

WASTE DISPOSAL (DESIGNATED WASTE DISPOSAL FACILITY) REGULATION
- CHAPTER 354L

LONG TITLE

Empowering section VerDate:30/06/1997

(Cap 354 section 33)

[23 June 1997] L.N. 345 of 1997

(L.N. 197 of 1997)

SECT 1

(Omitted as spent) VerDate:30/06/1997

(Omitted as spent)

SECT 2

Interpretation VerDate:01/12/2005

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

"authorized officer" has the same meaning as in section 2(1) of the Ordinance;

"construction waste" and "inert construction waste" have the same meaning as in section 2 of the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap 354 sub. leg. N); (L.N. 165 of 2004)

"designated officer" means any person appointed by the Director under section 3;

"designated waste disposal facility" means any premises specified in column 2 of Schedule 1; (L.N. 165 of 2004)

"facility operator" means any person who has entered into an agreement with the Government for the operation or management of a designated waste disposal facility;

"relevant activity" means the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste.

(2) For the purposes of this Regulation, the boundaries of a designated waste disposal facility shall be deemed to be those delineated in the drawing or plan specified in column 4 of Schedule 1 opposite the name of the facility in column 2 of that Schedule and held by the Director. (L.N. 165 of 2004)

SECT 3

Director may appoint designated officers VerDate:30/06/1997

(1) The Director may in writing appoint any public officer, any person employed by a facility operator, any contractor (other than a facility operator) or any person employed by such contractor to be a designated officer for the purposes of this Regulation.

(2) In this section "contractor (other than a facility operator)" means any person, other than a facility operator, who has entered into an agreement with the Government or with any facility operator for the carrying out of any activity or the provision of any service in connection with the operation or management of a designated waste disposal facility.

SECT 3A

Facilities that accept construction waste VerDate:20/01/2006

(1) Subject to the provisions in the Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Cap 354 sub. leg. N), construction waste may be accepted for disposal at a designated waste disposal facility only if-

(a) the facility is one specified in column 2 of Schedule 2; and

(b) the construction waste falls within the type specified in column 3 of that Schedule opposite that facility.

(2) No waste shall be accepted for disposal at a designated waste disposal facility specified in item 3 or 4 in column 2 of Schedule 2 unless it is construction waste that falls within the type specified in column 3 of that Schedule opposite that facility.

(3) The Director shall give notice in the Gazette of the criteria adopted from time to time to determine, for the purposes of subsections

(1) and (2), whether any waste falls within a type of construction waste specified in column 3 of Schedule 2. (L.N. 3 of 2005)

(4) A notice under subsection (3) is not subsidiary legislation.

(L.N. 3 of 2005)

(L.N. 165 of 2004)

SECT 4

Powers of Director VerDate:02/01/2007

(1) The Director may, for the purpose of-

(a) regulating traffic within, entering or leaving any designated waste disposal facility;

(b) ensuring safety to all personnel present at any designated waste disposal facility;

(c) avoiding any nuisance or any danger to health or the environment arising from the carrying on of any activity in any designated waste disposal facility;

(d) preventing disruption to the operation of any designated waste disposal facility or the carrying out of any relevant activity in the designated waste disposal facility;

(e) preventing or deterring the commission of any offence against the Ordinance in or in relation to any designated waste disposal facility;

(f) detecting the commission of any offence against the Ordinance in or in relation to any designated waste disposal facility; or

(g) deterring the evasion of charges payable under the Ordinance by any person in connection with any relevant activity in any designated waste disposal facility, exercise any of the powers specified in subsection (2).

(2) The powers specified for the purpose of subsection (1) are-

(a) the power to order or signal the driver of a vehicle within or entering or leaving a designated waste disposal facility-

(i) to stop the vehicle immediately;

- (ii) to proceed to any place or to park the vehicle at any location within the facility; or
- (iii) to leave the facility;

(aa) the power to order or signal the master of a vessel within or entering or leaving a designated waste disposal facility-

- (i) to stop the vessel immediately;
- (ii) to move the vessel to or moor it at any place within the facility; or
- (iii) to leave the facility; (L.N. 165 of 2004)

(b) if there are reasonable grounds for believing it to be necessary for any purpose specified in subsection (1), the power-

(i) to require the driver of a vehicle within a designated waste disposal facility or stopped by the Director under paragraph (a)- (L.N. 165 of 2004)

- (A) to produce his driving licence for examination;
- (B) to give the name and address of the registered owner of the vehicle;
- (C) to provide such information as is within the driver's knowledge concerning waste being carried on the vehicle;

(ia) to require the master of a vessel within a designated waste disposal facility or stopped by the Director under paragraph (aa)-

- (A) to produce the licence issued by the Director of Marine in respect of the vessel under section 15 or 19 of the Merchant Shipping (Local Vessels) (Certification and Licensing) Regulation (Cap 548 sub. leg. D) for examination; (24 of 2005 s. 55)
- (B) to give the name and address of the registered owner of the vessel;
- (C) to provide such information as is within the master's knowledge concerning the waste being carried on the vessel; (L.N. 165 of 2004)

(ii) to enter, examine and search the vehicle referred to in subparagraph (i) or the vessel referred to in subparagraph (ia) and any thing in or on that vehicle or vessel, and to take from it and retain samples of any materials having the appearance of waste; (L.N. 165 of 2004)

(iii) to require any person found in or on that vehicle or vessel to give his name and address and to produce any document in his possession which is or contains evidence of his name and address; (L.N. 165 of 2004)

(c) where any vehicle, vessel or thing is causing disruption to the operation of any designated waste disposal facility or is otherwise likely to render the use of the facility unsafe, the power to take all reasonable steps, at the owner's expense, to remove the vehicle, vessel or thing or cause it to be removed to any place, including any road, that the Director may think fit and where necessary in the opinion of the Director, to provide for its safe custody; (L.N. 165 of 2004)

(d) where any person has failed to pay any charge under the Ordinance in full as required in any invoice, demand note, bill or the like issued by the Director or any person appointed by the Director to collect such charge, but subject to subsection (3), the power to suspend the provision to that person of the services provided at any designated waste disposal facility.

(3)The power conferred under subsection (2)(d) shall not be exercised in a particular case unless-

(a) a notice issued by the Director for the purposes of this subsection specifying a period within which the charge shall be paid has been served on the person personally or by post; and

(b) the person has failed to pay the charge or any part of the charge within the period so specified.

(4) The Director may in writing authorize-

(a) any designated officer to exercise the powers and perform the duties conferred or imposed on the Director under subsection (2)(a) to (d);

(b) any facility operator to exercise the powers and perform the duties conferred or imposed on the Director under subsection (2)(c) or (d).

(4A) The Director or an authorized officer may also exercise the following powers-

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

(b) subject to subsection (4B), 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 considers necessary to determine whether or not to accept the waste at that facility;

(c) close temporarily a designated waste disposal facility or any part of it for such period as the Director considers necessary by posting a notice of closure in such conspicuous places in the facility as the Director may determine. (L.N. 165 of 2004; L.N. 3 of 2005)

(4B) If a person delivering any waste to a designated waste disposal facility informs the Director that the waste is construction waste, the Director shall not require the person to state whether the construction waste falls within any type specified in column 3 of Schedule 2. (L.N. 165 of 2004)

(5) Any person who without reasonable excuse fails to comply with an order, requirement, direction, instruction or signal given under subsection (2) or (4A), commits an offence and is liable to a fine at level 6. (L.N. 165 of 2004)

- SECT 5

Offence of causing disruption or disorder VerDate:20/01/2006

(1) Any person who intentionally causes disruption or disorder to the operation of a designated waste disposal facility commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(2) A person charged with an offence in subsection (1) has a defence if he shows that he-

(a) has reasonably complied with all orders, requirements, directions, instructions or signals given by the Director, the facility operator and any designated officer and authorized officer by virtue of section 4; and (L.N. 165 of 2004)

(b) has exercised all due diligence to avoid causing disruption or disorder to the operation of the designated waste disposal facility.

SECT 5A

Offences involving incorrect information VerDate:20/01/2006

A person who, in purported compliance with a requirement under section 4:

(a) makes any statement or gives any information that he knows to be incorrect in a material particular;

(b) recklessly makes any statement or gives any information that is incorrect in a material particular; or

(c) knowingly or recklessly omits any material particular from any statement or information, commits an offence and is liable to a fine at level 6.
(L.N. 165 of 2004)

SECT 6

Certificates of image recording and printing devices VerDate:20/01/2006

(1) A document in such form as may be specified by the Director purporting-

(a) to be a record of the testing of the functioning, inspection or servicing of an image recording device, with or without any associated image printing device, used for the purpose of recording and, where appropriate, reproducing the images of vehicles or vessels within, entering or leaving a designated waste disposal facility, specified in the document; and (L.N. 165 of 2004)

(b) to be certified by a person authorized in this behalf by the Director, shall be admitted in any criminal or civil proceedings before any court on its production without further proof.

(2) On the production of a document under subsection (1)-

(a) the court before which it is produced shall, in the absence of evidence to the contrary, presume-

(i) that it was signed at the time and place specified therein by a person authorized by the Director;

(ii) that the facts stated in the document relating to the testing of the functioning, inspection or servicing of the image recording device and the associated image printing device, if any, specified in the document are true; and

(iii) that the record of the facts stated in the document was made and compiled at the time stated in the document;

(b) the document shall be evidence of all other matters contained in the document; and

(c) the recording and print, if any, produced by using the image recording device and the associated image printing device, where appropriate, shall be evidence of all matters contained in the document.

(3) Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject-matter of the document.

SECT 7

Certificates as to photographic process VerDate:30/06/1997

(1) A document in such form as may be specified by the Director purporting to be signed by a person duly appointed under subsection (2) and purporting to be a certificate as to the processing of exposed film received and processed by him shall, together with the photographic prints or photographic enlargements referred to in the document, be admitted in evidence in any criminal or civil proceedings before any court on its production without further proof, and-

(a) in the absence of evidence to the contrary, the court before which such document is produced shall presume that the signature to the document is genuine and that the person signing it was duly appointed under subsection (2) at the time when he signed it; and

(b) such document shall be evidence of all matters contained in the document.

(2)The Director may appoint in writing such persons as he thinks fit to carry out the processing of exposed film and to sign certificates under subsection (1) in relation to such processing.

(3)Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject-matter of the document.

SECT 8

Amendment of Schedules VerDate:01/07/2007

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.

The Secretary may, by notice published in the Gazette, amend any of the Schedules.

(78 of 1999 s. 7; L.N. 106 of 2002; L.N. 165 of 2004; L.N. 130 of 2007)

SCHEDULE 1

DESIGNATED WASTE DISPOSAL FACILITIES VerDate:01/01/2009

* Items marked with asterisk have not yet come into operation.

[sections 2 & 8 & Schedule 2]

(L.N. 165 of 2004)

Item	Name	Address	Boundaries delineated by drawing number/plan number
1.	West New Territories (WENT) Landfill	Lung Kwu Tan Road, Nim Wan, Tuen Mun, N.T.	Drawing number WENT/GEN/102 Rev. B (Contract Document Vol. 3 of 12)
2.	South East New Territories (SENT) Landfill	Shek Miu Wan, Tseung Kwan O, N.T.	Drawing number 90872/SP10/014B
3.	North East New Territories (NENT) Landfill	Wo Keng Shan Road,	

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|-----|--|--|---|
| | | Ta Kwu Ling, N.T. | Drawing number 90303/
CON-01 TO 04 |
| 4. | Chemical Waste
Treatment Centre | 51 Tsing Yi Road South,
Tsing Yi, N.T. | Plan number KT 1047-DA |
| 5. | Island East Transfer
Station (IETS) | 10 Sun Yip Street, Chai Wan,
Hong Kong. | Drawing number 7A/A/001
Rev. D |
| 6. | Kowloon Bay Transfer
Station (KBTS) | 11 Cheung Yip Street,
Kowloon Bay, Kowloon. | Drawing number T91211
Rev. A |
| | | (L.N. 260 of 1998) | |
| 7. | Shatin Transfer Station
(STTS) | 2 On Hing Lane, Shatin, N.T. | Drawing number 7286/0001
Rev. C |
| | | (L.N. 260 of 1998) | |
| 8. | Island West Transfer
Station (IWTS) | 88 Victoria Road,
Kennedy Town, Western
District, Hong Kong. | Drawing number
90833/SP15/04 |
| | | (L.N. 260 of 1998) | |
| 9. | West Kowloon
Transfer Station (WKTS) | 1 Ngong Shung Road,
Kowloon. | Drawing number
90364/TEN/01 Rev. D |
| | | (L.N. 260 of 1998; L.N. 118 of 2002) | |
| 10. | North Lantau
Transfer Station (NLTS) | PLA No. TW353,
Siu Ho Wan, North Lantau,
N.T. | Plan number NANTA 80-A |
| | | (L.N. 260 of 1998) | |
| 11. | Outlying Islands Transfer
Facilities-Cheung Chau Station
(OITF-CCS) | 1 Cheung Kwai
Road, Cheung Chau, N.T. | Plan number ISA 477-A |
| | | (L.N. 260 of 1998) | |
| 12. | Outlying Islands Transfer
Facilities-Mui Wo Station
(OITF-MuiWS) | 35 Mui Wo Ferry
Pier Road, Mui Wo, Lantau, N.T. | Plan number IS 3099-D |
| | | (L.N. 260 of 1998) | |
| 13. | Outlying Islands Transfer
Facilities-Peng Chau Station
(OITF-PCS) | GLA IS 296 & GLA
IS 335, Tai Lei Island,
Peng Chau, N.T. | Plan number IS 2860-DA &
Plan number IS 3093-D |
| | | (L.N. 260 of 1998) | |
| 14. | Outlying Islands Transfer
Facilities-Hei Ling Chau
Station (OITF-HLCS) | Western tip of Hei Ling
Chau, adjoining the cargo pier, | |

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|-------|--|---|------------------------|
| | | Hei Ling Chau, N.T.
(L.N. 260 of 1998) | Plan number ISA 490-E |
| 15. | Outlying Islands Transfer
Facilities-Yung Shue
Wan Station (OITF-YSWS) | Yung Shue Wan,
Lamma Island, N.T.
(L.N. 118 of 2002) | Plan number IS 3273-D |
| 16. | Outlying Islands Transfer
Facilities-Sok Kwu Wan Station
(OITF-SKWS) | Sok Kwu Wan,
Lamma Island, N.T.
(L.N. 118 of 2002) | Plan number IS 3161-D |
| 17. | Outlying Islands Transfer
Facilities-Ma Wan Station
(OITF-MaWS) | Pak Wan, Ma Wan,
N.T., adjoining Sewage
Treatment Plant.
(L.N. 118 of 2002) | Plan number TWA 1058-E |
| 18. | Northwest New Territories
Transfer Station (NWNTTS) | Shung Tat Street, Yuen Long,
N.T.
(L.N. 118 of 2002) | Plan number TM 3791-Db |
| 19. | Tuen Mun Area 38
Temporary Construction
Waste Sorting Facility | Southern side of Tuen Mun
Area 38, near River Trade
Terminal, Tuen Mun, N.T.
(L.N. 165 of 2004) | Plan number P 20332-1 |
| 20. | Tseung Kwan O Area 137
Temporary Construction
Waste Sorting Facility | Southern side of Tseung Kwan O
Area 137, N.T.
(L.N. 165 of 2004) | Plan number P 20332-2 |
| 21. | Tseung Kwan O Area 137 | Fill Bank Eastern side of
Tseung Kwan O Area 137,
N.T.
(L.N. 165 of 2004) | Plan number P 20332-3 |
| 22. | Tuen Mun Area 38
Fill Bank | Tuen Mun Area 38,
near River Trade Terminal,
Tuen Mun, N.T.
(L.N. 165 of 2004) | Plan number P 20332-4 |
| *[23. | Sai Ying Pun Temporary
Public Filling Barging Point | Eastern Street North,
Sai Ying Pun, Hong Kong.
(L.N. 165 of 2004)] | Plan number P 20332-5 |
| 24. | (Repealed L.N. 231 of 2008) | | |
| *[25. | Kai Tak Temporary Public Filling Barging Point | Middle of the Former Kai Tak
Runway, adjacent to the Taxiway Bridge, Kowloon City, Kowloon.
(L.N. 165 of 2004)] | Plan number P 20332-7 |
| 26. | Mui Wo Temporary Public
Fill Reception Facility | Mui Wo Ferry Pier Road,
Mui Wo, Lantau, N.T.
(L.N. 165 of 2004) | Plan number P 20332-8 |
| 27. | Chai Wan Public | | |

Fill Barging Point

11 Ka Yip Street,
Chai Wan, Hong Kong.
(L.N. 231 of 2008)

Plan number FM 10019-32

SCHEDULE 2
TYPES OF CONSTRUCTION WASTE ACCEPTED AT DESIGNATED WASTE DISPOSAL
FACILITIES VerDate:01/01/2009

* Not yet in operation.

[sections 3A, 4 & 8]

Item	Designated waste disposal facility	Type of construction waste accepted
1.	Landfills specified in items 1, 2 and 3 of Schedule 1	Construction waste containing not more than 50% by weight of inert construction waste.
2.	Outlying islands transfer facilities specified in items 11, 12, 13, 14, 15, 16 and 17 of Schedule 1	Construction waste containing any percentage of inert construction waste.
3.	Sorting facilities specified in items 19 and 20 of Schedule 1	Construction waste containing more than 50% by weight of inert construction waste.
4.	Public fill reception facilities specified in items 21, 22, 23*, 25*, 26 and 27 of Schedule 1 (L.N. 231 of 2008)	Construction waste consisting entirely of inert construction waste.

(Schedule 2 added L.N. 165 of 2004)