

WASTE DISPOSAL (LIVESTOCK WASTE) REGULATIONS
- CHAPTER 354A

Empowering section VerDate:30/06/1997

(Cap 354 section 33)

[11 March 1988]

(L.N. 79 of 1988)

REGULATION 1

Citation VerDate:30/06/1997

PART I

PRELIMINARY

These regulations may be cited as the Waste Disposal (Livestock Waste) Regulations.
(Enacted 1988)

REGULATION 2

Interpretation VerDate:30/06/1997

In these regulations, unless the context otherwise requires-

"channel" means a conduit, pipe, or trench used for the movement or passage of liquid livestock waste in, on or outside livestock premises;

"collection container" means any container, bin or other receptacle provided by the collection authority, or a person licensed under section 10 of the Ordinance, at a designated place of collection for the purpose of collecting livestock waste generated or produced in or on livestock premises;

"collection vehicle" means any vehicle provided by the collection authority, or a person licensed under section 10 of the Ordinance, designed or adapted for the purpose of transporting livestock waste to a designated place of disposal;

"communal sewer" has the same meaning as it has in the Water Pollution Control Ordinance (Cap. 358); (L.N. 310 of 1994)

"composting" means a natural, artificial, chemical or biological degradation process whereby heterogeneous organic matter decomposes into simple or stable compounds by the action of micro-organisms and

"composted" shall be construed accordingly;

"designated place of collection" means a place designated by the Director as a place where solid livestock waste generated or produced in or on livestock premises is to be conveyed and collected for transportation to a designated place of disposal;

"designated place of disposal" means a place designated by the Director as a place to which livestock waste is to be transported for disposal, and includes a livestock waste treatment plant not situated in or on livestock premises;

"enclosure" means an area in or on livestock premises enclosed by a fixed structure on at least 3 sides (with or without a doorway), roofed over and made of wood or such other materials as the Director may approve;

"free range livestock keeping" means the keeping of livestock either wholly or partially in an outdoor environment; (L.N. 310 of 1994)

"heterogeneous organic matter" includes solid livestock waste;

"in situ composting" means composting initiated or assisted by the movement of livestock, machinery or other mechanical apparatus in or on those parts of livestock premises in which livestock waste is generated or produced by that livestock;

"liquid livestock waste" means-

(a) the urine of any livestock; or

(b) any livestock waste which flows, spreads or otherwise behaves as a liquid; or

(c) the mixture of any liquid with solid livestock waste whether or not that liquid originates as livestock waste, has been treated under regulation 8(2) or contains any solids in suspension; or

(d) any pigwash contaminated by livestock waste; or

(e) any liquid used to bathe or wash livestock contaminated with livestock waste; or

(f) any liquid used to wash or clean any livestock premises contaminated by livestock waste;

"properly constructed" means properly constructed in accordance with a standard specified in a Code of Practice relating to livestock waste and of such materials and of such design or type as may be prescribed in that code;

"properly dried" means dried to a moisture content not exceeding 85% by weight; (L.N. 310 of 1994)

"saline waters" means the waters adjacent to the coast of Hong Kong;

"soakaway-pit" means a pit or sump properly constructed in or on livestock premises for the purpose of allowing liquid livestock waste generated or produced in or on those premises to percolate into the adjacent ground or subsoil without any overload or overflow occurring, and includes any adits, pipes or trenches used in conjunction therewith to increase the rate of percolation;

"solid livestock waste" means-

(a) the manure of any livestock, whether or not that manure has been mixed with other materials or composted; or

(b) liquid livestock waste from which the liquid has been drained, separated or removed; or

(c) the properly dried sludge or other solids produced by the treatment of liquid livestock waste under regulation 8(2);

"storage bag" means any bag or other similar article of sufficient strength and durability as the Director may approve provided by a livestock keeper for the purpose of-

(a) storing livestock waste generated or produced in or on livestock premises by, or in connection with, poultry; and

(b) conveying that waste within those premises; or

(c) removing that waste from those premises on the sale or transfer of that waste to any person, but does not include any storage container; "storage container" means any container, bin or other receptacle provided by a livestock keeper for the purpose of-

(a) storing livestock waste generated or produced in or on livestock premises; and

(b) conveying that waste to a designated place of collection; "watercourse" means any brook, creek, drain (whether natural or man-made), nullah, river or stream but does not include any channel or communal sewer. (L.N. 310 of 1994) (Enacted 1988; L.N. 310 of 1994)

REGULATION 3

Containers for storage of livestock waste VerDate:30/06/1997

PART II

CONTAINERS FOR LIVESTOCK WASTE

(1)A livestock keeper shall ensure that every storage container or storage bag used, or intended for use, in or on his livestock premises in a livestock waste restriction area or livestock waste control area is properly constructed and in particular is designed to prevent so far as is practicable- (L.N. 310 of 1994)

(a) the spillage, leakage or escape of any livestock waste contained therein; and

(b) any nuisance or annoyance to any person whether arising from odours, insects, vermin or from any other cause in connection with that waste.

(2)In the case of solid livestock waste, the livestock keeper shall ensure that the storage containers referred to in paragraph (1)-

(a) according to the number and type of livestock kept in or on his livestock premises, are of such number and of such capacity as the Director may determine in accordance with a standard specified in a Code of Practice relating to livestock waste; and

(b) are capable of holding all the solid livestock waste that may be generated or produced in or on those premises during such period as the Director may determine in accordance with a standard specified in a Code of Practice relating to livestock waste. (Enacted 1988)

REGULATION 4

Containers for collection of livestock waste VerDate:30/06/1997

The collection authority, or a person licensed under section 10 of the Ordinance, shall ensure that every collection container used, or intended for use, outside any livestock premises in a livestock waste control area or livestock waste restriction area is properly constructed and in particular is designed to prevent so far as is practicable-

(a) the spillage, leakage or escape of any solid livestock waste contained therein; and

(b) any nuisance or annoyance to any person whether arising from odours, insects, vermin or from any other cause in connection with that waste.

(Enacted 1988; L.N. 310 of 1994)

REGULATION 5

Containers to be kept in good repair VerDate:30/06/1997

(1) A live stock keeper shall ensure that the storage containers referred to in regulation 3 are kept in good order and repair and free from breaks, cracks, holes or any other defects.

(2) The collection authority, or a person licensed under section 10 of the Ordinance, shall ensure that the collection containers referred to in regulation 4 are kept in good order and repair and free from breaks, cracks, holes or any other defects.

(Enacted 1988)

REGULATION 6

Containers to be used solely for waste VerDate:30/06/1997

(1) A livestock keeper shall ensure that the storage containers or storage bags referred to in regulation 3 are used for the storage of livestock waste and for no other purpose.

(2) The collection authority, or a person licensed under section 10 of the Ordinance, shall ensure that the collection containers referred to in regulation 4 are used for the collection of livestock waste and for no other purpose.

(Enacted 1988)

REGULATION 7

Solid livestock waste VerDate:30/06/1997

PART III

PRECAUTIONS AGAINST DANGERS TO PUBLIC HEALTH OR RISKS OF POLLUTION

(1) Any solid livestock waste generated or produced in or on any livestock premises in a livestock waste control area or livestock waste restriction area shall- (L.N. 310 of 1994)

(a) in the case of livestock waste intended for use as fertilizer or soil conditioner in landscaping schemes, agriculture, horticulture, forestry or for the production of animal feedstuffs or fishmeal, be stored by the livestock keeper in or on those premises-

(i) in properly constructed enclosures used solely for composting or drying that waste and designed to prevent so far as is practicable the spillage, leakage or escape of that waste; or

(ii) where such waste is the subject of in situ composting, in or on those properly constructed parts of the livestock premises in which that waste is composted; and

(iii) in such manner as not to cause any nuisance or annoyance to any person whether arising from odours, insects, vermin or from any other cause in connection with that waste, until such time as that waste is removed from those premises whether by the livestock keeper or otherwise for such use or production; or

(b) in any other case, be carried or otherwise conveyed from those premises by the livestock keeper to a designated place of collection in properly constructed storage containers-

(i) where pigs are kept in or on livestock premises, at least twice during any period of 7 days; or

(ii) where poultry are kept in or on livestock premises, during such period as the Director may determine in accordance with a standard specified in a Code of Practice relating to livestock waste.

(2)The livestock keeper shall-

(a) empty the contents of the storage containers referred to in paragraph (1)(b) into collection containers; and

(b) take all necessary precautions to prevent the spillage, leakage or escape of such contents during that operation or whilst carrying or otherwise conveying that waste to the designated place of collection in accordance with paragraph (1)(b).

(3)The collection authority, or a person licensed under section 10 of the Ordinance, shall-

(a) during such period as the Director may determine in accordance with a standard specified in a Code of Practice relating to livestock waste, transfer the contents of the collection containers referred to in paragraph (2)(a) into collection vehicles; and

(b) take all necessary precautions to prevent the spillage, leakage or escape of such contents during that operation.
(Enacted 1988)

REGULATION 8

Liquid livestock waste VerDate:30/06/1997

(1) Subject to paragraph (2), any liquid livestock waste generated or produced in or on livestock premises in a livestock waste control area or livestock waste restriction area shall be disposed of by the livestock keeper by discharging that waste-

(a) in the case of liquid livestock waste intended for transportation to a designated place of disposal-

(i) along or through properly constructed channels to that designated place of disposal; or

(ii) into a collection vehicle taking all necessary precautions to prevent the spillage, leakage or escape of such waste during that operation; or

(b) in any other case-

(i) where those livestock premises are situated within, adjacent to, or in the immediate vicinity of, gathering grounds within the meaning of the Waterworks Ordinance (Cap 102), along or through properly constructed channels into a soakaway-pit situated not less than 30 metres from any reservoir, saline waters, spring, watercourse or well for potable use; or

(ii) where those premises are not so situated within, adjacent to, or in the immediate vicinity of, such gathering grounds, along or through properly constructed channels into a soakaway-pit situated not less than 30 metres (or such other distance in substitution for 30 metres, and subject to such conditions, as may be specified in writing by the Director by reference to any particular livestock premises) from any reservoir, saline waters, spring, watercourse or well for potable use.

(2) Without prejudice to any standard, prohibition, control or requirement under the Waterworks Ordinance (Cap 102), any liquid livestock waste generated or produced in or on livestock premises in a livestock waste control area or livestock waste restriction area and treated in a livestock waste treatment plant situated in or on those premises to at least the minimum standard referred to in paragraph (3) shall be disposed of by the livestock keeper by discharging that liquid livestock waste-

(a) along or through properly constructed channels into a soakaway-pit; or

(b) along or through properly constructed channels into-

(i) a communal sewer; or

(ii) saline waters; or

(iii) a watercourse, situated in, on or outside those premises.

(3)(a) For the purpose of paragraph (2), the minimum standard to which livestock waste is to be treated within an area specified in column 2 of the Schedule after the relevant date specified in

column 3 opposite thereto shall be the standard specified in column 4.

(b) The standard referred to in sub-paragraph (a) shall be deemed to be complied with if a sample of liquid livestock waste obtained by an authorized officer under paragraph (4) and section 23E of the Ordinance is determined by the analyst referred to in that section to meet that standard.

(4)The samples of liquid livestock waste referred to in paragraph

(3)(b) shall be obtained by the authorized officer from a point in, on or outside the livestock premises in respect of which the waste is generated or produced, or as near to that point as is practicable, where that waste discharges into-

(a) a public sewer; or

(b) saline waters; or

(c) a watercourse,
as the case may be.

(Enacted 1988; L.N. 310 of 1994)

REGULATION 9

Channel to be kept in good repair VerDate:30/06/1997

A livestock keeper shall ensure that the channels referred to in regulation 8 are kept in good order and free from breaks, cracks, holes or any other defects.

(Enacted 1988)

REGULATION 9A

Barrier to prevent liquid livestock waste from escaping VerDate:30/06/1997

(1)Where free range livestock keeping is practised, the livestock keeper shall cause to be constructed permanent and impermeable barriers to prevent the escape of liquid livestock waste from the livestock premises, in accordance with the standards as specified in any Code of Practice relating to livestock waste.

(2)Any person who fails to comply with paragraph (1) commits an offence and shall be liable to a fine of \$50000.

(L.N. 310 of 1994)

REGULATION 10

Offences VerDate:30/06/1997

PART IV

OFFENCES, PENALTIES AND DEFENCES

(1)Any person who fails to comply with regulation 3, 4, 5, 6, 7, 8 or 9 commits an offence and shall be liable to a fine of \$50000.

(2) Any person who-

(a) discharges or causes or permits to discharge; or

(b) otherwise disposes of, solid or liquid livestock waste into any channel, ditch, communal sewer, reservoir, saline waters, spring, watercourse, well for potable use or public place otherwise than in accordance with Part III commits an offence and shall be liable to a fine of \$50000.

(3) If a person is convicted of an offence under this Part and that offence is a continuing offence, such person shall, in addition to the penalties which may be imposed under paragraph (1) or (2), be liable to a fine of \$5000 for each day on which the offence continues.

(Enacted 1988; L.N. 310 of 1994)

REGULATION 11

Defences VerDate:30/06/1997

In any proceedings for an offence under this Part it shall be a defence for the person charged-

(a) in the case of a failure to comply with regulation 8(2)-

(i) that the commission of the offence was due to the breakdown of a livestock waste treatment plant caused by circumstances beyond the control of that person;

(ii) that the breakdown was reported to the Director within a period of 48 hours; and

(iii) that the person charged or any other person under his control took all reasonable measures and exercised all due diligence to repair that plant and to bring it back into operation; or

(b) in any other case-

(i) that the commission of the offence was due to some cause beyond his control; and

(ii) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his control.

(Enacted 1988)

SCHEDULE

SCHEDULE VerDate:30/06/1997

[regulation 8]

[regulation 8]

MINIMUM STANDARD OF LIQUID LIVESTOCK WASTE

Item	Area	Relevant Date	Standard
			biochemical oxygen demand :suspended solid (not exceeding the quantity in milligrams per litre of the waste as below)
Livestock Waste Control Areas			
1. Items 1 to 5		1 July 1994	250:250
		1 July 1996	100:100
		1 July 1997	50: 50
2. Items 6 to 8		1 July 1994	250:250
		1 July 1997	100:100
		1 July 1998	50: 50
3. Items 9 to 16		1 July 1994	250:250
		1 July 1998	100:100
		1 July 1999	50: 50

Livestock Waste Restriction Areas

4. Items 1 to 4		1 July 1994	250:250
		1 July 1996	100:100
		1 July 1997	50: 50
5. Items 5 to 11		1 July 1994	250:250
		1 January 1997	100:100
		1 January 1998	50: 50

Note: Refer to the Second or Fifth Schedule of the Ordinance for a detailed description of the areas under the heading "Livestock Waste Control Areas" or "Livestock Waste Restriction Areas" respectively.

(L.N. 310 of 1994)