

Provisions on the Administration of Urban Construction Garbage

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Order of the Ministry of Construction
(No.139)

The Provisions on the Administration of Urban Construction Garbage, which were adopted at the 53rd executive meeting of the Ministry of Construction upon deliberation, are hereby promulgated and shall come into force as of June 1, 2005.

Minister of Construction Wang Guangtao
March 23, 2005

Provisions on the Administration of Urban Construction Garbage

Article 1 The present Provisions are formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes, the Regulations on the Administration of City Appearance and Environmental Sanitation and the Decision of the State Council on Adopting the Form of Administrative Licensing to Matters that Need to Remain Subject to Administrative Examination and Approval for the purpose of intensifying the administration of urban construction garbage and ensure the city appearance and environmental sanitation.

Article 2 The present Provisions are applicable to such disposal activities as the dumping, transportation, transfer, backfilling, storage for disposal and utilization of construction garbage within urban planning areas.

The "construction garbage" as mentioned in the present Provisions refers to the waste earth, materials or other wastes as produced in the course of newly constructing, reconstructing and removing all kinds of buildings, structures and pipelines by construction entities and those entities undertaking constructions or as produced in the course of decorating and renovating houses by inhabitants.

Article 3 The administrative department of construction of the State Council shall take charge of the administration of urban construction garbage throughout the countries.

The administrative department of construction of provinces and autonomous regions shall take charge of the administration of urban construction garbage within the administrative divisions thereof.

The administrative department of city appearance and environmental sanitation of municipal people's governments shall take charge of the administration of construction garbage within the administrative divisions thereof.

Article 4 The principles of minimization, utilization and environmentally sound treatment and that whoever produces garbage shall bear the disposal responsibility thereof shall be carried out in the disposal of urban construction garbage.

The state encourages the comprehensive utilization of urban construction garbage and encourages the construction entities and entities undertaking constructions to give priority to those products as produced through the comprehensive utilization of urban construction garbage.

Article 5 The establishment of the facilities for urban construction garbage disposal and

comprehensive utilization shall be included into the special planning for city appearance and environmental sanitation of the municipality.

Article 6 The administrative department of city appearance and environmental sanitation of the municipal people's government shall, according to the urban project construction progress, formulate a disposal plan for urban construction garbage so as to arrange those construction garbage of all kinds of construction projects that requires backfilling in a reasonable manner.

Article 7 A construction garbage disposal entity shall file an application to the administrative department of city appearance and environmental sanitation of the municipal people's government and may not carry out any disposal until it obtains the approval for urban construction garbage disposal thereafter.

The administrative department of city appearance and environmental sanitation of the municipal people's government shall, within 20 days as of acceptance of an application, make a decision on whether or not to approve it. For those obtain the approval, the approval documents thereof shall be issued. For those fail to obtain the approval, the applicants shall be informed of the decision and the explanations thereof shall be given.

The specific requirements regarding the approval for urban construction garbage disposal shall be in conformity with the Provisions of the Ministry of Construction on the Requirements for the 15 Items of Administrative Licensing that Are Included into the Decision of the State Council.

Article 8 Such activities are forbidden, namely, altering, selling, renting, lending the approval document for urban construction garbage disposal or assigning it in any other form.

Article 9 No entity or individual may mix any construction garbage up with consumer wastes, mix any hazardous waste up with construction garbage, or establish a disposal site for accepting construction garbage without authority.

Article 10 No site for construction garbage storage and disposal may accept any industrial garbage, consumer waste, poisonous or harmful garbage.

Article 11 The inhabitants shall collect construction garbage and consumer wastes as produced in the process of decorating or renovating their houses separately, and pile them up in the designated places. The establishment of construction garbage transfer stations shall facilitate the inhabitants in this respect.

Any decoration or renovation entity shall dispose of construction garbage according to the relevant provisions as provided for by the administrative department of city appearance and environmental sanitation of the municipal people's government.

Article 12 Those entities undertaking constructions shall clear up and transport the construction garbage as produced in the course of project construction in a timely manner and dispose of them according to the provisions as provided for by the administrative department of city appearance and environmental sanitation of the municipal people's government so as to prevent any environmental pollution.

Article 13 No entity undertaking constructions may hand any construction garbage over to any individual or to any transportation entity who hasn't been examined and approved for undertaking construction garbage transportation for the transportation thereof.

Article 14 A construction garbage disposal entity shall, when transporting construction garbage, accompany the approval document of construction garbage disposal with the vehicle which shall move along the transportation route in the time as provided for by the relevant department of the municipal people's government and shall not cast off or leave behind any construction garbage or undertake any construction garbage transportation beyond the authorized scope.

Article 15 No entity or individual may dump, cast or pile up construction garbage at random.

Article 16 A fee charging system shall be adopted for the disposal of construction garbage. The charging standard thereof shall be executed according to the relevant provisions of the state.

Article 17 No entity or individual may pile up any substance on either side of a street or in a public place. Where there is a real need to take up either side of a street or a public place to pile up substance temporarily due to such special reasons as construction, the entity or individual shall, upon the approval of the administrative department of city appearance and environmental sanitation of the municipal people's government, go through the formalities for examination and approval according to relevant provisions.

Article 18 Where the administrative department of city appearance and environmental sanitation of the municipal people's government approves and issues the approval document of urban construction garbage, if any of the following situations occurs, the administrative organ or the supervisory organ at a higher level shall order it to correct the wrong doing, and the direct responsible person-in-charge and any other direct responsible person shall be given an administrative punishment according to law. Whoever constitutes a crime shall be subject to criminal liabilities.

(1) Approving and issuing the approval document of urban construction garbage to any applicant who fails to meet the legal requirements or approving and issuing the approval document of urban construction garbage beyond the legitimate authority thereof;

(2) Refusing to approve and issue the approval document of urban construction garbage to an applicant who meets the requirements or failing to approve and issue the approval document of urban construction garbage within the legal time limit.

Article 19 Any staff member of the administrative department of city appearance and environmental sanitation of the municipal people's government who neglects his duty, abuses his power or practices favoritisms and engages in malpractice shall be given an administrative punishment according to law. Whoever constitutes a crime shall be subject to criminal liabilities.

Article 20 Any entity or individual that commits any of the following practices shall be ordered by the administrative department of city appearance and environmental sanitation of the municipal people's government to make corrections within a time limit, be given a warning and imposed upon a fine.

(1) Mixing construction garbage with consumer wastes;

(2) Mixing hazardous wastes with construction garbage; or

(3) Establishing a disposal site for accepting construction garbage without authorization;

Any entity which has any act as specified in item (1) or (2) of the preceding paragraph shall be imposed upon a fine of no more than 3,000 yuan; any entity which has any act as specified in item (3) shall be imposed upon a fine of 5,000 yuan up to 10,000. Any individual who has any act as specified in item (1) or (2) of the preceding paragraph shall be imposed upon a fine of 200 yuan; any individual who has any act as specified in item (3) shall be imposed upon a fine of no more than 3,000 yuan.

Article 21 If any site for construction garbage storage and disposal accepts any industrial garbage, consumer wastes or poisonous or harmful garbage, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 5,000 yuan up to 10,000 yuan.

Article 22 If any entity undertaking constructions fails to clear up and transport the construction garbage as produced in the process of project construction and therefore pollutes the environment,

the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 5,000 yuan up to 50,000 yuan.

If any entity undertaking constructions hands any construction garbage to any individual or entity that hasn't been approved to engage in construction garbage transportation for disposal, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 10,000 yuan up to 100,000 yuan.

Article 23 If any entity of construction garbage disposal casts or leaves behind any construction waste on the way in the course of construction garbage transportation, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 5,000 yuan up to 50,000 yuan.

Article 24 In case any entity alters, sells, rents, lends the approval document for urban construction garbage disposal or assigns it in any other illegal form, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 5,000 yuan up to 20,000 yuan.

Article 25 In case any relevant entity violates the present Provisions by any of the following acts, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it to correct within a time limit, give it a warning and impose on it a fine of 10,000 yuan up to 100,000 yuan if it is an entity undertaking constructions or impose on it a fine of 5,000 yuan up to 30,000 yuan if it is a construction entity or a construction garbage transport entity:

- (1) Disposing of construction garbage without authority; or
- (2) Disposing of construction garbage beyond the scope as approved and issued.

Article 26 If any entity or individual dumps, casts or piles up construction garbage at random, the administrative department of city appearance and environmental sanitation of the municipal people's government shall order it/him to correct within a time limit, give it/him a warning and impose a fine of 5,000 yuan up to 50,000 yuan upon the entity or impose a fine of no more than 200 yuan upon the individual.

Article 27 The present Provisions shall come into force as of June 1, 2005.