

**WASTE DISPOSAL ORDINANCE
- CHAPTER 354**

LONG TITLE

Long title VerDate:30/06/1997

To provide for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, the protection and safety of the public in relation to any such activity and to provide for matters incidental thereto.

(Replaced 86 of 1991 s. 2)

[Parts I, III and VI

Part V (other than sections 21(2) and 22(2)

Part VII (other than sections 33, 35 and 36(2) to (6)) } 19 May 1980 L.N. 112 of 1980

Sections 33 and 35 } 1 May 1985 L.N. 119 of 1985

Part II } 2 June 1989 L.N. 163 of 1989

Part IV and sections 21(2), 22(2) and 36(2), (3), (4), (5) and (6) } 1 May 1992 L.N. 118 of 1992]

(Originally 8 of 1980)

SECT 1

Short title VerDate:30/06/1997

PART I

PRELIMINARY

(1) This Ordinance may be cited as the Waste Disposal Ordinance.

(2) (Omitted as spent)

SECT 2

Interpretation VerDate:19/11/2010

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1) In this Ordinance, unless the context otherwise requires-

"analyst" means the Government Chemist or any person appointed by the Governor under section 23E(5);
(Added 58 of 1987 s. 2)

"animal waste" means-

(a) the manure or urine of any animal; or

(b) any dead animal or any part of any dead animal not fit for, or not intended for, human consumption; or

(c) any bedding, straw or other waste contaminated by the manure or urine of any animal, (Replaced 58 of 1987 s. 2)

but does not include clinical waste; (Amended 6 of 2006 s. 2)

"authorized officer" means a public officer authorized under section 23A; (Added 58 of 1987 s. 2)

"chemical waste" means any substance, matter or thing defined as chemical waste by regulations made under section 33; (Added 86 of 1991 s. 3)

"clinical waste" means waste consisting of any substance, matter or thing belonging to any of the groups specified in Schedule 8 that is generated in connection with-

(a) a dental, medical, nursing or veterinary practice;

(b) any other practice, or establishment (howsoever described), that provides medical care and services for the sick, injured, infirm or those who require medical treatment;

(c) dental, medical, nursing, veterinary, pathological or pharmaceutical research; or

(d) a-

(i) dental;

(ii) medical;

(iii) veterinary; or

(iv) pathological,

laboratory practice,

but does not include chemical waste or radioactive waste; (Added 6 of 2006 s. 2)

"Code of Practice" means any Code of Practice prepared or revised by the Secretary under section 35; (Added 58 of 1987 s. 2. Amended L.N. 244 of 1989; 78 of 1999 s. 7)

"collection authority" means-

(a) in relation to chemical waste and clinical waste, the Director; (Amended 6 of 2006 s. 2)

(b) in relation to any other waste, means the Director of Food and Environmental Hygiene and the Director; (Replaced 78 of 1999 s. 7. Amended L.N. 183 of 2000)

"construction waste" means any substance, matter or thing defined as construction waste by regulations made under section 33, but does not include chemical waste; (Added 17 of 2004 s. 2)

"designated waste disposal facility" has the same meaning as in section 2 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap 354 sub. leg. L); (Added 17 of 2004 s. 2)

"Director" means the Director of Environmental Protection; (Added L.N. 74 of 1986)

"disposal" in relation to chemical waste and clinical waste includes treatment, reprocessing or recycling; (Added 86 of 1991 s. 3. Amended 6 of 2006 s. 2)

"enlarged area" means those parts of-

- (a) a livestock waste prohibition area;
- (b) a livestock waste control area; or (Amended 28 of 1994 s. 2)
- (c) a livestock waste restriction area, (Added 28 of 1994 s. 2)

specified in the third column of the Third Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry, which abut or share a common boundary with one or more livestock waste control areas or one or more livestock waste restriction areas; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"exempt person" means any person or any classes of person specified in the Fourth Schedule; (Added 58 of 1987 s. 2)

"household waste" means waste produced by a household, and of a kind that is ordinarily produced by a dwelling when occupied as such;

"keep" includes breed, house, tend, look after or control and "kept" and "keeping" shall be construed accordingly; (Added 58 of 1987 s. 2)

"lairage" means that part of a slaughterhouse or abattoir used for the admission or confinement of animals; (Added 58 of 1987 s. 2)

"livestock" means pigs or poultry; (Added 58 of 1987 s. 2)

"livestock keeper" means-

- (a) an owner of livestock; or
- (b) an owner, lessee or occupier or person responsible for the management of livestock premises; or
- (c) any person keeping livestock or having the custody or possession of livestock; or
- (d) any former livestock keeper,

but does not comprise exclusively any exempt person; (Added 58 of 1987 s. 2)

"livestock premises" means-

(a) any premises, buildings, land or land covered by water owned, leased or occupied by a livestock keeper, his dependants or employees for the purpose of keeping livestock and any dwelling-place and ancillary buildings or structures connected therewith;

(b) any other premises in or on which livestock are kept other than any premises comprising any abattoir, slaughter-house, market, fresh provision shop, lairage or hatchery in which poultry of not more than 12 days old are kept; and

(c) any former livestock premises; (Added 58 of 1987 s. 2)

"livestock waste" means, subject to section 2A, animal waste produced by, or connected with, livestock; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste control area" means a livestock waste control area specified in the second column of the Second Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste prohibition area" means a livestock waste prohibition area specified in the second column of the First Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

"livestock waste restriction area" means a livestock waste restriction area specified in column 2 of the Fifth Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 28 of 1994 s. 2)

"livestock waste treatment plant" means a waste treatment plant at which livestock waste is treated by biological, chemical, physical or other means or any combination thereof in accordance with regulations made under section 33; (Added 58 of 1987 s. 2)

"poultry" means chickens, ducks, geese, pigeons and quail; (Added 58 of 1987 s. 2)

"relevant date" means-

(a) in the case of a livestock waste prohibition area, the date shown in the third column of the First Schedule in respect of that area; or

(b) in the case of a livestock waste control area, the date shown in the third column of the Second Schedule in respect of that area;
(Added 58 of 1987 s. 2)

"Secretary" means the Secretary for the Environment; (Added 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007)

"slaughterhouse" and "abattoir" has the meaning assigned to it in the Public Health and Municipal Services Ordinance (Cap 132); (Added 58 of 1987 s. 2)

"street waste" means dust, dirt, rubbish, mud, road scapings or filth, but does not include human excretal matter;

"trade waste" means waste from any trade, manufacture or business, but does not include animal waste, chemical waste, clinical waste or construction waste; (Replaced 17 of 2004 s. 2. Amended 6 of 2006 s. 2)

"waste" means any substance or article which is abandoned and includes animal waste, chemical waste, clinical waste, construction waste, household waste, livestock waste, street waste and trade waste; (Amended 86 of 1991 s. 3; 17 of 2004 s. 2; 6 of 2006 s. 2)

"waste collection licence" means a licence under section 10;

"waste disposal authority", in respect of all classes of waste, means the Director; (Replaced L.N. 74 of 1986)

"waste disposal licence" means a licence under section 16;

"waste treatment plant" means a plant at which waste is treated for the purpose of removing therefrom (wholly or in part) pollutants contained therein. (Added 58 of 1987 s. 2)
(Amended 78 of 1999 s. 7)

(2) For the purposes of this Ordinance any substance or article which is discarded or otherwise dealt with as waste shall be presumed to be waste until the contrary is proved.

SECT 2A

Offences VerDate:30/06/1997

In any proceeding for an offence under this Ordinance or any regulation made under section 33, livestock waste means any waste generated or produced in or on livestock premises or any premises where livestock have been kept at any time within 60 days before the waste escapes or is discharged therefrom. (Added 28 of 1994 s. 3)

SECT 3

Preparation of draft waste disposal plans VerDate:01/01/2000

PART II

WASTE DISPOSAL PLAN

(1) The Secretary shall, after consultation with the Advisory Council on the Environment, and having regard to that Council's views, prepare draft plans showing- (Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994)

(a) the arrangements made or proposed to be made for the collection and disposal of-

(i) all solid and semi-solid wastes other than those which may be discharged into the atmosphere as particulates or discharged into water as solids suspended in effluents; and

(ii) such other wastes, or classes of waste, as may be prescribed;

and

(b) all existing and proposed waste disposal sites and the methods of waste disposal used or to be used at each site.

(2) Where the Secretary has prepared a draft waste disposal plan under subsection (1) he shall publish in the Gazette a notice in English and in Chinese-

(a) giving particulars of the places and times at which a copy of the draft plan may be inspected by the public; and

(b) specifying the time within which and the manner in which representations concerning the draft plan may be made.

(3) Where the Secretary publishes a notice under subsection (1) he shall not later than 7 days thereafter publish a copy of the notice in 3 issues of 1 English language and of 2 Chinese language newspapers.

(4) A copy of the draft plan shall be available for inspection by the public free of charge at such offices of the Government as the Secretary thinks fit for a period of 45 days from the date of publication of a notice under subsection (1) and during the hours when those offices are normally open to the public.

(5) The Secretary shall supply a copy of the draft plan upon payment of such fee as may be prescribed.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; L.N. 57 of 1994; 78 of 1999 s. 7)

SECT 4

Representations concerning draft waste disposal plan VerDate:01/01/2000

(1) Any person wishing to make representations concerning a draft waste disposal plan may, within a period of 45 days from the date of publication of a notice under section 3(2), submit to the Secretary his written representations.

(2) The Secretary shall consider such representations and may make any change to the draft plan which he considers appropriate in consequence of the representations.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

SECT 5

Submission of draft waste disposal plan to Governor in Council VerDate:01/01/2000

The Secretary shall, within 12 months from the last day of the period during which representations may be made, submit the draft waste disposal plan to the Governor in Council for approval and shall at the same time submit- (Amended 78 of 1999 s. 7)

(a) a schedule of representations made under section 4; and

(b) a schedule of the changes made by him to the draft waste disposal plan in consequence of the representations.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; Amended L.N. 244 of 1989)

SECT 6

Power of Governor in Council upon submission of draft waste disposal plan VerDate:01/01/2000

(1) Upon submission of a draft waste disposal plan under section 5, the Governor in Council shall-

- (a) approve the draft plan;
- (b) refuse to approve it; or
- (c) refer it back to the Secretary for further consideration and amendment.

(2) Where the Governor in Council has either approved or refused to approve a draft waste disposal plan, the Secretary shall as soon as possible after such approval or refusal give notice thereof in the Gazette of such approval or refusal; and where the draft plan has been approved he shall also publish in the Gazette a notice declaring the plan to be a waste disposal plan.

(3) A copy of any waste disposal plan shall be available for inspection by the public free of charge at such offices of the Government as the Secretary thinks fit during the hours when the offices are normally open to the public.

(4) The Secretary shall supply a copy of any waste disposal plan upon payment of such fee as may be prescribed.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

SECT 7

Revision of waste disposal plans VerDate:01/01/2000

The Secretary may from time to time revise any waste disposal plan and sections 3, 4, 5 and 6 shall apply to any revision in like manner as they apply to a waste disposal plan.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

SECT 8

Collection authorities and waste disposal authorities to have regard to waste disposal plans

VerDate:30/06/1997

In discharging their duties and functions under this Ordinance, the collection authorities and the waste disposal authorities shall have regard to the waste disposal plans.

SECT 9

Provision of collection and scavenging services VerDate:30/06/1997

PART III

COLLECTION OF WASTE

Subject to this Part, the collection authority may provide services for-

- (a) the removal and disposal of household waste, street waste, trade waste, livestock waste and animal waste; (Amended 58 of 1987 s. 3)
- (b) the cleansing and emptying of pail latrines;
- (c) the desludging of aqua privies and septic tanks; and
- (d) the removal and disposal of excretal matter from such latrines, privies and tanks.

SECT 10

Licensing of collection and scavenging services VerDate:19/11/2010

- (1) Notwithstanding section 9, the collection authority may, by licence, permit any person to provide services for all or any of the matters referred to in that section.
- (2) (Repealed 6 of 2006 s. 4)
- (3)-(4) (Repealed 78 of 1999 s. 7)
- (5) The Director as collection authority may by licence permit any person to provide services for the collection or removal of chemical waste or clinical waste. (Added 86 of 1991 s. 4. Amended 6 of 2006 s. 4)
- (6) The fee for a licence referred to in subsection (1) or (5) and in respect of which the Director is the collection authority shall be the prescribed fee. (Added 86 of 1991 s. 4)

SECT 11

Prohibition of unauthorized collection of waste VerDate:30/06/1997

Subject to section 12, where in any area, the collection authority has provided any services under section 9 or has, by licence under section 10, permitted any other person to provide any of the services specified in section 9, any person who, not being the holder of a licence under section 10, provides any such services, that is to say any service provided by the collection authority under section 9 or referred to in section 10(5) or by any other person under a licence under section 10, commits an offence and is liable to a fine of \$100000.

(Amended 86 of 1991 s. 5)

SECT 12

Occupier of building may remove household waste in certain circumstances VerDate:30/06/1997

- (1) Notwithstanding section 11, it shall not be an offence under that section for an occupier of any building, or any person responsible for the management of any building, to remove household waste from any building if-

(a) the collection authority or any person holding a waste collection licence neglects or fails for a period of 48 hours to remove household waste for any building in respect of which the authority or person provides that service under section 9 or 10; or

(b) no such service for the removal of household waste is provided by a collection authority or a person holding a waste collection licence.

(2) Any waste removed under subsection (1) may be disposed of in any way permitted by law.

(3) Nothing in this section shall derogate from any regulations made under section 15 of the Public Health and Municipal Services Ordinance (Cap 132). (Amended 10 of 1986 s. 32(1))

SECT 13

Collection of trade waste, livestock waste or animal waste and removal of livestock waste and animal waste VerDate:30/06/1997

(1) If the collection authority is requested by the owner or occupier or person responsible for the management of any building or land to remove any trade waste, livestock waste or animal waste, the collection authority may remove it, and may recover from the person requesting the removal a fee not exceeding the cost of removal and disposal.

(2) The collection authority may by notice served on the owner or occupier or person responsible for the management of any stable, cow-house, pigsty, kennel, poultry farm or similar establishment require the removal from the premises of livestock waste, animal waste, bedding, straw or other waste.

(3) If, where a notice has been served under subsection (2), any person, who is required by the notice to remove any livestock waste, animal waste, bedding, straw or other waste from any premises specified in the notice, fails to comply with that requirement, he commits an offence and is liable to a fine of \$50000 and, in addition, if the offence is a continuing offence to a fine of \$10000 for each day during which it is proved to the satisfaction of the court that the offence has continued.

(Amended 28 of 1994 s. 4)

(Amended 58 of 1987 s. 4)

SECT 14

Property in collected waste, etc. VerDate:01/01/2000

All household waste, street waste, trade waste, livestock waste, animal waste and any matter obtained from the cleansing and emptying of pail latrines and the desludging of aqua privies and septic tanks, collected by the collection authority in the operation of any service provided under section 9 or section 13 or collected by a person licensed by a collection authority under section 10 shall be the property of the Government and may be sold or disposed of by the collection authority in a manner that authority thinks fit.

(Amended L.N. 67 of 1985; 8 of 1986 s. 8; 58 of 1987 s. 5; 78 of 1999 s. 7)

SECT 15

Prohibiting livestock VerDate:30/06/1997

PART IIIA

CONTROL OF LIVESTOCK WASTE

(1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste prohibition area specified in the second column of the First Schedule after the relevant date specified opposite thereto in the third column thereof.

(2) Any person who contravenes subsection (1) commits an offence and is liable-

(a) for a first offence, to a fine of \$100000; or

(b) for a second or subsequent offence, to a fine of \$200000; and

(c) in addition, if the offence is a continuing one, to a fine of \$5000 for each day on which it is proved to the satisfaction of the court that the offence has continued. (Amended 28 of 1994 s. 5)

SECT 15A

Livestock waste controls VerDate:30/06/1997

(1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste control area specified in the second column of the Second Schedule after the relevant date specified opposite thereto in the third column thereof unless that person complies with regulations made under section 33 in relation to the collection, storage, treatment and disposal of livestock waste generated or produced in or on livestock premises.

(2) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$50000 and, in addition, if the offence is a continuing offence to a fine of \$5000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Amended 28 of 1994 s. 6)

SECT 15AA

Livestock waste restriction area VerDate:01/01/2000

(1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste restriction area specified in column 2 of the Fifth Schedule after the relevant date specified opposite thereto in column 3 thereof unless-

(a) he is authorized in writing so to do by the Director; or

(b) he holds a valid licence so to do issued by the Director of Agriculture, Fisheries and Conservation under the Public Health (Animals and Birds) Ordinance (Cap 139), (Amended L.N. 331 of 1999)

and he complies with regulations made under section 33 in relation to the collection, storage, treatment and disposal of livestock waste generated or produced in or on livestock premises.

(2) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$100000 and, in addition, if the offence is a continuing offence to a fine of \$5000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Added 28 of 1994 s. 7)

SECT 15B

Compensation for seizure of livestock VerDate:01/07/1997

Amendments retroactively made - see 25 of 1998 s. 2

(1) Where any livestock is seized-

(a) in respect of an alleged contravention of section 15A(1) or 15AA and no person is subsequently convicted of an offence under that section in relation to that livestock; or (Amended 28 of 1994 s. 8; 80 of 1997 s. 102)

(b) in contravention of section 15E(1),

and whether or not such livestock is subsequently released to the owner of the livestock or the livestock keeper (other than the owner) on the order of a magistrate or otherwise, the owner or person in lawful possession of that livestock may within 6 months of such seizure or later criminal proceedings (if any) apply to the District Court or the Court of First Instance for compensation for any loss arising out of the seizure, which loss shall be recoverable as a civil debt due from the Government, and such application may be begun by motion. (Amended 25 of 1998 s. 2)

(2) An award of compensation under subsection (1) shall be an award of such sum, if any, as is just and equitable in all the circumstances of the case, including the conduct and comparative blameworthiness of-

(a) the owner of the livestock;

(b) the livestock keeper (other than the owner);

(c) the person in charge of the livestock premises in or on which the livestock was kept at the time of seizure; and

(d) the Director and any authorized officers concerned.

SECT 15C

Forfeiture of livestock VerDate:30/06/1997

(1) A court which convicts any person of an offence under section 15, 15A or 15AA may, in addition to any other order that it makes, order the forfeiture of any livestock in respect of which the offence is committed.

(2) Where livestock in respect of which a person is convicted of an offence under section 15, 15A or 15AA is sold or otherwise disposed of, whether under section 15D(2) or otherwise, a court which subsequently convicts any person who is the owner of the livestock of an offence under section 15, 15A or 15AA may order-

(a) in the case of a sale under section 15D(2), the forfeiture of a sum of money equal to the balance referred to in section 15D(3); and

(b) in any other case, the forfeiture of a sum of money equal to the value of the livestock at the time of its disposal.

(Amended 28 of 1994 s. 9)

SECT 15D

Seizure of livestock VerDate:30/06/1997

(1) Subject to section 15E, the Director may seize, detain and dispose of any livestock that he has reasonable cause to suspect is being kept in contravention of section 15, 15A or 15AA. (Amended 28 of 1994 s. 10)

(2) Subject to subsection (4), where livestock is seized under subsection (1) the livestock may be sold by the Director, whether or not any person is prosecuted for, or convicted of, an offence under section 15, 15A or 15AA, and the proceeds of sale dealt with under subsection

(3). (Amended 28 of 1994 s. 10)

(3) Where livestock is sold under subsection (2) the proceeds of sale shall be used to pay any costs incurred in the seizure, detention and sale and the balance (if any)-

(a) shall be paid to the person who-

(i) submits in writing to the Director within 28 days of the sale a claim to such livestock; and

(ii) proves to the satisfaction of the Director that he was the owner of the livestock at the time it was seized; or

(b) where it is not paid under paragraph (a), shall be forfeited unless, within 2 months of the sale, a court otherwise orders upon an application made by the Director or any person who has an interest in the livestock.

(4) Where livestock seized under subsection (1) is of no commercial value or the sale of the livestock is for any reason not considered by the Director to be practicable the Director may order the livestock to be destroyed or otherwise disposed of in such manner as he thinks fit.

SECT 15E

Restriction on seizure of livestock VerDate:30/06/1997

(1) The Director shall not under section 15D(1) seize any livestock that he has reasonable cause to suspect is being kept in contravention of section 15A(1) or 15AA unless he has first served on the owner of the livestock or the livestock keeper (other than the owner) notice of intended seizure in a form which the Director may specify and obtained a warrant issued by a magistrate under subsection (2) for that purpose. (Amended 28 of 1994 s. 11)

(2) A magistrate may issue a warrant to the Director to seize livestock that the Director has reasonable cause to suspect is being kept in contravention of section 15A(1) or 15AA if the magistrate is satisfied by information on oath that there are reasonable grounds for seizing that livestock. (Amended 28 of 1994 s. 11)

(3) Where the Director seizes any livestock in accordance with a warrant issued under subsection (2) he shall, if required, produce that warrant.

- (4) A notice under subsection (1) of intended seizure of any livestock shall state-
- (a) the grounds upon which the Director seeks to rely in reasonably suspecting that that livestock is being kept in contravention of section 15A(1) or 15AA; and (Amended 28 of 1994 s. 11)
 - (b) the date on which the Director intends to apply to a magistrate for a warrant to seize that livestock being a date not less than 7 clear days following service of the notice.
- (5) A notice under subsection (1) of intended seizure of any livestock shall be deemed to have been duly served on the owner of the livestock or the livestock keeper (other than the owner) if it-
- (a) is delivered to him, or to the person whom the Director believes to be the owner or the livestock keeper; or
 - (b) is sent by recorded delivery to the livestock premises in or on which the livestock the subject of the intended seizure is kept.
- (6) The magistrate shall, before issuing a warrant under subsection (2), give the owner of the livestock or the livestock keeper (other than the owner) if present before him the opportunity of addressing him on the reasonableness or otherwise of the grounds relied upon by the Director under subsection (4)(a).
(Part IIIA added 58 of 1987 s. 7)

SECT 15F

Director may grant written authorization VerDate:30/06/1997

- (1) The Director may authorize in writing any person to keep livestock in or on any premises in a livestock waste restriction area if he is satisfied that-
- (a) the premises have been continuously used for livestock keeping for at least 12 months before the commencement of section 2 of the Waste Disposal (Amendment) Ordinance 1994 (28 of 1994); and
 - (b) no ex gratia payment for cessation of livestock keeping in or on the premises has been made by the Government.
- (2) Any person may apply to the Director for a grant to him of an authorization under subsection (1).
- (3) The Director may require the person making the application to furnish any relevant information and documents of any class or description before deciding whether or not to grant the authorization.
- (4) The Director may, after he has received a written application made under subsection (2) and any relevant information and documents he had required under subsection (3)-
- (a) grant a written authorization to the applicant; or
 - (b) serve a notice on the applicant notifying him that the Director has decided to refuse to grant a written authorization to him.

(5) If the Director is satisfied that a person authorized under subsection (1) is no longer keeping livestock in or on the premises on which he is authorized to keep livestock, he may revoke the written authorization by serving a notice of revocation on that person.

(6) For the purposes of this section-

(a) a notice under subsection (4)(b) is duly served if it is served personally on the applicant or sent by registered post to his last known address;

(b) a notice under subsection (5) is duly served if it is served personally on the authorized person or his employee, or is sent by registered post to the authorized person's last known address, or is left with any occupier over the age of 18 years of the relevant premises.

(Added 28 of 1994 s. 12)

SECT 15G

Notification of livestock waste pollution VerDate:30/06/1997

PART IIIB

NOTIFICATION OF POLLUTION ARISING FROM LIVESTOCK WASTE

(1) Where in the opinion of the Director pollution to the environment by livestock waste generated or produced in or on livestock premises exists or is imminent, the Director may notify in writing the livestock keeper of the livestock premises of the existence or imminence of such pollution.

(2) The Director may, in a notice under subsection (1), direct the livestock keeper to-

(a) comply with any standard or limit contained in any relevant Code of Practice;

(b) cease the use of or remove any plant, machinery, vehicle, or equipment which in the opinion of the Director is used in an improper manner or improper for the collection, storage, treatment, transportation or disposal of waste, and to implement any remedial measures as may be specified in the notice;

(c) restore the proper operation of any plant, machinery, vehicle, equipment or process for the collection, storage, treatment, transportation or disposal of waste, or maintain such plant, machinery, vehicle or equipment, in a proper manner as specified in the notice;

(d) acquire and use proper and sufficient plant, machinery, vehicles or equipment for the collection, storage, treatment, transportation or disposal of waste as specified in the notice;

(e) cease any procedure used for the collection, storage, treatment, transportation or disposal of waste as specified in the notice;
and

(f) take such other appropriate measures for the purpose of preventing or mitigating pollution as are specified in the notice,

within a specified period.

(3) A notice issued under subsection (1) shall specify a reasonable period of time for the livestock keeper to comply with its directions.

(4) The Director may issue any such supplementary notice as may be necessary to vary or add to the directions of a previous notice.

(5) A notice is duly served if it is served personally on the livestock keeper or his employee, or is sent by registered post to the livestock keeper's last known address, or is left with any occupier over the age of 18 years of the livestock premises.

(6) Any person who without reasonable excuse fails to comply with the directions of a notice issued under this section commits an offence and is liable to a fine of \$50000 in the case of a first offence and a fine of \$100000 in the case of a second or subsequent offence and, in addition, if the offence is a continuing offence to a fine of \$10000 for each day or part of a day on which it is proved to the satisfaction of the court that the offence has continued.

(Added 28 of 1994 s. 13)

SECT 16

Prohibition of unauthorized disposal of waste VerDate:01/07/2004

PART IV

DISPOSAL OF WASTE

(1) Subject to subsection (2), a person shall not use, or permit to be used, any land or premises for the disposal of waste unless he has a licence from the Director to use the land or premises for that purpose. (Amended L.N. 76 of 1982; L.N. 74 of 1986; 86 of 1991 s. 6)

(2) Subsection (1) shall not apply to the use of land for-

(a) the disposal of household waste from a private dwelling if the disposal takes place within the curtilage of that dwelling;

(b) the disposal of waste if the land is used for tipping by the Civil Engineering and Development Department or such use is authorized by the Director; (Amended L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991; L.N. 104 of 2004)

(c) the deposit of any inert matter used as landfill (other than any matter to which the Dangerous Goods Ordinance (Cap 295) applies or that is toxic);

(d) the deposit of any substance (other than chemical waste) which is being used in the course of agricultural or horticultural operations;
(Amended 86 of 1991 s. 6)

(e) the disposal of such other wastes, or classes of waste, or in such circumstances as may be prescribed.

(3) Any person who contravenes subsection (1) commits an offence.

(4) Where waste other than chemical waste is disposed of on unleased land, as defined in the Land (Miscellaneous Provisions) Ordinance (Cap 28), pursuant to a licence issued under section 5 of that Ordinance, no licence under subsection (1) shall be required. (Amended 86 of 1991 s. 6; 29 of 1998 s. 68)

SECT 16A
Prohibition of unlawful depositing of waste VerDate:01/12/2005

“public transport carrier”

(1) A person commits an offence if he deposits or causes or permits to be deposited waste in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place.

(2) For the purposes of subsection (1), if waste is deposited from a vehicle that is not being used as a public transport carrier, the following persons are regarded as causing the waste to be deposited:

- (a) the driver of the vehicle at the time when the waste is deposited from it; and
- (b) any person employing that driver to drive the vehicle at that time.

(3) A person charged with an offence under subsection (1) has a defence if he proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(4) Without limiting the general nature of subsection (3), a person establishes the defence under that subsection if he proves:

- (a) that he acted under instructions from his employer; or
- (b) that he relied on information supplied by another person and had no reason to believe that the information was false or misleading,

and in either case that he had no reason to believe that an offence would be committed.

(5) If a person wishes to rely on a defence involving an allegation:

- (a) that the commission of the offence was not due to his acting under the instructions of his employer but was due to an act or omission of another person; or
- (b) that he relied on information supplied by another person,

he is not entitled, without leave of the court, to rely on the defence unless he has served on the prosecutor, at least 7 clear days before the hearing, a notice giving all information he then had that identifies or assists in identifying the other person.

(6) For the purpose of subsection (2), “public transport carrier” means a public bus, public light bus, taxi, train, light rail vehicle or tramcar.
(Replaced 17 of 2004 s. 3)

SECT 17

Notice to be given of prescribed wastes VerDate:30/06/1997

(1) Any person having in his possession waste of a class, quantity or other description as may be prescribed, shall-

(a) before complying with any requirement imposed by regulations made under section 33(1)(ha); and

(b) unless such waste has been exempted by regulations made under section 33(1),

give notice to the Director regarding such waste in such form as may be specified by the Director by notice published in the Gazette.

(2) The Director may give directions in writing to any person who is required to give notice under subsection (1), regarding the disposal of any waste in respect of which he is required to give such notice.

(3) Directions under subsection (2) may be-

(a) in addition to;

(b) in substitution for; or

(c) in variation of,

any requirement imposed by regulations made under section 33(1)(ha) and in any particular case those regulations shall apply subject to any directions given in respect of such case.

(4) Any person who fails to-

(a) give notice to the Director as required under this section; or

(b) comply with any direction given under this section,

commits an offence.

(Replaced 86 of 1991 s. 7)

SECT 18

Penalties for offences under sections 16, 16A and 17 and defences VerDate:30/06/1997

(1) Any person who commits an offence under section 16 or 16A is liable-

(a) for the first offence, to a fine of \$200000 and to imprisonment for 6 months;

(b) for a second or subsequent offence, to a fine of \$500000 and to imprisonment for 6 months; and

(c) in addition, if the offence is a continuing offence to a fine of \$10000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Amended 28 of 1994 s. 15)

(1A) Any person who commits an offence under section 17 is liable-

- (a) for the first offence, to a fine of \$100000;
 - (b) for a second or subsequent offence, to a fine of \$200000 and to imprisonment for 6 months; and
 - (c) in addition, if the offence is a continuing offence to a fine of \$10000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Added 28 of 1994 s. 15)
- (2) A person does not commit an offence under section 16, 16A or 17 if he proves that the waste was disposed of in an emergency to avoid danger to the public and as soon as was reasonably practicable he informed the Director thereof in writing. (Amended L.N. 76 of 1982; L.N. 74 of 1986; 28 of 1994 s. 15)

SECT 18A

Power of magistrate to order removal of waste from Government land or payment of Director's expenses
VerDate:01/12/2005

- (1) If a person is convicted of an offence under section 16A in respect of waste deposited on Government land, the magistrate may, either on application by the Director or on the magistrate's own initiative, order the person to:
- (a) remove the waste from that land within the period specified in the order; or
 - (b) if the Director has already removed the waste, pay the Director any expenses reasonably incurred by him in carrying out the removal.
- (2) An order under subsection (1) is in addition to any penalty imposed under section 18 in respect of an offence under section 16A.
- (3) A person who is subject to an order under subsection (1)(a) shall inform the Director immediately upon completion of the removal of the waste concerned by delivering by hand a written notice at his office or sending a written notice by registered post to his office address.
- (4) A person who, without reasonable excuse, fails to comply with an order made against him under subsection (1)(a) commits an offence and is liable:
- (a) to a fine of \$200000 and to imprisonment for 6 months on the first occasion on which he is convicted of the offence;
 - (b) to a fine of \$500000 and to imprisonment for 6 months on each subsequent occasion on which he is convicted of the offence; and
 - (c) to an additional daily penalty of \$10000 for each day on which the offence is proved, to the satisfaction of the magistrate, to have continued.
- (5) A person who, without reasonable excuse, fails to comply with subsection (3) commits an offence and is liable to a fine at level 3.
- (6) For the purposes of this section, a reference to Government land is a reference to unleased land as defined in the Land (Miscellaneous Provisions) Ordinance (Cap 28).
(Added 17 of 2004 s. 4)

SECT 19

Information as to waste delivered for disposal VerDate:01/12/2007

(1) The Director may require any person who delivers to him for disposal any waste (other than household waste) to state the nature of the waste and to give such other information relating to the waste as the Director may require. (Amended L.N. 76 of 1982; L.N. 74 of 1986)

(2) Any person who, in complying with a requirement under subsection (1) makes any statement or gives any information which he knows to be incorrect in a material particular or who recklessly makes a statement or gives information which is incorrect in a material particular or knowingly omits any material particular therefrom commits an offence and is liable to a fine at level 6. (Amended 6 of 2006 s. 7)

SECT 20

(Repealed 14 of 1995 s. 2) VerDate:30/06/1997

SECT 20A

Permit required for the import of waste into Hong Kong VerDate:07/04/2006

PART IVA

CONTROL OF MOVEMENT OF WASTE INTO AND OUT OF HONG KONG

(1) The import into Hong Kong of-

(a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is imported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; or

(b) any waste of a kind specified in the Seventh Schedule, or not specified in the Sixth Schedule, requires a permit issued by the waste disposal authority under this section.

(2) An application for a permit under this section-

(a) shall be in the form that the waste disposal authority directs specifying-

(i) the reason for the proposed waste import;

(ii) the name and address of the importer of the waste;

(iii) the name and address of the waste producer;

(iv) the name and address of the disposer of the waste;

(v) the address of the waste disposal or reuse facility to be used;

(vi) the name and address of every intended carrier of the waste or his agent;

(vii) the names of the states of export and transit and their competent authorities;

(viii) whether the permit is for a single shipment or multiple shipments;

- (ix) the projected date of each shipment and the period of time over which waste is to be imported;
- (x) the mode of transportation envisaged;
- (xi) a physical description of the waste and its composition and information on any special handling requirements;
- (xii) the type of packaging envisaged;
- (xiii) the estimated quantity by weight or volume of waste to be imported;
- (xiv) details of the process by which and place at which the waste was or is being generated;
- (xv) a description of the method of disposal or reuse; and (xvi) such other information as the waste disposal authority

may reasonably require to determine whether or not to issue a permit; and

- (b) shall be accompanied by-
 - (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) a contingency plan showing the procedures to be followed in case of accident;
 - (iii) documents confirming the existence of the liability insurance and bond or other financial guarantee mentioned in subsection (4)(b); and
 - (iv) the prescribed fee.
- (3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the import of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (4) The waste disposal authority shall not issue a permit under this section for the import of any waste unless he is satisfied-
 - (a) that the waste will be managed in Hong Kong in accordance with the laws of Hong Kong and in an environmentally sound manner;
 - (b) that there is in force, or there will be in force at the time of the import of the waste-
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the import operation; and
 - (ii) a bond, or other financial guarantee acceptable to the waste disposal authority, providing for payment to the waste disposal authority of the cost of any seizure or disposal of the waste under section 20F that may occur; (Amended 6 of 2006 s. 8)

(c) in the case of waste to be imported other than for the purpose of reuse or a reprocessing, recycling or recovery operation, that-

(i) the state of export does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or

(ii) the import of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; (Amended 6 of 2006 s. 8)

(d) in the case of waste to be imported for reuse or for a reprocessing, recycling or recovery operation, that the waste is required as a raw material for such reuse or operation in Hong Kong; and (Amended 6 of 2006 s. 8)

(e) in the case of waste of a kind specified in the Seventh Schedule, that the waste is not exported from a state or party that is referred to in Schedule 9. (Added 6 of 2006 s. 8)
(Added 14 of 1995 s. 3)

SECT 20B

Permit required for the export of waste from Hong Kong VerDate:07/04/2006

(1) The export from Hong Kong of-

(a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is exported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; or

(b) any waste of a kind specified in the Seventh Schedule, or not specified in the Sixth Schedule, requires a permit issued by the waste disposal authority under this section.

(2) An application for a permit under this section-

(a) shall be in the form that the waste disposal authority directs specifying-

(i) the reason for the proposed waste export;

(ii) the name and address of the exporter of the waste;

(iii) the name and address of the waste producer;

(iv) the name and address of the disposer of the waste;

(v) the address of the waste disposal or reuse facility to be used;

(vi) the name and address of every intended carrier of the waste or his agent;

(vii) the names of the states of import and transit and their competent authorities;

(viii) whether the permit is for a single shipment or multiple shipments;

(ix) the projected date of each shipment and the period of time over which waste is to be exported;

- (x) the mode of transportation envisaged;
 - (xi) a physical description of the waste and its composition and information on any special handling requirements;
 - (xii) the type of packaging envisaged;
 - (xiii) the estimated quantity by weight or volume of waste to be exported;
 - (xiv) details of the process by which and place at which the waste was or is being generated;
 - (xv) a description of the method of disposal or reuse; and (xvi) such other information as the waste disposal authority may reasonably require to determine whether or not to issue a permit; and
- (b) shall be accompanied by-
- (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) documents confirming the existence of the liability insurance and the bond or other financial guarantee mentioned in subsection (4)(b);
and
 - (iii) the prescribed fee.
- (3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the export of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (4) The waste disposal authority shall not issue a permit under this section for the export of any waste unless he is satisfied-
- (a) that the competent authority of the state of import and of each state of transit has consented to the import or transit, as the case may be, of the waste;
 - (b) that the competent authority of the state of import and of each state of transit has confirmed that its laws, if any, as regards the existence of-
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the export operation; and
 - (ii) a bond, or other financial guarantee, providing for payment to the competent authority of the state of import and each state of transit of the cost of any seizure or disposal of the waste by such competent authority,
- have been complied with in respect of the proposed export;
- (c) that the waste will be managed or disposed of in an environmentally sound manner;

(d) that the waste will not be disposed of within the area south of the parallel of 60 degrees south;
(Amended 6 of 2006 s. 9)

(e) in the case of waste to be exported other than for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste, that-

(i) Hong Kong does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or

(ii) the export of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; and (Amended 6 of 2006 s. 9)

(f) in the case of waste to be exported for the purpose of a reprocessing, recycling or recovery operation or for reuse, that the waste is required as a raw material for such operation or reuse in the state of import.

(Added 14 of 1995 s. 3)

SECT 20C

Variation, suspension or revocation of permit VerDate:30/06/1997

(1) The waste disposal authority may-

(a) vary, suspend or revoke a permit if it appears to him that there has been a breach of the permit;

(b) revoke a suspension of a permit if he is satisfied that-

(i) the permit holder has not breached a permit provision;

(ii) the permit holder has rectified a breach of a permit provision; or

(iii) the circumstances that gave rise to the suspension no longer exist.

(2) Every permit suspended or revoked by the waste disposal authority and all copies of such permit in the possession of the permit holder or any other person shall be surrendered immediately to the waste disposal authority by the permit holder.

(3) Any person who contravenes subsection (2) commits an offence and is liable to a fine at level 2 and to imprisonment for 3 months.

(Added 14 of 1995 s. 3)

SECT 20D

Authority may issue directions regarding import and export of waste VerDate:30/06/1997

(1) The waste disposal authority may from time to time in respect of the import or export of waste for which a permit is required under this Part issue directions-

(a) as to the packaging, labelling, handling, transport and disposal of the waste;

(b) requiring the waste to be accompanied, from the commencement of the consignment to the point of disposal, by a movement document containing such information or particulars as the waste disposal authority may require;

(c) requiring an applicant for a permit for the export of any waste to take back the waste when the consignment cannot be completed; and

(d) requiring an applicant for a permit for the import of any waste to ensure that the disposer of the waste notifies in writing the exporter and the competent authority of the state of export of-

(i) receipt by the disposer of the waste at the point of disposal or reuse of the waste; and

(ii) the completion of disposal or reuse of the waste as proposed in the application for the permit, and to do so within a period specified in the direction.

(2) A direction issued under this section shall for the purposes of this Part be deemed to form part of and be a condition of every permit issued under this Part subsequent to the coming into effect of the direction.

(Added 14 of 1995 s. 3)

SECT 20DA

Authorization for disposal of certain imported waste VerDate:01/04/2008

(1) This section applies only to waste the import of which into Hong Kong does not require a permit under section 20A, and the reference to “imported waste” in this section shall be construed as a reference to waste of this category that has been imported into Hong Kong.

(2) The disposal of any imported waste at a designated waste disposal facility requires an authorization granted by the waste disposal authority under this section.

(3) An application for the authorization shall be:

(a) made in writing in such form as the waste disposal authority may specify; and

(b) accompanied by such application fee as may be prescribed by regulations made under section 33.

(4) On receipt of an application made by any person (“the applicant”) for the authorization, the waste disposal authority may, subject to subsection (5):

(a) grant the authorization, with or without conditions; or

(b) refuse to grant the authorization,

and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.

(5) The waste disposal authority shall not grant an authorization under subsection (4)(a) unless the applicant proves to the satisfaction of the authority that:

(a) the import of the waste concerned into Hong Kong did not require a permit under section 20A;

(b) it is not practicable to make alternative arrangement for the imported waste to be used (whether in Hong Kong or elsewhere) for the purpose of reuse, or a reprocessing, recycling or recovery operation (“the specified purpose”), in a manner acceptable to the authority; and

(c) it is not practicable for the applicant to return, or cause the importer of the imported waste to return, the imported waste to the state of export,

and in determining the practicability of the matters specified in paragraphs (b) and (c), the lack of financial means to carry out an alternative arrangement or return the imported waste to the state of export (as the case may be) shall not be a relevant consideration.

(6) Without prejudice to the generality of subsection (4)(a), a condition attached to an authorization may:

(a) require the applicant to pay such charge as the waste disposal authority may determine for recovery of the cost of disposal of the imported waste;

(b) specify the manner, place and time of the disposal;

(c) specify the arrangements to be made and the procedures to be observed in relation to the disposal.

(7) The waste disposal authority may require an applicant to furnish him with such information as he considers necessary for determining whether or not to grant the authorization, and in particular, such information may relate to:

(a) the details of the original arrangement made for the imported waste to be used for the specified purpose after the import;

(b) the reasons why the original arrangement cannot be carried out;

(c) proof of any attempt made in making alternative arrangement for the imported waste:

(i) to be used (whether in Hong Kong or elsewhere) for the specified purpose;

(ii) to be returned to the state of export.

(8) The provisions in this section shall be in addition to and shall not derogate from any other provision of this Ordinance.

(Added 6 of 2006 s. 10)

SECT 20E

Offences under this Part VerDate:01/04/2008

(1) A person who-

(a) except under and in accordance with a permit issued or an authorization granted under this Part, does anything for which such a permit or authorization is required; or (Amended 6 of 2006 s. 11)

(b) except under and in accordance with a permit issued or an authorization granted under this Part, causes or allows another person to do anything for which such a permit or authorization is required, (Amended 6 of 2006 s. 11)

commits an offence and is liable-

- (i) for the first offence to a fine of \$200000 and to imprisonment for 6 months; and
- (ii) for a second or subsequent offence to a fine of \$500000 and to imprisonment for 2 years.

(2) A person who, to procure the issue of a permit or the grant of an authorization under this Part- (Amended 6 of 2006 s. 11)

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

commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months. (Added 14 of 1995 s. 3)

SECT 20F

Seizure and disposal of waste following conviction VerDate:01/04/2008

(1) Where a person is convicted of an offence under section 20E in respect of the import or export of any waste, or the disposal of any imported waste referred to in section 20DA(2), the waste disposal authority may- (Amended 6 of 2006 s. 12)

- (a) seize and dispose of the waste; or
- (b) by notice in writing require the convicted person, within a specified time-

(i) in the case of a conviction in respect of the import of waste or the disposal of any imported waste referred to in section 20DA(2), to return the waste to the state of export, or to dispose of the waste in Hong Kong to the satisfaction of the waste disposal authority; or

(ii) in the case of a conviction in respect of the export of waste, to take back the waste into Hong Kong, or, if that is not reasonably practicable, to dispose of the waste in an environmentally sound manner,

and may, by such notice or by any other notice in writing, require the convicted person to furnish the waste disposal authority within a specified time with documentary evidence to show that the requirements made under subparagraph (i) or (ii) have been complied with.

(2) If any person fails to comply with a notice given under subsection (1)(b) he commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months; and where a person is convicted of an offence under this subsection the waste disposal authority may, without further notice, seize and dispose of the waste.

(3) Where the waste disposal authority seizes or disposes of any waste under subsection (1)(a) or (2)- (Amended 6 of 2006 s. 12)

(a) (where the offence is in respect of the import or export of any waste) the importer or exporter of the waste, as the case may be; or

(b) (where the offence is in respect of the disposal of any imported waste referred to in section 20DA(2)) the convicted person, shall be liable to the waste disposal authority for the cost of such seizure and disposal, including the cost of any transportation and storage, and such cost shall be recoverable as a civil debt due to the waste disposal authority.
(Added 14 of 1995 s. 3. Amended 6 of 2006 s. 12)

SECT 20G

Defence of due diligence, etc. VerDate:27/02/2004

(1) A person charged with an offence under this Part has a defence if he proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Without limiting the general nature of subsection (1), a person establishes the defence under that subsection if he proves-

(a) he acted under instructions from his employer; or

(b) he relied on information supplied by another person without reason to believe that the information was false or misleading,

and in either case that he took all steps reasonably open to him to ensure that an offence would not be committed. (Amended L.N. 29 of 2004)

(3) If a person wishes to rely on a defence involving an allegation-

(a) that the commission of the offence was due to an act by or omission of another person (other than acting on the instructions of his employer); or

(b) that he relied on information supplied by another person,

he is not entitled, without leave of the court, to rely on the defence unless 7 clear days before the hearing, he has served on the prosecutor a notice giving all information he then had that identifies or assists in identifying the other person.

(Added 14 of 1995 s. 3)

SECT 20H

Amendment of the Sixth and Seventh Schedules VerDate:30/06/1997

The waste disposal authority may by notice published in the Gazette amend the Sixth and Seventh Schedules.

(Added 14 of 1995 s. 3)

SECT 20I

Interpretation and application VerDate:30/06/1997

(1) In this Part, unless the context otherwise requires-

"competent authority" means such authority as may be designated by the government of a sovereign state to be responsible, within such geographical areas as that government deems, for receiving the notification of transboundary movement of waste, and any such information related to such movement, and for responding to such notification;

"disposal", in relation to waste, means any transfer operation, storage, reprocessing, recycling, material recovery, deposit, destruction, discharge (whether into water or into a sewer or drain or otherwise) or burial (whether underground or otherwise), and "dispose of" shall be construed accordingly;

"disposer", in relation to waste imported into Hong Kong, means the person who carries out the disposal of the waste, or reuses the waste, in the manner contemplated in the application for a permit for the import of the waste;

"export from Hong Kong", in relation to waste, means to take, or cause to be taken, out of Hong Kong any waste, but does not include a reference to waste which-

(a) was brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and

(b) remained at all times in or on the vessel, aircraft, train or vehicle in or on which it was brought into Hong Kong;

"exporter", in relation to waste, means any person who arranges for waste to be exported;

"import into Hong Kong", in relation to waste, means to bring, or cause to be brought, into Hong Kong any waste for the purpose of disposal or reuse in Hong Kong or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;

"importer", in relation to waste, means any person who arranges for waste to be imported;

"management", in relation to waste, means the handling, transportation, disposal or reuse of the waste;

"state of export", in relation to the import of waste into Hong Kong, means a state, territory or geographical area from which such import is planned to be initiated or is initiated;

"state of import", in relation to the export of waste from Hong Kong, means a state, territory or geographical area to which such export is planned to take place for the purpose of disposal or reuse in that state, territory or geographical area or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;

"state of transit" means any state, territory or geographical area, other than Hong Kong or the state of export or the state of import, through which a transboundary movement of waste is planned or takes place;

"transboundary movement" means any movement of waste from an area under the jurisdiction of one state or territory to or through an area under the jurisdiction of another state or territory, or to or through an area not under the jurisdiction of any state, where at least 2 such states or territories are involved in the movement.

(2) For the purposes of this Part, waste is contaminated if it is contaminated by a substance to an extent which-

(a) significantly increases the risk to human health, property or the environment associated with the waste; or

(b) prevents the reprocessing, recycling, recovery or reuse of the waste in an environmentally sound manner,

and "uncontaminated" in relation to waste shall be construed accordingly.

(3) For the purposes of this Part, waste is managed or disposed of in an environmentally sound manner if it is managed or disposed of in a manner which will, as far as is practicable, protect human health and the environment against any adverse effects which may result from such waste.

(4) This Part does not apply to waste that is-

(a) derived from the normal operations of a vessel, aircraft, train or vehicle or its equipment; and

(b) brought into or taken out of Hong Kong in or on the vessel, aircraft, train or vehicle.
(Added 14 of 1995 s. 3)

SECT 21

Applications for and grant of licences VerDate:01/12/2007

PART V

LICENCES

(1) A person who wishes to apply for a waste collection licence shall apply to the collection authority in such form as the collection authority may specify. (Amended 6 of 2006 s. 13)

(2) A person who wishes to apply for a waste disposal licence shall apply to the waste disposal authority in such form as the waste disposal authority may specify. (Amended 6 of 2006 s. 13)

(3) An application under subsection (1) or (2) shall be accompanied by the prescribed fee. (Amended 8 of 1986 s. 8; 78 of 1999 s. 7)

(4) Subject to section 21A, the appropriate licensing authority may either grant or refuse to grant a licence. (Amended 86 of 1991 s. 8)

(5) If he refuses to grant a licence, the licensing authority shall within 30 days of such refusal notify the applicant in writing of his refusal and shall inform him of his reasons therefor.

(6) The licensing authority shall not grant a licence under this section where he considers that, notwithstanding any authorization or requirement conferred or imposed pursuant to section 22-

(a) the waste collection or disposal operation will not be able to achieve all the limits, and requirements, and quality standards and quality objectives prescribed in-

- (i) the Air Pollution Control Ordinance (Cap 311);
- (ii) the Water Pollution Control Ordinance (Cap 358); and
- (iii) the Noise Control Ordinance (Cap 400); or

(b) any emission or discharge arising from the waste collection or disposal operation would be or would be likely to be a danger to public health, a source of pollution to the environment or a source of nuisance to the neighbouring area. (Added 14 of 1995 s. 4)

(7) The waste disposal authority is not required to consider an application under subsection (2) unless it is made by the owner or lawful occupier of the land or premises used for the conduct of the waste disposal operation in question. (Added 14 of 1995 s. 4. Amended 6 of 2006 s. 13)

(8) A person who, in or in connection with an application under this section, makes any statement (whether such statement be oral or written), or furnishes any information-

- (a) which is false or misleading in a material particular; and
- (b) which he knows or reasonably ought to know is false or misleading in such particular,

commits an offence, and is liable to a fine at level 6. (Added 6 of 2006 s. 13)

SECT 21A

Circumstances under which waste disposal licence for chemical waste or clinical waste is to be granted
VerDate:19/11/2010

Without prejudice to the generality of section 21(4), the licensing authority shall not grant a waste disposal licence in respect of chemical waste or clinical waste (as the case may be) under that section unless he is satisfied that the land or premises in respect of which the licence is sought has a waste disposal facility which- (Amended 6 of 2006 s. 14)

(a) has the capacity to dispose of such minimum quantity of chemical waste or clinical waste (as the case may be) and within such period; or

(b) is capable of disposing of chemical waste or clinical waste (as the case may be) in such other manner,

as may be prescribed.

(Added 86 of 1991 s. 9. Amended 6 of 2006 s. 14)

SECT 22

Effect of licences VerDate:19/11/2010

(1) A waste collection licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize and require all or any of the following- (Amended 6 of 2006 s. 15)

- (a) the removal and disposal of household waste, street waste, trade waste, livestock waste or animal waste; (Amended 58 of 1987 s. 8)
 - (b) the cleansing and emptying of pail latrines;
 - (c) the desludging of aqua privies and septic tanks; (Amended 86 of 1991 s. 10)
 - (d) the removal and disposal of excretal matter from such latrines, privies and tanks; (Amended 86 of 1991 s. 10)
 - (e) the collection or removal of chemical waste or clinical waste (as the case may be). (Added 86 of 1991 s. 10)
- (2) A waste disposal licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize the use of land or premises for the disposal of waste. (Amended 86 of 1991 s. 10; 6 of 2006 s. 15)

SECT 23

General provisions as to licences VerDate:01/12/2007

- (1) A licence issued under this Ordinance shall be for such period and may be subject to such terms and conditions as the authority issuing the same thinks fit.
- (1A) Without limiting the general nature of the terms and conditions which the authority may include in a waste collection licence, he may include terms and conditions relating to the matters set out in Schedule 10. (Added 6 of 2006 s. 16)
- (1B) Without limiting the general nature of the terms and conditions which the authority may include in a waste disposal licence, he may include terms and conditions relating to the matters set out in Schedule 11. (Added 6 of 2006 s. 16)
- (2) Any licence issued under this Ordinance may, upon its expiry, be renewed upon application and upon payment of the prescribed fee.
- (3) Where a licence issued under this Ordinance is in force and the authority by whom it was issued considers it necessary in the public interest, the authority may, by notice in writing, to the holder of the licence-
- (a) (i) impose new or amended terms or conditions subject to the observance of which, as from a specified date, the licence shall continue in force;
 - (ii) cancel the licence as from a specified date if the holder fails to observe any such term or condition;
 - (b) cancel the licence as from a specified date;
 - (c) revoke or amend or add to any notice previously given under this subsection, or any part of such notice.

(4) Subject to subsection (5), the date specified in a notice for the addition or amendment of any term or condition under paragraph (a)(i) or (c) of subsection (3) or the cancellation of a licence under paragraph

(b) thereof shall be not less than 90 days after the day on which the notice is given to the holder of the licence.

(5) Where in the opinion of the authority by whom a licence is issued it is necessary to amend or add a term or condition under paragraph (a)(i) or (c) of subsection (3) or cancel a licence under paragraph (b) thereof because the continuation of the activities to which the licence relates would cause a danger to public health or would be so seriously detrimental to the amenities of the area affected by the activities that the continuation of them ought not to be permitted, he may exercise any of the said powers with effect from such date as the circumstances may require and shall not be bound to comply with subsection (4). (Amended 6 of 2006 s. 16)

(6) Where a notice is given under subsection (3), the person to whom the notice is given may, within the period of 30 days after such notice is given, make written submissions to the authority by whom the notice was issued as to why any new or amended terms and conditions should not be imposed or as to why the licence should not be cancelled. (Amended 6 of 2006 s. 16)

(7) The authority by whom a notice under subsection (3) is issued and to whom written submissions are made by any person under subsection

(6) may, after considering such submissions, by further notice to the said person withdraw the notice at any time before it comes into effect. (Amended 6 of 2006 s. 16)

(8) If any person who has been granted a waste collection licence or waste disposal licence (as the case may be) contravenes any term or condition subject to which the licence was granted to him, he commits an offence and is liable- (Amended 6 of 2006 s. 16)

(a) in the case of a waste collection licence-

(i) for the first offence, to a fine of \$100000;

(ii) for a second or subsequent offence, to a fine of \$200000; and

(iii) in addition, if the offence is a continuing offence to a fine of \$5000 for each day during which it is proved to the satisfaction of the court that the offence has continued; or

(b) in the case of a waste disposal licence-

(i) for the first offence, to a fine of 200000 and to imprisonment for 6 months;

(ii) for a second or subsequent offence, to a fine of \$500000 and to imprisonment for 6 months; and

(iii) in addition, if the offence is a continuing offence to a fine of \$10000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Added 28 of 1994 s. 16)

SECT 23A
Authorized officers VerDate:30/06/1997

PART VA

ENFORCEMENT

Any public officer may be authorized in writing by-

- (a) the Director; or
- (b) the collection authority; or
- (c) the waste disposal authority,

to perform or exercise all or any of the functions, duties or powers which are imposed or conferred by this Ordinance upon the Director, the collection authority or the waste disposal authority, as the case may be, by which the public officer is so authorized, or which by virtue of this Ordinance may be exercised by an authorized officer.

SECT 23B
Power of authority to obtain information VerDate:30/06/1997

- (1) By notice in writing served on any person-
 - (a) the collection authority; or
 - (b) the waste disposal authority,

may require that person to furnish to the authority so requiring, within such time and in such form as is specified in the notice, any information specified in the notice which that authority may reasonably require for the purpose of exercising and performing its functions, duties and powers under this Ordinance.

- (2) A person who-
 - (a) fails without reasonable excuse to comply with any of the requirements of a notice served on him under subsection (1); or
 - (b) in purported compliance with such a notice, makes any statement to the authority which he knows to be incorrect in a material respect or recklessly makes any statement to the authority which is incorrect in a material respect or knowingly omits any material particular,

commits an offence and is liable to a fine of \$100000. (Amended 28 of 1994 s. 17)

SECT 23C
Powers of authorized officers to enter premises, etc. VerDate:30/06/1997

(1) Subject to subsection (2), an authorized officer may, for the purposes of this Ordinance, without a warrant enter any place or premises, stop any vehicle, or stop and board any vessel if he has reason to suspect that-

(a) the place, premises, vehicle or vessel is being used for, or in connection with, the production, collection, storage, treatment, transportation or disposal of any waste; or

(b) there is in the place, premises, vehicle or vessel any thing likely to be, or to contain, evidence of an offence against this Ordinance.

(2) An authorized officer shall not under subsection (1) enter any domestic premises (other than that part of such premises in or on which there is a waste treatment plant or facilities for the storage of any waste) or board any vessel used wholly or principally for dwelling purposes unless he has first obtained a warrant issued by a magistrate under subsection (3) for that purpose.

(3) A magistrate may issue a warrant to any authorized officer to enter domestic premises or to board any vessel used wholly or principally for dwelling purposes if the magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that-

(a) an offence against this Ordinance is being or has been committed in or on those premises or on that vessel; and

(b) there is in or on those premises or on that vessel any thing likely to be, or to contain, evidence of an offence against this Ordinance.

(4) An authorized officer who enters any place or premises, stops any vehicle or boards any vessel shall, if required-

(a) produce evidence of his identity and of his authorization under section 23A; and

(b) if a warrant is under this section required for entry, produce that warrant.

SECT 23D

Other powers of authorized officers VerDate:01/12/2007

An authorized officer who has, pursuant to section 23C or any warrant issued thereunder, entered any place or premises, stopped any vehicle or boarded any vessel, or who has been allowed access to any place, premises, vehicle or vessel in the course of his duties, may-

(a) inspect therein any waste treatment plant or other plant or equipment or observe any process or procedure which he has reason to suspect is being, has been, or is intended to be, used in connection with the collection, storage, treatment, transportation or disposal of any waste;

(b) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to do anything which the authorized officer reasonably considers to be necessary for facilitating an inspection or observation under paragraph (a); (Amended 28 of 1994 s. 18)

(c) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to produce for examination any drawing, record or document which is in the possession of such person, or

which such person can reasonably obtain, relating to any waste treatment plant or other plant or equipment inspected under paragraph (a); (Amended 28 of 1994 s. 18)

(d) seize, remove and detain any such drawing, record or document produced under paragraph (c) or any other article or thing found therein if he has reason to suspect that it is, or contains, evidence of an offence against this Ordinance; (Amended 6 of 2006 s. 17)

(e) examine and make copies of any records kept pursuant to any requirement under this Ordinance or of any licence or permit issued or any authorization granted under this Ordinance; (Amended 6 of 2006 s. 17)

(f) obtain samples of-

(i) any waste or any constituent of waste or of any matter contaminated thereby; or

(ii) any waste which he has reason to believe may be subject to disposal under section 17; (Amended 28 of 1994 s. 18)

(g) carry out any necessary tests or take any photographs for the purposes of obtaining evidence in connection with any offence against this Ordinance; and (Added 28 of 1994 s. 18)

(h) require any person whom he reasonably suspects of having committed an offence against this Ordinance or of having contravened any regulation made under section 33 to state his name and address and to produce documentary evidence showing the name and address, including an identity card issued under the Registration of Persons Ordinance (Cap 177), for inspection by the authorized officer. (Added 28 of 1994 s. 18. Amended 6 of 2006 s. 17)

SECT 23E

Analysis of samples VerDate:01/12/2007

(1) A certificate of analysis of a sample of any waste or other matter obtained from any place, premises, vehicle or vessel under section 23D(f) may be tendered in evidence in any proceedings under this Ordinance and shall, until the contrary is proved, be evidence of the facts stated therein if the procedure in this section has been complied with, or substantially complied with so far as is reasonably practicable, in relation to that sample.

(2) An authorized officer who obtains a sample of any waste or other matter under subsection (1) shall-

(a) (Repealed 6 of 2006 s. 18)

(b) place the sample in a container and suitably mark or label the container;

(c) ensure that the person in charge of the place, premises, vehicle or vessel from which the sample is obtained or his employee or agent-

(i) (Repealed 6 of 2006 s. 18)

(ii) is informed that the sample is intended to be submitted to the analyst for analysis; and

(d) personally submit the sample to the analyst for analysis.
(Amended 6 of 2006 s. 18)

(3) As soon as the analyst has completed an analysis under subsection (2)(d) he shall furnish to the collection authority or the waste disposal authority, as the case may be, and to the person in charge of the place, premises, vehicle or vessel from which the sample was obtained or his employee or agent, a certificate of the results of the analysis.

(4) A certificate under subsection (3) shall be signed by the analyst but the analysis may be made by a person acting under the directions of the analyst and any certificate purporting to be signed by the analyst shall be presumed, until the contrary is proved, to have been signed by him.

(5) The Governor may, by notice published in the Gazette, appoint any person to be an analyst for the purposes of this section.

SECT 23EA

Director's power to remove waste in case of imminent risk of adverse environmental impact
VerDate:01/12/2005

(1) If the Director has reasonable grounds to believe that:

(a) an offence under section 16A has been committed in a place;

(b) the waste deposited in the place is likely to give rise to an imminent risk of adverse environmental impact; and

(c) action needs to be taken immediately to reduce or eliminate that risk,
then the Director may enter the place to remove the waste.

(2) If a person is convicted of an offence under section 16A in respect of waste that has been removed by the Director under subsection

(1), the magistrate may, on application by the Director, order the person to pay the Director any expenses reasonably incurred by him in carrying out the removal.

(3) The Director shall not under subsection (1) enter any domestic premises unless he has first obtained a warrant issued by a magistrate under subsection (4) for that purpose.

(4) A magistrate may, for the purpose of subsection (1), issue a warrant to the Director to enter any domestic premises if the magistrate is satisfied by information on oath that there are reasonable grounds to believe that:

(a) an offence under section 16A has been committed in those premises, or in a place that is accessible only through those premises;

(b) the waste deposited in those premises or in that place is likely to give rise to an imminent risk of adverse environmental impact;
and

(c) action needs to be taken immediately to reduce or eliminate that risk.

(5) Where the Director enters any domestic premises in accordance with a warrant issued under subsection (4), he shall, if required, produce that warrant.

(6) For the purposes of this section, a reference to domestic premises includes a reference to a dwelling place on any private land.(Added 17 of 2004 s. 5)

SECT 23F

Offences in relation to enforcement powers VerDate:30/06/1997

A person who-

- (a) wilfully obstructs-
 - (i) a collection authority; or
 - (ii) a waste disposal authority; or
 - (iii) any authorized officer,

in the exercise of the authority's or the officer's powers or duties under this Part; or

- (b) fails without reasonable excuse to comply with any requirement duly made under this Part by-
 - (i) a collection authority;
 - (ii) a waste disposal authority; or
 - (iii) any authorized officer; or

(c) in purported compliance with any such requirement produces any drawing, document or record which he knows to be incorrect or inaccurate in a material particular or does not believe to be correct and accurate,

commits an offence and is liable to a fine of \$100000.

(Amended 28 of 1994 s. 19)

(Part VA added 58 of 1987 s. 9)

SECT 24

When appeal may be brought VerDate:01/04/2008

PART VI

APPEALS

(1) A person who is aggrieved by a decision or direction of a public officer or a collection authority or waste disposal authority or the Director under any of the following provisions may appeal to the Appeal Board established under section 25- (Amended 86 of 1991 s. 11)

(aa) section 15F (refusing to grant or revocation of written authorization); (Added 28 of 1994 s. 20)

(ab) section 15G (directions as to livestock waste pollution);
(Added 28 of 1994 s. 20)

(a) section 17(1) (directions as to disposal of waste);

(b) sections 20A(3) and 20B(3) (refusing to issue a permit for the import of waste into or the export of waste from Hong Kong or fixing the conditions of such a permit (including any condition deemed to apply by virtue of section 20D)); (Replaced 14 of 1995 s. 5)

(ba) section 20C(1)(a) (varying, suspending or revoking a permit);
(Added 14 of 1995 s. 5)

(bb) section 20C(1)(b) (revoking the suspension of a permit); (Added 14 of 1995 s. 5)

(bc) section 20DA(4)(a) (fixing the conditions of an authorization for disposal of imported waste);
(Added 6 of 2006 s. 19)

(bd) section 20DA(4)(b) (refusing to grant an authorization for disposal of imported waste); (Added 6 of 2006 s. 19)

(c) sections 21(4) and 21A (refusing to grant a licence); (Amended 86 of 1991 s. 11)

(d) section 23(1) (fixing terms and conditions of licence);

(e) section 23(3)(a)(i) (imposing new or amended terms or conditions for continuance of licence);

(f) sections 23(3)(a)(ii) and 23(3)(b) (cancelling a licence);

(g) section 23(3)(c) (revoking, amending or adding to a notice).
(Amended 86 of 1991 s. 11; 17 of 2004 s. 6)

(h) (Repealed 17 of 2004 s. 6)

(1A) Subject to subsection (1B), a person who is aggrieved by a decision or direction of the Director made pursuant to regulations made under section 33 may also appeal to the Appeal Board established under section 25. (Added 17 of 2004 s. 6)

(1B) No appeal lies under subsection (1A) from any of the following-

(a) the Director's decision whether or not to accept any waste at a designated waste disposal facility;

(b) the Director's decision whether or not a charge is to be imposed in respect of any waste or class of waste accepted for disposal at a waste disposal facility as may be prescribed by regulations made under section 33. (Added 17 of 2004 s. 6)

(2) An appeal under subsection (1) or (1A) shall be made within 21 days after the person aggrieved has received notice of the decision or direction. (Amended 17 of 2004 s. 6)

(3) Where the decision appealed from was made under a provision mentioned in subsection (1)(e), (f) or (g) the notice thereof shall be suspended from the day on which notice of appeal is given and until the appeal is disposed of, withdrawn or abandoned, unless-

(a) the decision is considered by the authority whose decision it is to be necessary because in relation to a licence to which the notice relates the continuation of the activities to which the notice relates would cause a danger to public health or be seriously detrimental to the amenities of the area affected by the activities; and

(b) the notice contains a statement to that effect.

(4) No appeal may be made under subsection (1)(ab) except on the following grounds-

(a) that the service of the notice is not justified by the terms of this Ordinance;

(b) that there has been some material informality, defect or error in the form or content of the notice or in connection with the service of the notice; or

(c) that the notice should have been served on some person other than the appellant. (Added 28 of 1994 s. 20)

SECT 25

Constitution of Appeal Board VerDate:30/06/1997

(1) Every appeal under section 24 shall be determined by an Appeal Board constituted under this Part.

(2) The Governor shall appoint as Chairman of Appeal Boards a person who is qualified in law.

(3) Subject to section 27(3), the Chairman shall be appointed for a term of not more than 3 years but may be reappointed. (Amended 14 of 1995 s. 6)

(4) The Governor shall also appoint a panel of persons whom he considers to be suitable for appointment as members of an Appeal Board pursuant to section 26(1).

(4A) A member of the panel shall be appointed for a term of not more than 3 years but may be reappointed. (Added 14 of 1995 s. 6)

(5) An appointment under subsection (2) and every appointment to the panel under subsection (4) shall be notified in the Gazette.

(6) In subsection (2) and in section 27(1) "qualified in law" means qualified for appointment as a District Judge under section 5 of the District Court Ordinance (Cap 336).

SECT 26

Exercise of Appeal Board's jurisdiction VerDate:30/06/1997

- (1) The jurisdiction of an Appeal Board on any appeal or group of appeals shall be exercised by the Chairman and such number of persons from the panel referred to in section 25(4) as the Chairman may appoint for that appeal or group of appeals.
- (2) On any appeal an Appeal Board may confirm, reverse or vary the decision or direction appealed from.
- (3) Every question before an Appeal Board shall be determined by the opinion of the majority of the Chairman and the members hearing the appeal except a question of law which shall be determined by the Chairman; in the event of an equality of votes the Chairman shall have a casting vote.
- (4) An Appeal Board shall not at any time consist of a majority of persons who are public officers.
- (5) An Appeal Board may-
 - (a) receive evidence on oath;
 - (b) admit or take into account any statement, document, information or matter whether or not it would be admissible as evidence in a court of law; and
 - (c) by notice in writing summon any person to appear before it to produce any document or to give evidence.
- (6) The Chairman may determine any form or matter of practice or procedure in so far as no provision is made therefor in this Ordinance.

SECT 27

Supplementary provisions as to Appeal Board VerDate:30/06/1997

- (1) If the Chairman is precluded by illness, absence from Hong Kong or any other cause from exercising his functions the Governor may appoint any other person qualified in law to act as Chairman and as such to exercise and perform all of the powers, functions and duties of the Chairman during the period of his appointment.
- (2) If a person appointed by the Chairman under section 26(1) to hear an appeal or group of appeals is precluded by illness, absence from Hong Kong, or any other cause from exercising his functions, the Chairman may appoint any other person from the panel provided for in section 25(4) to act in his place.
- (3) The Chairman may at any time resign his office by notice in writing to the Governor.
- (4) The hearing of an appeal may be continued notwithstanding any change in the membership of an Appeal Board as if the change had not occurred:
Provided that no person shall be appointed as a member of an Appeal Board before which the hearing of an appeal has been commenced without the consent of the parties.

SECT 28

(Repealed 10 of 1997 s. 2) VerDate:30/06/1997

SECT 29

Case may be stated VerDate:30/06/1997

- (1) The Chairman may of his own motion, before an appeal is determined, refer any question of law to the Court of Appeal by way of case stated.
- (2) On the hearing of the case the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.

SECT 30

Governor may give directions VerDate:30/06/1997

PART VII

MISCELLANEOUS

- (1) The Governor may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by any public officer of any powers, functions or duties under this Ordinance.
- (2) A public officer shall, in the discharge of his powers, functions and duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

SECT 31

Mental ingredients of certain offences under the Ordinance VerDate:01/12/2005

In any proceedings for an offence under section 11, 15, 15A, 15AA, 16, 16A, 17, 18A, 20E or 23 it shall not be necessary for the prosecution to prove that the acts or omissions in question were accompanied by any intention, knowledge or negligence on the part of the defendant as to any element of the offence. (Amended 58 of 1987 s. 10; 28 of 1994 s. 21; 14 of 1995 s. 7; 17 of 2004 s. 7)

SECT 32

Protection of Crown, etc. VerDate:01/01/2000

- (1) No liability shall rest on the Crown or upon any public officer by reason of the fact that any waste collection or waste disposal licence is issued under this Ordinance. (Amended 8 of 1986 s. 8)
- (2) A public officer shall not be personally liable in respect of any act or omission of his if it was done or made by him in the honest belief that it was required or authorized in exercise of any power, function or duty of his under this Ordinance.
- (3) The protection conferred on public officers by subsection (2) in respect of any act or omission shall not in any way affect any liability of the Crown for that act or omission. (Amended 8 of 1986 s. 8) (Amended 78 of 1999 s. 7)

SECT 33

Regulations VerDate:19/11/2010

(1) The Governor in Council may after consultation with the Advisory Council on the Environment by regulation provide for- (Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994; 78 of 1999 s. 7)

(a) the additional wastes or classes of waste to which a draft waste disposal plan under section 3 shall apply;

(b) the design and construction of containers or enclosures for the storage of animal waste;

(ba) the capacity, design, type, number, construction and materials used in the construction of containers provided in or on livestock premises for the storage of livestock waste; (Added 58 of 1987 s. 11)

(bb) the capacity, design, type, number, construction and materials used in the construction of containers provided outside livestock premises for the collection of livestock waste; (Added 58 of 1987 s. 11)

(c) the precautions to be taken to guard against dangers to public health or risks of pollution arising from waste;

(ca) the authorization of any person to provide services for the collection or removal of chemical waste or clinical waste without a licence for that purpose; (Added 6 of 2006 s. 20)

(d) the waste or classes of waste that may be disposed of under section 16 without a licence;

(da) the authorization of any person to use any land or premises for the disposal of chemical waste or clinical waste without a licence for that purpose; (Added 6 of 2006 s. 20)

(e) any substance, matter or thing to be defined as chemical waste with reference to such substance or chemical as may be prescribed and exceptions thereto, including the exception of any substance, matter or thing-

(i) of a class or description specified by the Director by notice in the Gazette; or

(ii) which the Director is satisfied having regard to such criteria or procedures as may be prescribed, does not constitute a danger to health or risk of pollution to the environment; (Replaced 86 of 1991 s. 12)

(eaa) any substance, matter or thing to be defined as construction waste; (Added 17 of 2004 s. 8)

(ea) the class, quantity or other description of waste in respect of which notice is to be given under section 17; (Added 86 of 1991 s. 12)

(eb) exemptions or exclusions from the requirement to give notice under section 17 or from the regulations or any requirement of the regulations; (Added 86 of 1991 s. 12. Amended 6 of 2006 s. 20)

(ec) the registration of persons producing or causing to be produced any waste, the keeping of a register or registers by the Director for that purpose and the particulars to be entered in any such register or registers; (Added 86 of 1991 s. 12)

(ed) applications for registration and other procedures relating to registration; (Added 86 of 1991 s. 12)

(ee) the inspection of the register in such places and at such times as may be determined by the Director and the issue by him of certified copies of entries in the register; (Added 86 of 1991 s. 12)

(ef) the amendment of the register by the Director and the assignment, amendment or cancellation by him of registration numbers; (Added 86 of 1991 s. 12)

(eg) prohibitions against producing or causing to be produced any waste by an unregistered person and the invalidity of the transfer of any registration; (Added 86 of 1991 s. 12)

(f) the capacity, design, construction and materials to be used in the construction of containers holding beverages or fluids;

(g) prohibiting the distribution of containers or any class of container which do or does not comply with such requirements as may be prescribed under paragraph (f), and without prejudice to the generality of the foregoing, such prohibition may be by reference to-

(i) the type of container;

(ii) the date of distribution;

(iii) place of distribution by retail sale;

(iv) the type of beverage or fluid;

(v) the source of the container;

(h) the storage of any waste, the places, manner and conditions in which it is to be stored including-

(i) requirements as to containers for storage;

(ii) the labelling of such containers;

(iii) specifications of and particulars to be contained in such labels;

(iv) the display of notices in places of storage;

(v) specifications of and particulars to be contained in such notices; and

(vi) the maximum quantity of waste that may be stored; (Replaced 86 of 1991 s. 12)

(ha) the collection, removal, transportation, transfer, reception, import or export or disposal, including treatment, reprocessing and recycling of any waste including in particular the equipment to be used, the arrangements to be made and the procedure to be observed in relation to such activities; (Added 86 of 1991 s. 12. Amended 6 of 2006 s. 20)

(haa)(without limiting the generality of paragraph (ha)) in relation to clinical waste-

(i) the restriction on the class or classes of persons who may deliver or transport clinical waste in prescribed circumstances;

(ii) the type and the quantity of clinical waste that may be so delivered or transported;

(iii) the requirements to be observed in relation to the delivery or transportation; (Added 6 of 2006 s. 20)

(hb) the duties of any person producing, causing to be produced, or in possession of any waste or engaged in or connected with any activity described in paragraph (ha); (Added 86 of 1991 s. 12)

(i) any fees and charges payable under this Ordinance; (Amended 8 of 1986 s. 8; 78 of 1999 s. 7)

(j) the charges payable to the Director for any service provided by or on behalf of the Crown in relation to the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of any waste or class of waste; (Replaced 14 of 1995 s. 8)

(ja) the procedure for appeals under Part VI and the forms to be used in relation to such appeals; (Added 86 of 1991 s. 12)

(jb) the service of any notice under this Ordinance; (Added 14 of 1995 s. 8)

(k) prescribing anything which is to be or may be prescribed by regulations.

(l) different requirements in relation to wastes of different classes or descriptions; (Added 86 of 1991 s. 12)

(m) generally carrying into effect the provisions of this Ordinance. (Added 86 of 1991 s. 12)

(1A) Regulations made under this section may-

(a) empower the Director-

(i) to issue any document, in such form as he may determine, to be used in relation to the production, possession, collection, transportation, transfer, reception, import or export or disposal including treatment, reprocessing or recycling of any waste;

(ii) in such document to specify particulars or information to be supplied by any person engaged in or connected with any activity referred to in subparagraph (i);

(iii) without prejudice to subparagraph (ii), to require from any person specified in the regulations information as he may consider appropriate relating to any activity referred to in subparagraph (i);

(iv) to specify additional particulars in respect of any labels required pursuant to subsection (1)(h);

(v) to require the removal from any place of any waste which in his opinion is a threat to the health or safety of any person or constitutes a risk of pollution to the environment;

(vi) to approve or otherwise-

(A) arrangements made for the disposal of chemical waste or clinical waste in circumstances as may be prescribed; or (Amended 6 of 2006 s. 20)

(B) storage of waste in excess of a prescribed maximum quantity;

(vii) to grant exemptions with or without conditions from the regulations or any specified provision of the regulations; (Amended 6 of 2006 s. 20)

(viii) to determine or specify the form of any document (not being a document the form of which is prescribed) required for the purposes of the regulations;

(ix) to authorize (with or without conditions) any person of a class specified in a regulation made under subsection (1)(ca)-

(A) to receive clinical waste at such location as the Director may specify in his authorization; and

(B) to remove the waste so received in such manner as may be prescribed; (Added 6 of 2006 s. 20)

(x) to authorize (with or without conditions) any person to collect or remove any chemical waste or clinical waste without a waste collection licence for that purpose if the Director opines that-

(A) an emergency involving the waste has arisen; or

(B) the circumstances are such that it would not be reasonably practicable to arrange for the waste to be collected or removed by the holder of such a licence; or (Added 6 of 2006 s. 20)

(xi) to authorize (with or without conditions) any person to use any land or premises for the disposal of any chemical waste or clinical waste without a waste disposal licence for that purpose if the Director opines that-

(A) an emergency involving the waste has arisen; or

(B) the circumstances are such that it would not be reasonably practicable to use, for the disposal of the waste, any land or premises in respect of which such a licence is in force; (Added 6 of 2006 s. 20)

(b) provide-

(i) in respect of chemical waste, that notwithstanding that regulations relating thereto have come into operation, they or any provision thereof shall not apply to such waste until a day appointed by the Director by notice in the Gazette for the purpose and that he may appoint different days with reference to any chemical or substance prescribed under subsection (1)(e) or a chemical or substance which is included in or is a constituent or component of such chemical or substance;

(ii) that any requirement to register imposed on a person pursuant to the regulations shall not apply to such persons and for such period or under such circumstances as may be prescribed. (Added 86 of 1991 s. 12)

(1B) Without prejudice to the generality of subsection (1)(j), regulations made under that subsection may-

(a) provide for different levels of charges to be payable for waste received at different facility, transfer, reception or disposal points or for waste delivered in different types of vehicle; (Amended 17 of 2004 s. 8)

(b) where any service referred to in that subsection is provided in response to an accident or emergency involving waste (and whether or not in consequence of the accident or emergency there is an imminent danger to any person or property), provide for different or additional charges than would be the case where any such service is provided otherwise than in response to such an accident or emergency;

(c) where any charge (including part of any charge) prescribed under that subsection remains unpaid after becoming due and payable, provide for the imposition of a surcharge not exceeding 20% of that charge;

(d) provide for the recovery of any charge (including any surcharge) prescribed under that subsection. (Added 14 of 1995 s. 8)

(2) Regulations under this section may provide-

(a) that-

(i) a contravention of any specified provision thereof; or

(ii) to knowingly or recklessly provide incorrect or misleading information or omit material particulars or information or knowingly or recklessly certify as correct anything which is incorrect, in relation to any requirement in the regulations,

shall be an offences punishable with a fine not exceeding \$200000 and imprisonment not exceeding 6 months; and

(b) that if a person is convicted of an offence referred to in paragraph (a) and that offence is a continuing offence, such person shall, in addition to the penalties which may be imposed under that paragraph, be liable to a fine of \$10000 for each day on which the offence continues.

(Replaced 86 of 1991 s. 12)

(3) Regulations under this section may, in respect of any charge payable to the Director incurred or to be incurred under this Ordinance, provide for-

(a) the Director to authorize the deferral of payment of the charge for a period specified by the Director and, in that connection, to specify the security (if any) to be furnished to and received by the Director as guarantee for payment of the deferred charge;

(b) the appointment by the Director of a person to collect on the Director's behalf the charge or any security referred to in paragraph (a);

(c) methods of the collection of the charge or security by the Director or by any person appointed under paragraph (b) and the manner in which a charge or security so collected should be accounted for. (Added 10 of 1997 s. 3)

(4) Regulations under this section may, as regards any premises used for or in connection with the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste (which activities are referred to in this subsection as "relevant activities" -

(a) provide for-

(i) the regulation of traffic within, entering or leaving the premises;

(ii) the safety of persons present in the premises;

(iii) the avoidance of any nuisance or any risk of damage to health or the environment arising from the carrying on of any activity in the premises;

(iv) the prevention of any disruption to the operation of the premises or the carrying out of any relevant activity in the premises;

(v) measures to prevent or deter the commission of any offence under this Ordinance in or in relation to the premises;

(vi) means of detecting the commission of any offence against this Ordinance in or in relation to the premises;

(vii) measures to deter the evasion of any charges payable under this Ordinance in connection with a relevant activity in the premises;

(b) confer on the Director such powers as may be necessary or expedient for achieving the purposes specified in paragraph (a)(i) to (vii);

(ba) confer on the Director the power-

(i) to refuse to accept any waste at a designated waste disposal facility in such circumstances as the Director may think fit;

(ii) to determine whether a charge is to be imposed in respect of any waste or class of waste accepted for disposal at a waste disposal facility as may be prescribed by regulations made under this section;

(iii) to require any person who delivers any waste to a designated waste disposal facility to state the nature of the waste and give such other information as the Director may consider necessary to determine whether or not to accept the waste at that facility;

(iv) to close temporarily any designated waste disposal facility for a specified period of time; (Added 17 of 2004 s. 8)

(c) authorize the Director-

(i) to delegate-

(A) any person charged with carrying out or assisting in the carrying out of any relevant activity in such premises, or any person employed by such person; or

(B) any person charged with the collection of charges payable to the Director under this Ordinance or any person employed by such person, to exercise any of the powers conferred on the Director by regulations made under paragraph (b);

(ii) to give directions of a general character to any person such as is specified in subparagraph (i) in relation to the performance of functions or the exercise of powers vested by this Ordinance. (Added 10 of 1997 s. 3)

(5) Regulations under this section-

(a) may require the disclosure by a third person of information concerning the identity of any person who, being the driver of a vehicle, is suspected of having committed an offence against this Ordinance and may provide for the admission into evidence in proceedings for an offence under this Ordinance of information so obtained as proof of the identity of the driver of a vehicle at the time of the offence;

(b) may provide, for the purposes of any criminal proceedings under this Ordinance or any civil proceedings under this Ordinance, including proceedings for the recovery of any charge payable under this Ordinance, for the admission into evidence of any document-

(i) produced by means of an image recording or printing device; or

(ii) purporting to be a record concerning such a device,

as proof of the matters contained in such document. (Added 10 of 1997 s. 3)

(6) If a Schedule to any regulations made under this section specifies-

(a) the premises used for or in connection with any of the relevant activities referred to in subsection (4);

(b) the charges to be imposed in respect of any construction waste accepted for disposal at a waste disposal facility as may be prescribed by the regulations; or

(c) the types of waste to be accepted at the premises for the disposal of waste,

the regulations containing the Schedule may provide that the Secretary may, by notice published in the Gazette, amend the Schedule. (Added 17 of 2004 s. 8)

SECT 34

Advisory Council on the Environment VerDate:01/07/1997

If any question arises as to who are the body of persons for the time being constituting the Advisory Council on the Environment mentioned in section 33 the matter shall be referred to the Chief Secretary for Administration who shall determine the question by certificate under his hand.

(Amended L.N. 165 of 1984; L.N. 57 of 1994; L.N. 362 of 1997)

SECT 35

Codes of Practice VerDate:01/01/2000

(1) The Secretary may, after consultation with the Advisory Council on the Environment, prepare and revise Codes of Practice giving guidance and directions as to the collection, storage, treatment, transportation and disposal of waste. (Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 165 of 1984; 58 of 1987 s. 12; L.N. 244 of 1989; L.N. 57 of 1994; 78 of 1999 s. 7)

(2) A failure on the part of any person to observe any Code of Practice issued under subsection (1) shall not of itself render that person liable to criminal proceedings of any kind but any such failure

may, in any proceedings whether civil or criminal and including proceedings for an offence under this Ordinance, be relied upon as tending to establish or to negative any liability which is in question in those proceedings.

SECT 36

Application of Ordinance to Crown VerDate:01/07/1997

- (1) Subject to this section, this Ordinance shall bind the Crown.
- (2) Sections 16, 17, 19 and 20 shall not have effect to permit proceedings to be taken against, or to impose any criminal liability on, the Crown or any person who does any act which he is required to do in the course of carrying out his duties in the service of the Crown.
- (3) If it appears to the Director that there has been a contravention of section 16, 17, 19 or 20 by any person in the course of carrying out his duties in the service of the Crown, he shall, if the contravention is not forthwith terminated to his satisfaction, report the matter to the Chief Secretary for Administration. (Amended L.N. 76 of 1982; L.N. 74 of 1986; L.N. 362 of 1997)
- (4) On receipt of a report under subsection (3) the Chief Secretary for Administration shall enquire into the circumstances and, if his enquiry shows that a contravention of section 16, 17, 19 or 20 is continuing or likely to recur, he shall ensure that the best practicable steps are taken to terminate the contravention or avoid the recurrence. (Amended L.N. 362 of 1997)
- (5) Any notice or application under this Ordinance concerning a deposit or disposal of waste which is to be, or may be, given or made by or on behalf of the Crown may be given or made by any public officer on behalf of the Crown.
- (6) Any notice or application under this Ordinance concerning a deposit or discharge of waste which is to be, or may be, given to the Crown shall be given to the principal officer of the appropriate waste disposal authority which appears to be responsible for the deposit or disposal or, in the event of any question arising as to which waste disposal authority is responsible, to such public officer as the Chief Secretary for Administration shall determine. (Amended L.N. 362 of 1997)
- (7) No fee or charge prescribed for the purposes of this Ordinance shall be payable by the Crown.

SECT 37

Amendment of Schedules VerDate:19/11/2010

- (1) The Chief Executive in Council may, by notice published in the Gazette, amend the First, Second, Third, Fourth and Fifth Schedules and Schedule 8. (Replaced 6 of 2006 s. 21)
- (2) The Director may, by notice published in the Gazette, specify as wastes that belong to Group 6 of Schedule 8 any wastes that, in his opinion-
 - (a) are likely to be contaminated with infectious materials from patients falling within such case definition as specified in the notice;
and
 - (b) may pose a significant health risk. (Replaced 6 of 2006 s. 21)

(2A) The Director may, by notice published in the Gazette, amend the list of pathogens listed in Group 4 of Schedule 8 and Schedules 10 and 11.

(Added 6 of 2006 s. 21)

(2B) The Secretary may, by notice published in the Gazette, amend-

- (a) the relevant dates specified in the First, Second and Fifth Schedules;
- (b) Schedule 9. (Added 6 of 2006 s. 21)

(3) Subject to the approval of the Financial Secretary, the Secretary may, by notice published in the Gazette, amend Schedule 12.

(Added 17 of 2004 s. 9)

(Added 58 of 1987 s. 13)

SECT 38

Director to appoint dates for application of certain provisions VerDate:30/06/1997

(1) Notwithstanding that by virtue of a notice under section 1(2)-

(a) section 11 has come into operation, the prohibition therein against collection of waste otherwise than under a licence shall not apply in relation to chemical waste;

(b) section 16 has come into operation, the prohibition therein against use of land or premises for the disposal of waste otherwise than under a licence shall not apply in relation to any waste; or

(c) section 17 has come into operation, the provisions relating to notice or directions therein shall not apply in relation to waste of a class or description prescribed under section 33(1)(ea), until the day appointed by the Director by notice under subsection (2) in relation to such provision and to such class or description of waste specified in the notice.

(2) The Director may by notice published in the Gazette appoint a day on and from which a provision referred to in subsection (1) shall apply in relation to waste of any class or description, including in the case of chemical waste a description by reference to-

(a) any chemical or substance prescribed under section 33(1)(e); or

(b) any chemical or substance included in or which is a component or constituent of such chemical or substance.

(Added 86 of 1991 s. 12)

SECT 39

Liability of directors, etc. VerDate:30/06/1997

(1) Where a person convicted of an offence under this Ordinance is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, any director, manager, secretary or any other person concerned in the

management of the body corporate, the director, manager, secretary or other person also commits the offence.

(2) Where a person convicted of an offence under this Ordinance is a partner in a partnership and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, any other partner or any other person concerned in the management of the partnership, the partner or other person also commits the offence.

(Added 86 of 1991 s. 12)

SECT 40

Evidence by certificate VerDate:30/06/1997

In any proceedings for an offence under this Ordinance or any regulations made under section 33, a certificate having attached thereto a map relating to any livestock premises in respect of which the offence is alleged to have been committed and purporting to be signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and certifying that the livestock premises as shown on the map are within a livestock waste prohibition area, a livestock waste restriction area or a livestock waste control area, as the case may be, shall be admitted in evidence on its production without further proof and-

(a) until the contrary is proved it shall be presumed that the certificate was signed by the Director or such officer; and

(b) the certificate and the map attached thereto shall be evidence of the facts contained therein.

(Added 28 of 1994 s. 23)

SECT 41

Savings VerDate:01/01/2000

(1) Any draft waste disposal plan prepared or approved under a provision amended by the Provision of Municipal Services (Reorganization) Ordinance (Cap 552) ("Amending Ordinance") which is in force immediately before the amendments come into operation continues to have effect on and after such commencement as if prepared under the provision as amended by that Ordinance.

(2) Any regulations made under a provision amended by the Amending Ordinance which are in force immediately before the amendments come into operation continue to be in force (subject to any amendments made by that Ordinance) as if made under the provision so amended and may be amended, repealed or replaced under the amended provision.

(Added 78 of 1999 s. 7)

SECT 42

Recovery of charges and other sums by the Director as civil debts VerDate:01/12/2005

The following is recoverable by the Director as a civil debt due to the Governmentâ€”

(a) any charge or surcharge payable under this Ordinance;

(b) any amount payable pursuant to an order made under section 18A(1)(b) or 23EA(2).

(Added 17 of 2004 s. 10)

SECT 43

Payment to facility operator under agreement with Government VerDate:01/12/2005

(1) Those parts or percentages of any charges imposed by any regulations made under section 33 which are required for:

(a) settling a payment that a facility operator is entitled to receive under an agreement with the Government; or

(b) clearing or closing any advance account opened for that purpose,

shall, subject to the approval of the Financial Secretary, not form part of the general revenue and may, in the case of paragraph (a), be paid to the facility operator in accordance with the agreement.

(2) For the purpose of subsection (1), "facility operator" means a person who has entered into an agreement with the Government for the operation or management of a facility specified in Schedule 12.

(Added 17 of 2004 s. 10)

SCHEDULE 1

LIVESTOCK WASTE PROHIBITION AREAS VerDate:20/04/2000

[sections 2, 15(1), 37 &
Third Schedule]

Item	Description	Relevant Date
1.	The area comprising the Districts specified as Central and Western District, Eastern District, Kowloon City District, Kwun Tong District, Sham Shui Po District, Southern District, Wan Chai District, Wong Tai Sin District and Yau Tsim Mong District in Part II of Schedule 1 to the District Councils Ordinance (Cap 547) and that part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "URBAN COUNCIL AREA" and identified by the numbers 1 and 2 thereon and with effect from 20 April 2000, the same area delineated on a map dated 31 March 2000 numbered LW/50/2 (Edition 4) described as "URBAN AREA" and identified by the numbers 1 and 2 thereon.	1 July 1994
2.	Those parts of Sha Tin and Tai Po districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "SHA TIN NEW TOWN AND ENVIRONS" and identified by the number 3 thereon.	1 July 1994
3.	That part of Tai Po district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF TAI PO NEW TOWN" and identified by the number 4 thereon.	1 July 1994

4. Those parts of Tsuen Wan and Kwai Tsing districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF TSUEN WAN AND KWAI TSING NEW TOWNS" and identified by the number 5 thereon. 1 July 1994
5. That part of Tuen Mun district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TUEN MUN NEW TOWN" and identified by the number 6 thereon. 1 July 1994
6. That part of North district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF FANLING AND SHEUNG SHUI NEW TOWNS" and identified by the number 7 thereon. 1 July 1994
7. Those parts of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF YUEN LONG NEW TOWN AND TIN SHUI WAI NEW TOWN" and identified by the number 8 thereon. 1 July 1994
8. That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF JUNK BAY NEW TOWN" and identified by the number 9 thereon. 1 July 1994
9. Those parts of Lantau Island and outlying islands delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF LANTAU ISLAND AND PART OF OUTLYING ISLANDS" and identified by the number 9A thereon. 1 July 1994

Note:

The precise location of livestock premises situated in the vicinity of a common boundary between-

(a) a livestock waste prohibition area and one or more livestock waste control areas and one or more livestock waste restriction areas; or

(b) a livestock waste control area and one or more other livestock waste control areas and one or more livestock waste restriction areas; or

(c) a livestock waste restriction area and one or more other livestock waste restriction areas and one or more livestock waste control areas, may be determined by reference to a map or maps comprising the relevant enlarged area specified in the Third Schedule and identified in that Schedule.

(Replaced L.N. 311 of 1994. Amended L.N. 326 of 1995; 78 of 1999 s. 7; L.N. 100 of 2000)

SCHEDULE 2
LIVESTOCK WASTE CONTROL AREA VerDate:01/01/2000

[sections 2, 15A(1), 37 &
Third Schedule]

Item	Description (Amended 78 of 1999 s. 7)	Relevant Date
1.	Those parts of North, Tai Po and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF RIVER INDUS AREA" and identified by the number 10 thereon.	1 July 1994
2.	Those parts of Tai Po, Sha Tin, North, Tsuen Wan, Kwai Tsing, Sai Kung and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "TOLO HARBOUR AND PART OF TOLO CHANNEL AREA" and identified by the number 11 thereon.	1 July 1994
3.	Those parts of North and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "UPPER SHAM CHUN (SHENZHEN) RIVER AREA" and identified by the number 12 thereon.	1 July 1994
4.	Those parts of Tsuen Wan, Tuen Mun, Kwai Tsing and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF TSUEN WAN, LIU TO VILLAGE AND ENVIRONS AND TAI LAM CHUNG AREA" and identified by the number 13 thereon.	1 July 1994
5.	Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TUEN MUN AREA" and identified by the number 14 thereon.	1 July 1994
6.	Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "CORRIDOR BETWEEN TUEN MUN AND YUEN LONG" and identified by the number 15 thereon.	1 July 1994
7.	Those parts of Yuen Long and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF YUEN LONG AREA" and identified by the number 16 thereon.	1 July 1994
8.	Those parts of Yuen Long, Tuen Mun and Tsuen Wan districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF KAM TIN RIVER AREA" and identified by the number 17 thereon.	1 July 1994
9.	That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TIN SHUI WAI AREA" and identified by the number 18 thereon.	1 July 1994

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| 10. | Those parts of Yuen Long, North and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF SAN TIN AND LAU FAU SHAN ENVIRONS" and identified by the number 19 thereon. | 1 July 1994 |
| 11. | That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "MAU WU TSAI VILLAGE AND ENVIRONS" and identified by the number 20 thereon. | 1 July 1994 |
| 12. | Those parts of Sai Kung, Tai Po and Sha Tin districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF SAI KUNG AREA" and identified by the number 21 thereon. | 1 July 1994 |
| 13. | That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "JUNK BAY ENVIRONS" and identified by the number 22 thereon. | 1 July 1994 |
| 14. | Those parts of Islands district delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF OUTLYING ISLANDS" and identified by the number 23 thereon. | 1 July 1994 |
| 15. | Those parts of Tai Po and Sai Kung districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF LONG HARBOUR AREA" and identified by the number 24 thereon. | 1 July 1994 |
| 16. | Those parts of North and Tai Po districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF STARLING INLET AREA" and identified by the number 25 thereon. | 1 July 1994 |
- (Replaced L.N. 311 of 1994. Amended L.N. 326 of 1995)

Note:

The precise location of livestock premises situated in the vicinity of a common boundary between-

(a) a livestock waste prohibition area and one or more livestock waste control areas; (Amended 28 of 1994 s. 25)

(b) a livestock waste control area and one or more other livestock waste control areas; or (Amended 28 of 1994 s. 25)

(c) a livestock waste control area and one or more livestock waste restriction areas, (Added 28 of 1994 s. 25)

may be determined by reference to a map or maps comprising the relevant enlarged area specified in the Third Schedule and identified in that Schedule.

(Added 58 of 1987 s. 14)

SCHEDULE 3
ENLARGED AREAS VerDate:20/04/2000

[sections 2, 37 & First and Second Schedules]

Area No.	Livestock Waste Prohibition Area	Description of Enlarged Area
1 and 2	<p>(a) The area described as "URBAN COUNCIL AREA"</p> <p>(b) With effect from 20 April 2000, the area described as "URBAN AREA"</p> <p style="text-align: center;">(Replaced L.N. 100 of 2000)</p>	<p>Those parts of area No. 1 and No. 2 delineated on 5 maps dated 23 May 1994 and numbered as follows-</p> <p>(a) LW/20/7; (b) LW/20/10 (Edition 2); (c) LW/20/11; (d) LW/20/15; (e) LW/20/16.</p> <p>Those parts of area No. 1 and No. 2 delineated on 5 maps dated 31 March 2000 and numbered as follows-</p> <p>(a) LW/20/7 (Edition 2); (b) LW/20/10 (Edition 3); (c) LW/20/11 (Edition 2); (d) LW/20/15 (Edition 2); (e) LW/20/16 (Edition 2).</p>
3	Sha Tin New Town and Environs	<p>Those parts of area No. 3 delineated on 3 maps dated 23 May 1994 and numbered as follows-</p> <p>(a) LW/20/7; (b) LW/20/8 (Edition 2); (c) LW/20/11.</p>
4	Part of Tai Po New Town	<p>Those parts of area No. 4 delineated on 4 maps dated 23 May 1994 and numbered as follows-</p> <p>(a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/7; (d) LW/20/8 (Edition 2).</p>
5	Part of Tsuen Wan and Kwai Tsing New Towns	<p>Those parts of area No. 5 delineated on 4 maps dated 23 May 1994 and numbered as follows-</p>

		(a) LW/20/6; (b) LW/20/7; (c) LW/20/10 (Edition 2); (d) LW/20/11.
6	Part of Tuen Mun New Town	Those parts of area No. 6 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/5; (b) LW/20/6.
7	Part of Fanling and Sheung Shui New Towns	Those parts of area No. 7 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/3.
8	Part of Yuen Long and Tin Shui Wai New Towns	Those parts of area No. 8 delineated on a map dated 23 May 1994 and numbered as follows- (a) LW/20/6.
9	Part of Junk Bay New Town	Those parts of area No. 9 delineated on 3 maps dated 23 May 1994 and numbered as follows- (a) LW/20/8 (Edition 2); (b) LW/20/11; (c) LW/20/12.
9A	Part of Lantau Island and Part of Outlying Islands	Those parts of area No. 9A delineated on 12 maps dated 23 May 1994 and numbered as follows- (a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/5; (d) LW/20/7; (e) LW/20/8 (Edition 2); (f) LW/20/9; (g) LW/20/10 (Edition 2); (h) LW/20/12; (i) LW/20/13; (j) LW/20/14; (k) LW/20/15; (l) LW/20/16.

Area No.	Livestock Waste Control Area	Description of Enlarged Area
10	Part of River Indus Area	Those parts of area No. 10 delineated on 4 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/3; (c) LW/20/6; (d) LW/20/7.
11	Tolo Harbour and Part of Tolo Channel Area	Those parts of area No. 11 delineated on 5 maps dated 23 May 1994 and numbered as follows- (a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/7; (d) LW/20/8 (Edition 2); (e) LW/20/11.
12	Upper Sham Chun (Shenzhen) River Area	Those parts of area No. 12 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/3.
13	Part of Tsuen Wan, Liu To Village and Environs and Tai Lam Chung Area	Those parts of area No. 13 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/6; (b) LW/20/7.
14	Part of Tuen Mun Area	Those parts of area No. 14 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/5; (b) LW/20/6.
15	Corridor between Tuen Mun and Yuen Long	Those parts of area No. 15 delineated on a map dated 23 May 1994 and numbered as follows- (a) LW/20/6.
16	Part of Yuen Long Area	Those parts of area No. 16 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/6.
17	Part of Kam Tin River Area	Those parts of area No. 17 delineated on 3

		maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/6; (c) LW/20/7.
18	Part of Tin Shui Wai Area	Those parts of area No. 18 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/6.
19	Part of San Tin and Lau Fau Shan Environs	Those parts of area No. 19 delineated on 3 maps dated 23 May 1994 and numbered as follows- (a) LW/20/2; (b) LW/20/5; (c) LW/20/6.
20	Mau Wu Tsai Village and Environs	That parts of area No. 20 delineated on a map dated 23 May 1994 and numbered as follows- (a) LW/20/11.
21	Part of Sai Kung Area	Those parts of area No. 21 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/8 (Edition 2); (b) LW/20/12.
22	Junk Bay Environs	Those parts of area No. 22 delineated on a map dated 23 May 1994 and numbered as follows- (a) LW/20/12.
23	Part of Outlying Islands	Those parts of area No. 23 delineated on 5 maps dated 23 May 1994 and numbered as follows- (a) LW/20/4 (Edition 2); (b) LW/20/9; (c) LW/20/10 (Edition 2); (d) LW/20/13; (e) LW/20/14.
24	Part of Long Harbour Area	Those parts of area No. 24 delineated on 2 maps dated 23 May 1994 and numbered as follows- (a) LW/20/4 (Edition 2); (b) LW/20/8 (Edition 2).
25	Part of Starling Inlet Area	Those parts of area No. 25 delineated on 2

maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/3;
- (b) LW/20/4 (Edition 2).

10R Part of River Indus Area

Those parts of area No. 10R delineated on a map dated 23 May 1994 and numbered as follows-

- (a) LW/20/3.

Area No.	Livestock Waste Restriction Area	Description of Enlarged Area
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11R Part of Mui Wo and Part of Tolo Channel Area Those parts of area No 11R delineated on 5 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/3;
- (b) LW/20/6;
- (c) LW/20/7;
- (d) LW/20/10 (Edition 2);
- (e) LW/20/11.

13R Part of Tsuen Wan Area Those parts of area No. 13R delineated on 4 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/6;
- (b) LW/20/7;
- (c) LW/20/10 (Edition 2);
- (d) LW/20/11.

14R Part of Tuen Mun Area Those parts of area No. 14R delineated a map dated 23 May 1994 and numbered as follows-

- (a) LW/20/6.

16R Part of Yuen Long Area Those parts of area No. 16R delineated on 2 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/2;
- (b) LW/20/6.

18R Part of Tin Shui Wai Area Those parts of area No. 18R delineated on 2 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/2;
- (b) LW/20/6.

19R Part of San Tin Area Those parts of area No. 19R delineated on a map dated 23 May 1994 and numbered as follows-

- (a) LW/20/5.

21R Part of Sai Kung Area Those parts of area No. 21R delineated on 4 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/7;
- (b) LW/20/8 (Edition 2);
- (c) LW/20/11;
- (d) LW/20/12.

23R Part of Outlying Islands Those parts of area No. 23R delineated on 7 maps dated 23 May 1994 and numbered as follows-

- (a) LW/20/9;
- (b) LW/20/10 (Edition 2);
- (c) LW/20/12;
- (d) LW/20/13;
- (e) LW/20/14;
- (f) LW/20/15;
- (g) LW/20/16.

24R Part of Long Harbour Area Those parts of area No. 24R delineated on a map dated 23 May 1994 and numbered as follows-

- (a) LW/20/8 (Edition 2).

25R Part of Starling Inlet Area Those parts of area No. 25R delineated on a map dated 23 May 1994 and numbered as follows-

- (a) LW/20/8 (Edition 2).

(Replaced L.N. 311 of 1994)

Note:

For the avoidance of doubt it is declared that in the event of any dispute as to the correct delineation of boundaries, the boundaries delineated on maps identified in this Schedule shall prevail over the boundaries delineated on maps identified in the First, Second and Fifth Schedules.

(Amended 28 of 1994 s. 26)

(Added 58 of 1987 s. 14)

WASTE DISPOSAL ORDINANCE - SCHEDULE 4 EXEMPT PERSONS VerDate:31/03/2006

[sections 2 & 37]

Item	Description
1.	Any person who owns, leases or manages any abattoir or slaughter house in which livestock is kept.
2.	Any person who owns, leases or manages any part of any wholesale market or retail market (including a stall situated in such market) in which livestock is kept.
3.	Any person who owns, leases or manages any lairage in which livestock is kept.
4.	(Repealed 78 of 1999 s. 7)
5.	Any person who holds a valid licence granted under Part IV of the Food Business Regulation (Cap 132 sub. leg. X) in respect of a fresh provision shop in which live poultry are kept. (Amended 78 of 1999 s. 7)
6.	Any person who owns, leases or manages any hatchery in which poultry of not more than 12 days old are kept.
7.	(Repealed L.N. 19 of 2006)
8.	Any person who owns or keeps in or on his premises in any livestock waste control area 1 pig, including, in the case of a sow, the unweaned litter of that sow. (Replaced L.N. 19 of 2006)

9. Any person who has been granted an exemption by the Director of Agriculture, Fisheries and Conservation from applying and holding a licence to keep livestock under any regulation made under the Public Health (Animals and Birds) Ordinance (Cap 139). (Added 28 of 1994 s. 27. Amended L.N. 331 of 1999)
10. The Director of Agriculture, Fisheries and Conservation. (Added L.N. 311 of 1994. Amended L.N. 331 of 1999)
11. The Director of Food and Environmental Hygiene. (Replaced 78 of 1999 s. 7)
12. (Repealed 78 of 1999 s. 7)
13. Any person who holds a valid licence or permit granted under the Public Health (Animals and Birds) Ordinance (Cap 139) in respect of holding of exhibition of animals or birds. (Added L.N. 311 of 1994)
- 13A. Any person who keeps poultry pursuant to a valid exemption permit issued under section 9A of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap 139 sub. leg. L). (Added L.N. 19 of 2006 and L.N. 66 of 2006)
14. Any person who owns or manages a park for public access in which livestock is kept solely for the purpose of exhibition to which the public are admitted, whether on payment or not. (Added L.N. 311 of 1994)
15. Any person who owns or manages a school or other educational institution providing kindergarten, primary, secondary, post-secondary or tertiary education in which livestock is kept for the purpose of education. (Added L.N. 311 of 1994)

Note:

For the purposes of calculating the permitted number of livestock in item 8, any livestock owned or kept in or on those premises by any person's spouse, father, mother, sister, brother, son, daughter or other remoter relative or ancestor or nominee residing with that person shall be deemed to be owned or kept by that person. (Amended L.N. 19 of 2006)
(Added 58 of 1987 s. 14.)

SCHEDULE 5
LIVESTOCK WASTE RESTRICTION AREAS VerDate:01/01/2000

[sections 2, 15AA & 37]

Item	Description (Amended 78 of 1999 s. 7)	Relevant Date
1.	Those parts of Sheung Shui and Fanling districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF RIVER INDUS AREA" and identified by the number 10R thereon.	1 July 1994
2.	Those parts of Sai Kung, Tai Po and Islands districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF MUI WO AND PART OF TOLO CHANNEL AREA" and identified by the number 11R thereon.	1 July 1994
3.	Those parts of Tsuen Wan and Kwai Chung districts delineated on 2 maps	

dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF TSUEN WAN AREA" and identified by the number 13R thereon. 1 July 1994

4. That part of Tuen Mun district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TUEN MUN AREA" and identified by the number 14R thereon. 1 July 1994

5. That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF YUEN LONG AREA" and identified by the number 16R thereon. 1 July 1994

6. That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF TIN SHUI WAI AREA" and identified by the number 18R thereon. 1 July 1994

7. That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as "PART OF SAN TIN AREA" and identified by the number 19R thereon. 1 July 1994

8. That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF SAI KUNG AREA" and identified by the number 21R thereon. 1 July 1994

9. Those parts of Islands district delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as "PART OF OUTLYING ISLANDS" and identified by the number 23R thereon. 1 July 1994

10. That part of Long Harbour area delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF LONG HARBOUR AREA" and identified by the number 24R thereon. 1 July 1994

11. That part of Starling inlet area delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as "PART OF STARLING INLET AREA" and identified by the number 25R thereon. 1 July 1994

(Added L.N. 311 of 1994. Amended L.N. 326 of 1995)

SCHEDULE 6

WASTE TO WHICH SECTIONS 20A(1)(a) AND 20B(1)(a) APPLY VerDate:07/04/2006

[sections 20A, 20B & 20H
& Seventh Schedule]

In this Schedule-

(a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;

(b) the indicative "ex" against a number in column 2 identifies a specific item contained within the Harmonised System code heading;

(c) "non-dispersible" in relation to waste does not include any waste in the form of powder, sludge, dust or solid items containing encased hazardous liquids.

GA-Metal and metal-alloy waste in metallic, non-dispersible form

The following waste and scrap of precious metals and their alloys:

- GA010 ex711210 -of gold1
- GA020 ex711220 -of platinum1 (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium)
- GA030 ex711290 -of other precious metal1, e.g. silver

The following ferrous waste and scrap of iron or steel:

- GA040 720410 -Waste and scrap of cast iron
- GA050 720421 -Waste and scrap of stainless steel
- GA060 720429 -Waste and scrap of other alloy steels
- GA070 720430 -Waste and scrap of tinned iron or steel
- GA080 720441 -Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
- GA090 720449 -Other ferrous waste and scrap
- GA100 720450 -Remelted scrap ingots
- GA110 ex730210 -Used iron and steel rails

The following waste and scrap of non-ferrous metals and their alloys:

- GA120 740400 -Copper waste and scrap
- GA130 750300 -Nickel waste and scrap
- GA140 760200 -Aluminium waste and scrap
- GA150 ex780200 -Lead waste and scrap
- GA160 790200 -Zinc waste and scrap
- GA170 800200 -Tin waste and scrap
- GA180 ex810191 -Tungsten waste and scrap
- GA190 ex810291 -Molybdenum waste and scrap
- GA200 810420 -Magnesium waste and scrap
- GA220 ex810510 -Cobalt waste and scrap
- GA230 ex810600 -Bismuth waste and scrap
- GA240 ex810710 -Cadmium waste and scrap
- GA250 ex810810 -Titanium waste and scrap
- GA260 ex810910 -Zirconium waste and scrap
- GA270 ex811000 -Antimony waste and scrap
- GA280 ex811100 -Manganese waste and scrap
- GA290 ex811211 -Beryllium waste and scrap
- GA300 ex811220 -Chromium waste and scrap
- GA310 ex811230 -Germanium waste and scrap
- GA320 ex811240
ex811291 -Vanadium waste and scrap
- GA330 Waste and scrap of
-Hafnium
- GA340 -Indium
- GA350 -Niobium
- GA360 -Rhenium
- GA370 -Gallium
- GA390 ex284430 -Thorium waste and scrap
- GA400 ex280490 -Selenium waste and scrap
- GA410 ex280450 -Tellurium waste and scrap
- GA420 ex280530 -Rare earth waste and scrap

(Amended 6 of 2006 s. 22)

GB-Metal bearing waste arising from melting, smelting and refining of metals

GB010	262011	-Hard zinc spelter
GB020		Zinc containing dross:
GB021		-Galvanizing slab zinc top dross (>90% Zn)
GB022		-Galvanizing slab zinc bottom dross (>92% Zn)
GB023		-Zinc die casting dross (>85% Zn)
GB024		-Hot dip galvanizers slab zinc dross (batch) (>92% Zn)
GB025		-Zinc skimmings
GB030		Aluminium skimmings
GB040		Slags from precious metals and copper processing for further refining
GB050		Tantalum bearing tin slags with less than 0.5% tin

GC-Other waste containing metals

GC010		Electrical assemblies consisting only of metals or alloys
GC020		Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
GC030	ex890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC040		Motor vehicle wrecks, drained of liquids
GC050		Spent catalysts:
GC051		-fluid catalytic cracking (FCC) catalysts
GC052		-precious metal bearing catalysts
GC053		-transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)
GC070	ex261900	Slag arising from the manufacture of iron or steel(2) excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards, including environmental protection specifications

GD-Waste from mining operations: this waste to be in non-dispersible form

GD010	ex250490	Natural graphite waste
GD020	ex251400	Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
GD030	252530	Mica waste
GD040	ex252930	Leucite, nepheline and nepheline syenite waste
GD050	ex252910	Felspar waste
GD060	ex252921	
	ex252922	Fluorspar waste
GD070	ex281122	Silica waste in solid form excluding those used in foundry operations

GE-Glass waste in non-dispersible form

GE010	ex700100	Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
GE020		Fibre glass waste

GF-Ceramic waste in non-dispersible form

- GF010 Ceramic waste which has been fired after shaping, including ceramic vessels (before and/or after use)
- GF020 ex811300 Cermet waste and scrap (metal ceramic composites)
- GF030 Ceramic based fibres not specified or included in the Seventh Schedule

GG-Other waste containing principally inorganic constituents, which may contain metals and organic material

- GG010 Partially refined calcium sulphate produced from flue gas desulphurisation (FGD)
- GG020 Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- GG030 ex2621 Bottom ash and slag tap from coal fired power plants
- GG040 ex2621 Coal fired power plants fly ash, not elsewhere specified or included (Amended 6 of 2006 s. 22)
- GG050 Anode butts of petroleum coke and/or bitumen
- GG060 ex2803 Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (Amended 6 of 2006 s. 22)
- GG080 ex262100 Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- GG090 Sulphur in solid form
- GG100 Limestone from the production of calcium cyanamide (having a pH less than 9)
- GG110 ex262100 Neutralized red mud from alumina production
- GG120 Sodium, potassium, calcium chlorides
- GG130 Carborundum (silicon carbide)
- GG140 Broken concrete
- GG150 ex262090 Lithium-Tantalum and Lithium-Niobium containing glass scraps

GH-Solid plastic waste

All solid plastic waste including but not limited to:

- GH010 3915 Waste, parings and scrap of plastics of:
- GH011 ex391510 -polymers of ethylene
- GH012 ex391520 -polymers of styrene
- GH013 ex391530 -polymers of vinyl chloride
- GH014 ex391590 -polymers or co-polymers e.g.:
- polypropylene
 - polyethylene terephthalate
 - acrylonitrile co-polymer
 - butadiene co-polymer
 - styrene co-polymer
 - polyamides
 - polybutylene terephthalates
 - polycarbonates

- polyphenylene sulphides
- acrylic polymers
- iparaffins (C10-C13)³
- polyurethane (not containing chlorofluorocarbons)
- polysiloxalanes (silicones)
- polymethyl methacrylate
- polyvinyl alcohol
- polyvinyl butyral
- polyvinyl acetate
- polymers of fluorinated ethylene (Teflon, PTFE)

GH015 ex391590 -Resins or condensation products e.g.:

- urea formaldehyde resins
- phenol formaldehyde resins
- melamine formaldehyde resins
- epoxy resins
- alkyd resins
- polyamides

GI-Paper, paperboard and paper product waste

GI010	4707	Waste and scrap of paper or paperboard:
GI011	470710	-of unbleached kraft paper or paperboard or of corrugated paper or paperboard
GI012	470720	-of other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass
GI013	470730	-of paper or paperboard made mainly of mechanical pulp (e.g. newspapers, journals and similar printed matter)
GI014	470790	-other, including but not limited to: 1) laminated paperboard 2) unsorted waste and scrap

GJ-Textile waste

GJ010	5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
GJ011	500310	-not carded or combed
GJ012	500390	-other
GJ020	5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
GJ021	510310	-noils of wool or of fine animal hair
GJ022	510320	-other waste of wool or of fine animal hair
GJ023	510330	-waste of coarse animal hair
GJ030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ031	520210	-yarn waste (including thread waste)
GJ032	520291	-garnetted stock
GJ033	520299	-other
GJ040	530130	Flax tow and waste
GJ050	ex530290	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ060	ex530390	Tow and waste (including yarn waste and garnetted stock) of

GJ070	ex530490	jute and other textile bast fibres (excluding flax, true hemp and ramie) Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus Agave
GJ080	ex530519	Tow and waste (including yarn waste and garnetted stock) of coconut
GJ090	ex530529	Tow and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
GJ100	ex530599	Tow and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ111	550510	-of synthetic fibres
GJ112	550520	-of artificial fibres
GJ120	630900	Worn clothing and other worn textile articles
GJ130	ex6310	Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
GJ131	ex631010	-sorted
GJ132	ex631090	-other

GK-Rubber waste

GK010	400400	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK020	401220	Used pneumatic tyres
GK030	ex401700	Waste and scrap of hard rubber(e.g. ebonite)

GL-Untreated cork and wood waste

GL010	ex440130	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL020	450190	Cork waste, crushed, granulated or ground cork

GM-Waste arising from agro-food industries

GM070	ex2307	Wine lees
GM080	ex2308	Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM090	152200	Degras, residues resulting from the treatment of fatty substances or animal or vegetable waxes
GM100	050690	Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
GM110	ex051191	Fish waste
GM120	180200	Cocoa shells, husks, skins and other cocoa waste
GM130		Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GN-Waste arising from tanning and fellmongery operations and leather use

- GN010 ex0502 Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
- GN020 ex050300 Horsehair waste, whether or not put up as a layer with or without supporting material
- GN030 ex050590 Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
- GN040 ex411000 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles and not containing hexavalent chromium compounds or biocides, excluding leather sludges
- (Amended 6 of 2006 s. 22)

GO-Other waste containing principally organic constituents, which may contain metals and inorganic materials

- GO010 ex050100 Waste of human hair
- GO020 Waste straw
- GO030 Deactivated fungus mycelium from penicillin production to be used as animal feed
- GO040 Waste photographic film base and waste photographic film not containing silver
- GO050 Single use cameras without batteries
- (Added 14 of 1995 s. 10)

Note:

- 1 Mercury is specifically excluded as a component of these metals or their alloys or amalgams.
- 2 This entry covers the use of such slags as a source of titanium dioxide and vanadium.
- 3 These cannot be polymerised and are used as plasticisers.

SCHEDULE 7

WASTE TO WHICH SECTIONS 20A(1)(b) AND 20B(1)(b) APPLY VerDate:07/04/2006

[sections 20A, 20B & 20H & Sixth Schedule]

In this Schedule-

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;
- (b) the indicative "ex" against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) "containing" or "contaminated with" in relation to any waste, means that the substance referred to is present to an extent which-

- (i) renders the waste hazardous; or
- (ii) renders the waste not suitable for submission to a reprocessing, recycling or recovery operation or for reuse;
- (d) "elsewhere specified or included" means elsewhere specified or included in this Schedule or in the Sixth Schedule; and
- (e) "expressly listed elsewhere" means expressly listed elsewhere in this Schedule or in the Sixth Schedule.

RA-Waste containing principally organic constituents, which may contain metals and inorganic materials

- RA010 Waste, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more.
- RA020 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials.

RB-Waste containing principally inorganic constituents,
which may contain metals and organic materials

- RB010 Asbestos (dusts and fibres).
- RB020 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos.

RC-Waste which may contain either inorganic or organic constituents

Waste that contains, consists of or is contaminated with any of the following.

- RC010 -any congener of polychlorinated dibenzo-furan
- RC020 -any congener of polychlorinated dibenzo-dioxin
- RC030 Leaded anti-knock compound sludges.
- RC040 Peroxides other than hydrogen peroxide.

AA-Metal bearing waste

- AA0101 ex261900 Dross, scalings and other waste from the manufacture of iron and steel
- AA0201 ex262019 Zinc ashes and residues
- AA0301 262020 Lead ashes and residues
- AA0401 ex262030 Copper ashes and residues
- AA0501 ex262040 Aluminium ashes and residues
- AA0601 ex262050 Vanadium ashes and residues
- AA0701 262090 Ashes and residues containing metals or metal compounds not elsewhere specified or included
- AA0801 Thallium waste and residues

AA0901	ex280480	Arsenic waste and residues
AA1001	ex280540	Mercury waste and residues
AA110		Residues from alumina production not elsewhere specified or included
AA120		Galvanic sludges
AA130		Liquors from the pickling of metals
AA140		Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc.
AA150		Precious metal bearing residues in solid form which contain traces of inorganic cyanides
AA160		Precious metal ash, sludge, dust and other residues such as:
AA161		-ash from incineration of printed circuit boards
AA162		-photographic film ash
AA170		Lead-acid batteries, whole or crushed
AA180		Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not elsewhere specified or included
AA190		Waste having metal carbonyls as constituents (Added 6 of 2006 s. 23)
AA200		Waste having hexavalent chromium compounds as constituents, not elsewhere specified or included (Added 6 of 2006 s. 23)
AA210		Spent electrolytic solutions from copper electrorefining and electrowinning operations (Added 6 of 2006 s. 23)
AA220		Spent etching solutions containing dissolved copper (Added 6 of 2006 s. 23)
AA1180		Waste electronic and electrical assemblies or scrap contaminated with any substance to an extent which renders the waste as chemical waste (Added 6 of 2006 s. 23)

AB-Waste containing principally inorganic constituents,
which may contain metals and organic materials

AB010	262100	Slag, ash and residues(2), not elsewhere specified or included
AB020		Residues arising from the combustion of municipal/household waste
AB030		Waste from non-cyanide based systems which arise from surface treatment of metals
AB040	ex700100	Glass waste from cathode-ray tubes and other activated glasses, including such waste from any monitor, television and equipment (whether or not the cathode-ray tubes contained in the monitor, television or equipment is intact or broken) (Amended 6 of 2006 s. 23)
AB050	ex252921	Calcium fluoride sludge
AB060		Other inorganic fluorine compounds in the form of liquids or sludges
AB070		Sands used in foundry operations
AB080		Spent catalysts not in the Sixth Schedule
AB090		Waste hydrates of aluminium
AB100		Waste alumina
AB110		Basic solutions
AB120		Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB140		Gypsum arising from chemical industry processes
AB150		Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)

AB160 Coal fired power-plant fly ash containing any substance, matter or thing that renders the fly ash as chemical waste (Added 6 of 2006 s. 23)

AC-Waste containing principally organic constituents, which may contain metals and inorganic materials

AC010 ex271390 Waste from the production/processing of petroleum coke and bitumen, excluding anode butts

AC020 Asphalt cement waste

AC030 Waste oils unfit for their originally intended use

AC040 Leaded petrol (gasoline) sludges

AC050 Thermal (heat transfer) fluids

AC060 Hydraulic fluids

AC070 Brake fluids

AC080 Antifreeze fluids

AC090 Waste from production, formulation and use of resins, latex, plasticisers, glues and adhesives

AC100 Nitrocellulose

AC110 Phenols, phenol compounds including chlorophenol in the form of liquids or sludges

AC120 Polychlorinated naphthalenes

AC130 Ethers

AC140 Triethylamine catalysts for setting foundry sands

AC150 Chlorofluorocarbons

AC160 Halons

AC170 Treated cork and wood waste

AC180 ex411000 Leather dust, ash, sludges and flours

AC190 Fluff-light fraction from automobile shredding

AC200 Organic phosphorous compounds

AC210 Non-halogenated solvents

AC220 Halogenated solvents

AC230 Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations

AC240 Waste arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

AC250 Surface active agents (surfactants)

AC260 Liquid pig manure, faeces

AC270 Sewage sludge

AC280 Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles and containing hexavalent chromium compounds or biocides (Added 6 of 2006 s. 23)

AC290 Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (Added 6 of 2006 s. 23)

AD-Waste which may contain either inorganic or organic constituents

AD010 Waste from the production and preparation of pharmaceutical products

AD020 Waste from the production, formulation and use of biocides and phyto-pharmaceuticals

AD030 Waste from the manufacture, formulation and use of wood preserving

	chemicals Waste that contain, consist of or are contaminated with any of the following:
AD040	-inorganic cyanides, except precious metal-bearing residues in solid form containing traces of inorganic cyanides
AD050	-organic cyanides
AD060	Waste oils/water, hydrocarbons/water mixtures, emulsions
AD070	Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
AD080	Waste of an explosive nature
AD090	Waste from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100	Waste from non-cyanide based systems which arise from surface treatment of plastics
AD110	Acidic solutions
AD120	Ion exchange resins
AD130	Single use cameras with batteries
AD140	Waste from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included
AD150	Naturally occurring organic material used as a filter medium (such as bio-filters)
AD160	Municipal/household waste
AD170	Spent activated carbon, not elsewhere specified or included (Added 6 of 2006 s. 23)
AD180	Clinical and related wastes; that is wastes arising from dental, medical, nursing or veterinary practice, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects (Added 6 of 2006 s. 23)
AD190	Waste packages and containers containing any substance, matter or thing that renders the packages or containers in question as chemical waste (Added 6 of 2006 s. 23)
AD200	Waste consisting of or containing off specification or outdated chemicals that render the waste as chemical waste (Added 6 of 2006 s. 23)
AD210	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known (Added 6 of 2006 s. 23)
AD220	Chemical waste, not elsewhere specified or included (Added 6 of 2006 s. 23)
	(Added 14 of 1995 s. 10)

Note:

1 These entries include waste in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

2 This entry includes waste in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

SCHEDULE 8
GROUPS OF CLINICAL WASTE VerDate:19/11/2010

[sections 2 & 37]

Group 1- Used or contaminated sharps

Syringes, needles, cartridges, ampoules and other sharp instruments which have been used or which have become contaminated with any other group of clinical waste.

Group 2- Laboratory waste

Unsterilized laboratory stock cultures, or cultures, of infectious agents and potentially infectious waste with significant health risk from dental, medical, veterinary or pathological laboratories.

Group 3- Human and animal tissues

All human and animal tissues, organs and body parts as well as dead animals, but excluding-

(a) dead animals and animal tissues, organs and body parts arising from a veterinary practice or a Chinese medicine practice; and

(b) teeth arising from a dental practice.

Group 4- Infectious materials

Infectious materials from patients with the following pathogens-

Crimean/Congo haemorrhagic fever virus;

Ebola virus;

Guanarito virus;

Hendra virus;

Herpesvirus simiae (B virus);

Junin virus;

Kyasanur forest disease virus;

Lassa fever virus;

Machupo virus;

Marburg virus;

Nipah virus;

Omsk virus;

Russian spring-summer encephalitis virus;

Sabia virus;

Severe Acute Respiratory Syndrome Coronavirus;

Variola virus,

and materials contaminated by any of such infectious materials.

Group 5- Dressings

Surgical dressings, swabs and all other waste dribbling with blood, caked with blood or containing free-flowing blood.

Group 6- Other wastes

Such other wastes as specified by the Director under section 37(2) of this Ordinance.
(Schedule 8 added 6 of 2006 s. 24)

SCHEDULE 9

STATES OR PARTIES INCLUDED IN ANNEX VII OF THE BASEL CONVENTION* ON THE
CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR
DISPOSAL CONCLUDED AT BASEL IN SWITZERLAND ON 22 MARCH 1989 AS AMENDED
FROM TIME TO TIME AND AS APPLIED TO HONG KONG (“Basel Convention”)

VerDate:07/04/2006

[sections 20A & 37]

Australia
Austria
Belgium
Canada
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Japan
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Mexico
The Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
South Korea
Spain

Sweden
Switzerland
Turkey
The United Kingdom of Great Britain and Northern Ireland
United States of America
and any other state, or party to the Basel Convention, that is a member of:

- (a) the Organization for Economic Co-operation and Development; or
 - (b) the European Union
(Schedule 9 added 6 of 2006 s. 24)
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Note:

* Annex VII of the Basel Convention covers any state or party that is a member of OECD or EU, which in effect includes the countries set out in this Schedule and any other state or party that is such a member for the time being.

SCHEDULE 10
MATTERS TO WHICH TERMS AND CONDITIONS OF WASTE COLLECTION LICENCE MAY
RELATE VerDate:01/12/2007

[sections 23(1A) & 37]

1. General

(1) The validity period of the licence.

2. Operation control

(1) The types, quantities and sources of waste which may be collected or received.

(2) The places, or facilities provided by the collection authority or the waste disposal authority, to which waste may be delivered for repackaging, storage, recovery, disposal or export, and times or periods at or during which waste may be so delivered.

(3) The times during which, and the routes along which, waste may be collected, and the time allowed for such collection.

(4) The places, times or periods at or during which waste may be received, handled and stored at a collection point.

(5) The method of disposal of collected waste.

- (6) The arrangements, containers, storage receptacles, vehicles and vessels to be employed or used in the collection, reception, storage, transfer and transportation of waste (including the supervision of their use by the holder of the licence, manning levels, requirements regarding waste handling procedures and the time interval and the manner in which containers or receptacles may be left in a public place).
- (7) Methods of temporary storage of waste if it cannot be delivered to the waste disposal facility within the specified time limit.
- (8) The design, construction, labelling, maintenance, operation, cleansing and disinfection of any container, storage receptacle, plant, equipment, clothing, vehicle or vessel employed or used by the holder of the licence to collect, remove, store, receive and transport waste.
- (9) The standards, practices and restrictions on segregation, packaging, labelling and handling of waste during reception, removal, storage and transportation.
- (10) The arrangements for handling waste that is rejected at a reception point.
- (11) The training and retraining to be provided to persons involved in the collection, reception, storage, transfer and transportation of waste or related operations, and the number of persons and qualifications of persons involved or employed in carrying out the operations concerned.
- (12) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the collection, reception, storage, transfer and transportation of waste or related operations.
- (13) The documentation that shall accompany each consignment of waste or that shall be carried on any vehicle or vessel which is used for the activities concerned.
- (14) The documentation that shall be issued in respect of each consignment of waste received at a collection point.
- (15) The keeping and preservation of records and the information in specified format to be supplied to the collection authority by the holder of the licence in relation to the activities concerned, including the filling in and keeping and submission to the collection authority of trip tickets issued by the collection authority and the waste disposal authority.

3. Safety and insurance

- (1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.
- (2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.
- (3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the collection, reception, storage, transfer and transportation of waste and related operations.

(4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

4. Pollution control

(1) Precautions to be taken to prevent the release of any substance that may cause air pollution or land or water contamination.

(2) Pollution control and the monitoring of possible emissions including air and noxious pollutants, dust, noise and liquid spillage, leakage, discharge or deposit, and the precautions to be taken to prevent or otherwise mitigate any type of nuisance arising from the collection, reception, storage, transfer and transportation of waste.

(3) The reporting of any pollution incidents to the collection authority.

5. Others

(1) Other conditions that the collection authority thinks necessary to protect the environment and public health.

(Schedule 10 added 6 of 2006 s. 24)

SCHEDULE 11
MATTERS TO WHICH TERMS AND CONDITIONS OF WASTE DISPOSAL LICENCE MAY
RELATE VerDate:01/12/2007

[sections 23(1B) & 37]

1. General

(1) The validity period of the licence.

2. Operation control

(1) The technology or method to be employed for treatment or disposal of waste.

(2) The types, quantities and sources of waste which may be received, handled, analysed, treated, stored, disposed of or transported.

(3) The places, times or periods at or during which waste may be received, handled, treated, stored, disposed of or transported.

- (4) The arrangement for the analysis of waste prior to its reception, including the preparation of and the compliance with a waste analysis plan, the requirements for laboratories to be observed for carrying out the analysis, and verification of the analysis results against trip tickets or other records of waste that accompany the waste consignment.
- (5) The arrangements for handling waste and the substances that may result from the licensed operation, including the use, reuse, recycling, storage, disposal or transportation of the waste or such substances.
- (6) The location, design, construction and operation of any receptacles, plant, equipment, vessels or vehicles that may be used in the reception, treatment, storage, disposal or transportation of waste.
- (7) The standards, practices and restrictions on packaging, labelling and handling of waste during reception, treatment, storage, disposal or transportation.
- (8) The cleansing and disinfection of any receptacles, plant, equipment, vessels, vehicles, clothing and places.
- (9) The training and retraining to be provided to persons involved in the waste treatment, disposal or related operations, and the number of persons and qualifications of persons involved or employed in carrying out the operations concerned.
- (10) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the waste treatment or disposal or related operations.
- (11) Trial runs and testing to be conducted on the waste disposal facility, and the follow-up actions to be taken if any trial run or testing shows any deficiency of the facility in handling and treating waste.
- (12) The keeping and the provision to the waste disposal authority of records in specified format in relation to the types, quantities and sources of waste received, handled, treated, stored, disposed of and transferred out of the reception point, their microbiological, physical and chemical compositions, the persons, vehicles or vessels delivering the waste, the times of reception of waste, the manner, times and places of treatment or disposal of waste and the substances resulting from the licensed operation. Such records may include trip tickets issued by the collection authority and the waste disposal authority for tracking the movement of waste.

3. Site management and maintenance

- (1) The management and maintenance of the site and its surrounding areas and associated structures, communication equipment and facilities on the site.
- (2) The care and maintenance and security of any equipment and facilities to be used in the operations concerned.
- (3) The management and supervision of the waste treatment or disposal operation and all related activities.

4. Safety and insurance

(1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.

(2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.

(3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the waste treatment, recycling, disposal, transfer and related operations.

(4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

5. Pollution control

(1) The places, times or periods at or during which the emission of air pollutants may take place or the discharge or deposit of matters may be made.

(2) The rate of discharge or deposit of any pollutants, or any constituent of the pollutants, into the air, the waters, a public sewer or public drain or the total amount in relation to the matter discharged or deposited.

(3) The nature, composition, colour, temperature, limit or concentration of any substance that may be emitted, discharged or deposited or of the constituents of the substance.

(4) The treatment of the substance referred to in paragraph (3) before it is emitted, discharged or deposited and the chimney or relevant plant or equipment to be provided, maintained and used therefor.

(5) Precautions to be taken so that any specified substance may not be discharged or deposited into any specified part of the waters of Hong Kong or any public sewer or public drain.

(6) Precautions to be taken to prevent the release of any substance that may cause contamination to soil or ground water.

(7) The places, times or periods at or during which a certain noise level may be generated.

(8) The plant, equipment and measures to be provided, maintained and used for noise mitigation.

(9) Precautions to be taken to prevent birds, pest or rodents from feeding on waste on the site.

(10) Precautions to be taken to prevent or otherwise mitigate any nuisance that may arise from the waste disposal operation.

(11) The reporting of any pollution incidents to the waste disposal authority.

(12) Requirements for cleaning up and restoration of the land, premises, drain, water course, foreshore and the sea contaminated by the waste within such time and in such manner as specified by the waste disposal authority.

6. Environment monitoring

(1) The equipment and facilities to be provided, and the methods and procedures to be used, for inspecting, sampling or measuring any emission, discharge, deposit or treatment products or any constituents of such products.

(2) The places, times or frequencies at which samples of substances discharged or deposited, or of treatment products, or of air pollutants

(or any materials that may evolve into air pollutants) emitted, are to be taken and analysed for their constituents; and the places, times or frequencies at which other environmental parameters (e.g. noise levels) are to be measured.

(3) The laboratories that may be employed for carrying out the analyses or measurements referred to in paragraph (2), and the checking and certification of the results of such analyses and measurements by qualified personnel.

(4) The provision to the waste disposal authority of samples, and of the results of the analyses and measurements referred to in paragraph

(2), and the release of related information to the public where appropriate.

(5) The access of authorized officers to the equipment, facilities and records referred to in this section.

7. Environmental audit

(1) Environmental audit arrangements and requirements, including the checking of environmental control and compliance status of the facility, and the follow-up actions to improve its performance.

(2) The personnel that may be employed for carrying out the environmental audit referred to in paragraph (1), and the checking and certification of the results of such audit by qualified personnel.

(3) The provision of the result of, and any related information on, the environmental audit to the waste disposal authority and the release of such result and records to the public where appropriate.

8. Record keeping and reporting

(1) Record keeping arrangements (including the types, locations and duration of records to be kept) and reporting arrangements (including the types, frequency, details and number of copies of reports) relating to the facility's operation and management.

9. Site Restoration

(1) Requirements for the restoration, remediation and maintenance of the site before and after the closure of the waste disposal facility.

(2) The continual pollution control referred to in section 5 after termination of the operations.

(3) The continual environmental monitoring referred to in section 6 after termination of the operations.

10. Others

(1) Other conditions that the waste disposal authority thinks necessary to protect the environment and public health.

(Schedule 11 added 6 of 2006 s. 24)

SCHEDULE 12
FACILITIES TO WHICH SECTION 43 APPLIES VerDate:01/12/2005

[sections 37 & 43]

Item	Name	Address	Number of drawing or plan held by the Director by which boundaries of the facility are delineated
1.	Tuen Mun Area	38 Temporary Construction Waste Sorting Facility Southern side of Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.	Plan Number P 20332-1
2.	Tseung Kwan O Area	137 Temporary Construction Waste Sorting Facility Southern side of Tseung Kwan O Area 137, N.T.	Plan Number P 20332-2

(Schedule 12 added 17 of 2004 s. 11)