse and clay residue shall file an application to the municipal administrative office, the municipal administrative office shall examine qualifications and issue *Qualifications Certificate* to qualifiers. The municipal administrative office shall examine the qualifications of units or individual operators engaged in professional shipping of the refuse and clay residue every year.

The conditions for issuance of *Qualifications Certificate* and annual examination shall be decided by the municipal department of environmental sanitation.

Article 12 When a vehicle shipping the refuse and clay residue is leaving a construction site, the unit in charge of construction or the unit undertaking construction shall wash the body of vehicle and keep the vehicle clean.

Article 13 Any person to ship the refuse and clay residue shall bring *Shipping Permit* in the vehicle.

Any vehicle to ship the refuse and clay residue shall follow the designated routes and schedule. The load shall be appropriate, the top of the vehicle shall be covered by a tarpaulin to prevent the refuse and clay residue from spilling and leaking, flying and scattering, or the other measures shall be taken for the same purpose.

Article 14 It shall be forbidden for any unit and individual to dump the refuse and clay residue mixed together with consumer waste and other wastes; it shall be forbidden to dump the refuse and clay in public places such as roads, bridges, river banks, ditches and canals, green belts, etc., and other undesignated places.

Article 15 The cost for cleaning the refuse and clay residue with no person to be held responsible shall be paid by the municipal, district finance departments according to the actual expenses.

Chapter III Management of Receiving and Disposing

Article 16 The municipal administrative department of land planning shall be responsible for unified planning of regular receiving fields for the refuse and clay residue, and the municipal department of environmental sanitation shall be responsible for unified construction and management of these fields. Any unit or individual shall not occupy the receiving fields.

Article 17 If a unit wants to receive refuse and clay residue from outside because of the needs of construction, it shall bring the certificate of land use and the unit certificate to the municipal administrative office to apply and go through the formalities to open a temporary receiving field.

Article 18 After a vehicle shipping the refuse and clay residue has entered a receiving field, it shall obey the instruction of the managerial personnel of the receiving field, and unload according to the requirements.

Article 19 The managerial unit of a receiving field shall keep the field and facilities in good condition, maintain a clean environment, and it shall not receive consumer waste and other wastes.

When a shipping vehicle is leaving a receiving field, the managerial unit of the receiving field shall take effective measures to keep the vehicle

clean.

Article 20 The municipal administrative office shall collect non-gratuitous disposal fees from units and individuals dumping the refuse and clay residue at a regular receiving field. The specific rates for such charge shall be decided by the municipal administrative department of prices.

Chapter IV Legal Liabilities

Article 21 The acts in violation of these measures shall be punished by the departments of environmental sanitation in accordance with the following rules:

- (1) in case of dumping the refuse and clay residue without authorization in violation of Articles 6, 7 of these measures, stop of dumping shall be ordered, a deadline shall be set for complying with the formalities for dumping, and a fine of 2,000 RMB shall also be imposed;
- (2) in case of shipping the refuse and clay residue without authorization in violation of Article 8 of these measures, immediate stop of shipping shall be ordered, and a fine of 200 RMB per cubic meter shall also be imposed;
- (3) in case of polluting roads in violation of Article 12 of these measures, cleaning by a deadline shall be ordered, and a fine of less than 2,000 RMB shall also be imposed;
- (4) in case of failing to follow the designated routes or schedule to ship the refuse and clay residue in violation of Article 13 of these measures, a fine of 200 RMB per vehicle-time; in case of polluting roads, cleaning by a deadline shall be ordered, and a fine of less than 2,000 RMB shall also be imposed, if the case is serious, *Shipping Permit* shall be suspended;
- (5) in case of dumping the refuse and clay residue in an undesignated place in violation of Article 14 of these measures, immediate cleaning shall be ordered, and a fine of 2,000 RMB per cubic meter shall also be imposed;
- (6) in case of receiving the refuse and clay residue without going through the formalities to open a receiving field in violation of Article 17 of these measures, immediate stop of receiving shall be ordered, and a fine of 1,000 RMB shall also be imposed; in case of having met the condition for receiving, making up the formalities shall be ordered.

Article 22 The municipal, district departments of environmental sanitation shall not impose double punishments for the same illegal act.

Article 23 If the party concerned has refused to accept an administrative punishment imposed by the district or municipal department of environmental sanitation, an application for review may be filed to the municipal department of environmental sanitation or the administrative review office of the municipal government within 15 days from the date receiving the notice on the administrative punishment decision; if the review decision has been refused to accept, legal action may be taken at the people's court within 15 days from the date of receiving the review decision notice. The party concerned may also take legal action directly at the people's court. In case of failing either to apply for review by a deadline or to take legal action at the people's court, and refusing to implement the punishment decision at the same time, the department responsible for making the punishment decision shall apply to the people's court for enforcement according to law.

Chapter V Supplementary Provision

Article 24 The various district administrative offices shall be responsible for management of the refuse and clay residue in Baoan District and Longgang District, and such management shall be carried out in accordance with these measures.

Article 25 The municipal projects referred to in these measures shall mean the projects examined and approved by the municipal administrative department of construction; the district projects referred to in these measures shall mean the projects examined and approved by a district administrative department of construction.

Article 26 These measures shall take effect as of the date of promulgation.



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