

A stylized map of the Asian continent is shown in white and light blue, set against a dark blue background. The map includes major landmasses like India, China, and Southeast Asia.

# **Workshop 2010 of Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes**

**Session 3 : Good Practices for Effective  
Enforcement in Asian Countries**

**- Hong Kong SAR's Experience**

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# Prevention of Illegal Transboundary Movement of Hazardous Wastes –Hong Kong SAR's Experience

1. Local Efforts : robust and user-friendly system,  
cooperation with other enforcement arms, awareness  
raising activities and effective enforcement
2. International Efforts : intelligence sharing, good practices  
sharing and follow up action on return shipments

# Local Efforts – Robust and User-Friendly Permit System

- EPD is committed to provide user-friendly and effective application procedures. Application forms and guidance notes are available in EPD's website.
- Dedicated enquiry hotline and customer service center are available to the public.
- Upon receipt of the necessary documents, in general, EPD would complete the application (i.e. either granting or rejecting the application) by 14 working days.

# Local Efforts – Cooperation with Other Enforcement Arms

## Close collaboration with Hong Kong Customs and Hong Kong Police

- Support and take over cases when necessary
- Frequent meetings to review the trade practices
- 24-hours contact points
- Training and seminars



# Risk Management and X-ray Machine

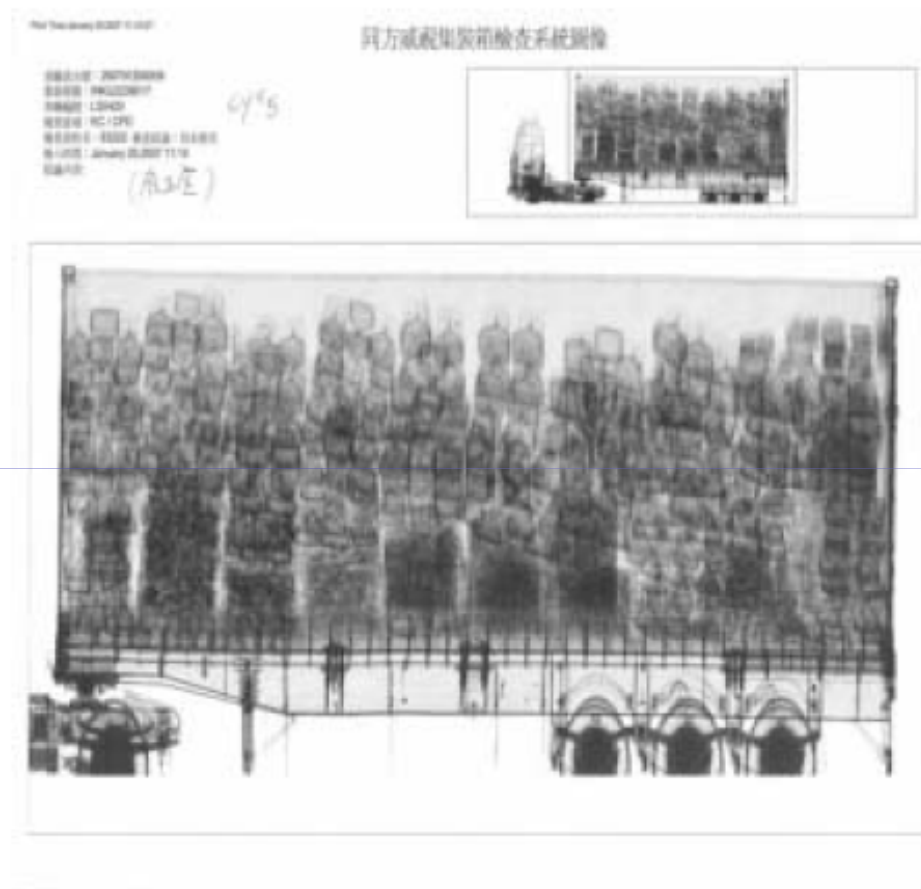


# Mobile X-ray Vehicle Scanning Systems (MXRVSS)





Used Monitors

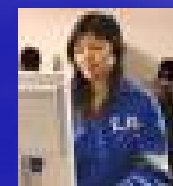


X ray image

# Local Efforts - Awareness Raising Activities

- Enquiry hotline and customer service center
- Leaflets and booklets 
- Prosecution cases would be published
- Advisory letters to the trade
- Guidelines on the import and export of used electrical and electronic appliances having hazardous components or constituents 

[http://www.epd.gov.hk/epd/textonly/english/environmentinhk/waste/guide\\_ref/files/advice\\_on\\_e-waste.pdf](http://www.epd.gov.hk/epd/textonly/english/environmentinhk/waste/guide_ref/files/advice_on_e-waste.pdf)





# Local Efforts – Effective Enforcement

- In 2009, EPD intercepted 52 hazardous waste shipments and all of the them were returned to the export countries. In addition, we informed the relevant overseas' authorities to take follow up action against the relevant exporters.
- Liaison services in dealing with overseas Competent Authorities. EPD also provides evidence and necessary documents so as to assist the overseas' authorities to take enforcement action against the exporters.



# International Efforts - Intelligence Sharing

- Good intelligent network is very important for effective enforcement for hazardous waste shipment control. In 2008 and 2009, about half cases relied on the source of intelligence.
- Secure and effective system to manage intelligence received.



# International Efforts – Good Practices Sharing

- Asian Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes (e.g. E-handbook)
- Implementation and Enforcement of Environmental Law (IMPEL) under the European Union
- Individual contacts with overseas' authorities including non-Basel members



phone



e mail

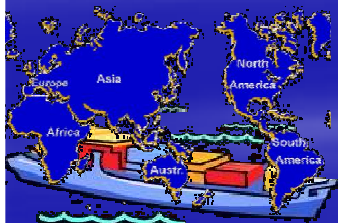


letter



# International Efforts – Follow Up Action on Return Shipments

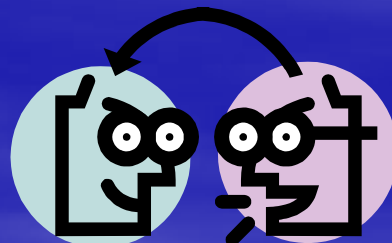
- The mere stern control in Hong Kong, which is mainly a transshipment port, is far from sufficient to completely curb such an international problem of transboundary movement of hazardous wastes
- Parallel enforcement actions at export countries and final destinations are important.
- Return shipment is a good start to assist export countries to take parallel actions against exporters



# Some Experience in Hong Kong

## Case 1:

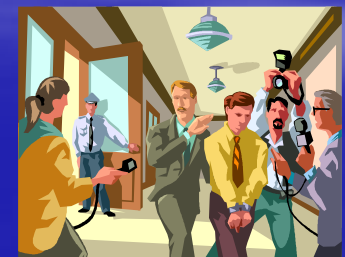
- The return shipments attracted media attention
- Different views on the interpretation of waste
- Eventually, the environmental authority in the export country has promulgated the requirements in Hong Kong and has stepped up the export control
- Intercepted hazardous waste shipments : 2007: 34 ;  
2008: 1; 2009:1



# Some Experience in Hong Kong

## Case 2:

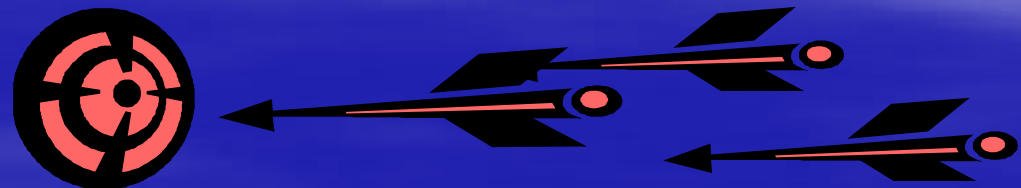
- Export authority detained and investigated the return shipments
- HK EPD provided evidence and witness statement to the export authority
- Successfully prosecuted the relevant exporters
- Intercepted hazardous waste shipments : 2007: 11 ; 2008: 8; 2009:0



# Some Experience in Hong Kong

## Case 3:

- The return shipments attracted media attention and internal discussions
- HK EPD provided evidence and photos to the export authority
- Successfully prosecuted the relevant exporters
- Intercepted hazardous waste shipments : 2007: 45 ; 2008: 63; 2009:30



Prevention of Illegal Transboundary Movement of Hazardous Wastes can only be achieved by the utmost effort of all parties concerned both locally and internationally





# Thank you



**Advice on Import and Export of Used Electrical and Electronic  
Equipment Having Hazardous Components or Constituents**

Electrical and electronic equipment may contain hazardous components or constituents which pose certain environmental or health risks when disposed of. In line with the Basel Convention, the Waste Disposal Ordinance (WDO) controls the import and export of waste electrical and electronic equipment (WEEE) containing hazardous constituents or components through a permit system. Some types of such as-to-be waste include cathode ray tubes (CRTs) used in computer monitors and televisions, vacuum tubes, batteries, mercury switches, capacitors and capacitors containing polychlorinated biphenyl and chlorobenzene and electrical assemblies contaminated with any substance to an extent which render the waste as chemical waste. Moreover, the import and export of non-hazardous WEEE (as in the Sixth Schedule of the WDO) not classified as recycling or WEEE contaminated with hazardous substances listed in the Seventh Schedule of the WDO is subject to the permit control under the WDO. Any person importing or exporting the above controlled wastes could obtain a permit from the Environmental Protection Department (EPD) in Hong Kong by complying with the requirements set out in the WDO and the offender is liable to a fine of \$200,000 and 6 months' imprisonment.

The WDO defines "waste" as any substance or article which is abandoned. It also stipulates that any substance or article which is discarded or otherwise dealt with as waste is assumed to be waste until the contrary is proved. It has recently been ruled by the court that for the purpose of waste import and export control, any article or substance once given up by its original user is deemed as waste under the WDO, irrespective what sort of waste it is, re-usable or can be re-used for a while. As such, used electrical and electronic equipment having hazardous components or constituents (e.g. CRTs) otherwise will likely be regarded as waste and fall within the said control unless they will be reused for their originally intended purpose without a permit.

In light of the global increase of illegal trade in such day-to-day items as electrical and electronic waste, the EPD has been exercising stringent import/export control on such waste in recent years. The same waste import/export control is also being applied to the fully inspected and attended vessels of the WDO's fully inspected and attended vessels of used electrical and electronic equipment having hazardous components or constituents are advised to submit a written application to seek a waste import/export permit from the EPD before shipment. If such equipment is shipped to the importing country for direct reuse, no waste import/export permit will generally be required from the EPD. However, importers and exporters are strongly advised to take the following measures before importing or exporting articles: (a) to bring any such articles out to facilitate the import/export permit checking

(i) Select only those used equipment of reasonably new models and uses with genuine demand in the secondary market of the importing country. In any case, it is advisable to avoid items with over 7 years from the date of manufacturing;

(ii) Arrange examination, repairing, reconditioning and testing of the used computer monitors and life span to ensure that the used items fulfil minimum conditions meeting both the technical specifications and safety standard of the destined countries and states, in case as stipulated by consensus before they are exported. In any case, no damaged or non-working items should be allowed in the shipment;

(iii) Properly record the examination, repairing and testing results of each of the used equipment, which should include their brand names, models and serial numbers, years of manufacturing, problems/damages found and fixed, dates and results of compliance testing conducted. Testing should be done not more than 7 years before shipment to the importing country. All the above information should be made available to the concerned control authority for inspection and checking, upon request;

(iv) Provide proper and sufficient individual protective packaging to each of the used equipment to prevent the WEEE unit from damage during transportation and the essential loading and unloading operations. There should not be any direct physical contact between each unit and the packaging should be able to withstand the weight of the unit placed on it. There should be legible labels or signs (e.g. with unique serial numbers) on the packaging to identify each item. Photos of the packaging should be provided, if considered necessary, to the relevant authorities for reference;

(v) Make prior contractual arrangements with concerned parties in the importing countries to ensure proper safe handling. Confirm with the control authorities of the importing countries on whether import of used equipment is allowable and whether the same category is permitted to import them for sale as second-hand commodities.

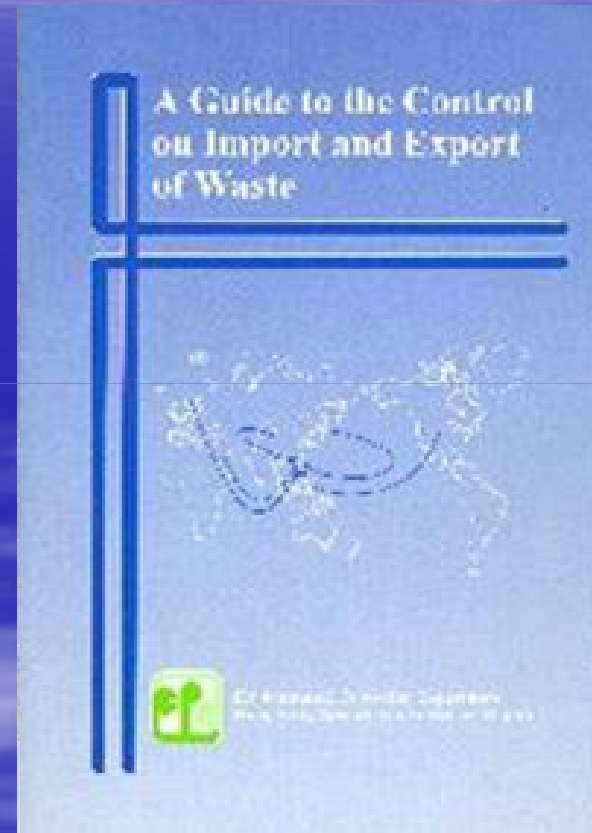
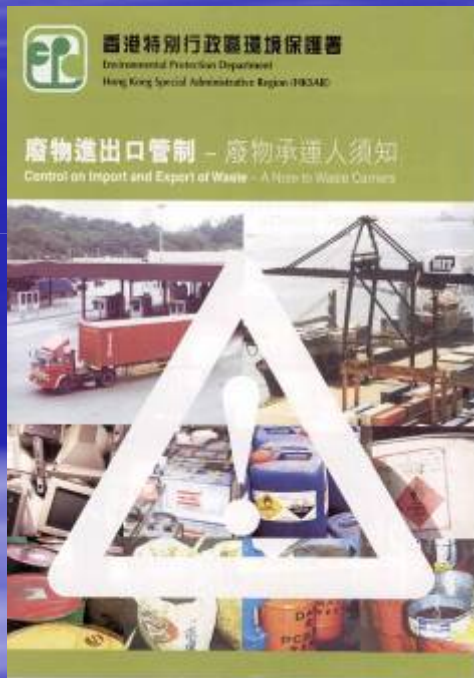
#### **Environmental Protection Exemption**

First published: April 2005

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## Booklet

## Leaflets





# 廢物進出口管制

## Control on Import and Export of Waste



### 注意 Attention

在沒有許可證情況下，不得把受管制廢物付運進入或離開香港特別行政區  
Should not carry **controlled waste** into or out of the HKSAR without a permit

受管制廢物通常含有有害物質，常見的種類包括：  
Controlled wastes are usually hazardous in nature and the common waste types include the following :

- 1 廢單路版蝕銅水 / 廢單體水  
Spent printed circuit board etchant/electroplating solution
- 2 廢潤滑油 / 任何廢油  
Spent/waste lubrication oil/any other waste oil
- 3 金屬渣  
Metal sludge
- 4 廢電視 / 電腦顯像管或螢光幕  
Waste cathode ray tube of the old television/computer monitors
- 5 廢電池  
Waste batteries
- 6 含有多氯聯苯的廢變壓器或電容器  
Waste transformers/capacitors containing an oily liquid (Polychlorinated biphenyl)



在沒有許可證情況下，不得把任何廢物付運進入或離開香港特別行政區棄置  
Should not carry **any waste** into or out of the HKSAR for disposal without a permit.



廢物承運人  
Waste Carriers



### 你的責任 Your Duties

在運送廢物前  
向進口商或出口商  
索取廢物的詳細資料

Clarify with the importer / exporter the details of waste to be carried before the shipment



進出口商

與進口商或出口商  
澄清該廢物之進口或出口  
是否需要申請許可證

Confirm with the importer/exporter whether a permit is required



進出口商

如有任何疑問  
向環境保護署尋求意見

Seek advice from the Environmental Protection Department in case of doubt



根據《廢物處置條例》(香港法例第354章)，任何廢物承運人不遵守有關的規定，即屬違法。  
初犯者可被判罰款\$200,000及監禁6個月；第二次或再犯者可被判罰款\$500,000及監禁2年。  
Failure to comply with these requirements is an offence under the Waste Disposal Ordinance, chapter 354.  
The offender is liable to a maximum penalty of a fine of \$200,000 and 6 months imprisonment for a first offence;  
and a fine of \$500,000 and 2 years imprisonment for a second or subsequent offence.



# 廢物進出口的管制 Control on Import and Export of Waste

根據香港法例第三五四章廢物處置條例，廢物進出口已納入許可證管制的範圍。  
Under the Waste Disposal Ordinance (Cap. 354), a permit system has been introduced to control the import and export of waste into and out of Hong Kong.

廢物進出口經環保署批准後，必須嚴格按許可證的條件和條款進行。  
Import/export of such waste, if permitted by the EPD, must comply strictly with the terms and conditions of the permit issued by EPD.

各類廢物進出口均受管制，專供再使用或循環再造而未受污染及無危險性的廢物除外。  
Import and export of any waste, with the exception of those uncontaminated and nonhazardous waste for the purpose of reuse or recycling, are subject to control.

在付運受管制廢物前，廢物進出口商必須向環保署申請所需的許可證。  
Waste importers and exporters are required to apply for the necessary permits from the Environmental Protection Department (EPD) prior to the commencement of shipment of any waste subject to control.

不遵守有關的規定，即屬違法，首次定罪可處罰款二十萬元及入獄六個月，再犯可處罰款五十萬元及入獄兩年。  
Failure to comply with these requirements is an offence. The penalties include a maximum fine of \$200,000 plus 6 months' imprisonment for the first offence and \$500,000 plus 2 years' imprisonment for a second or subsequent offence.

## 1. Introduction

The Waste Disposal Ordinance (WDO) was amended in February 1995 to provide for enhanced control on movements of wastes into and out of Hong Kong through a permit system. The control enables Hong Kong to manage its import and export of waste in an environmentally sound manner. This ties in with the requirements of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred as "Basel Convention").

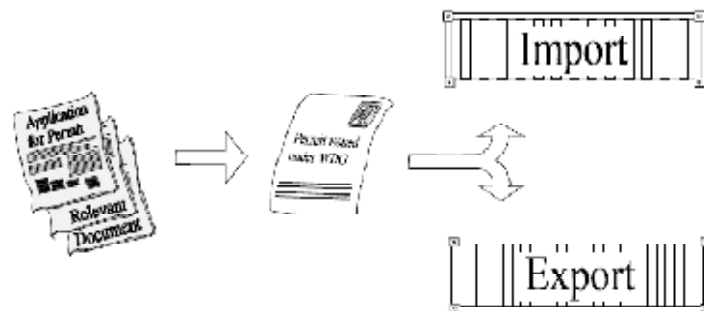


Figure 1 Permit Control on Waste Import and Export

An important requirement under the Convention is that prior notifications and consents from all countries concerned (countries of export, import and transit) are required before the commencement of any proposed shipment of hazardous waste or other controlled waste. If any intended waste shipment could not be completed, the competent authorities concerned must be notified and suitable alternative arrangement for disposal, reuse or return to country of export must be made for the waste with the consent of the countries involved.

## 2. Definitions

In this guide, the following definitions extracted from the WDO also apply:

|                         |   |
|-------------------------|---|
| "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 sewer or drain or otherwise) or burial (whether underground or otherwise), and "dispose of" shall be construed accordingly.  |
| "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 —<br><ol style="list-style-type: none"><li>was brought into Hong Kong solely for the purpose of taking it out of Hong Kong and</li><li>remained at all times in or on the vessel, aircraft, train or vehicle in or on which it was brought into Hong Kong.</li></ol> |
| "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.   |

For the purposes of waste import and export, waste is contaminated if it is contaminated by a substance to an extent which

- significantly increases the risk of human health, property or the environment associated with the waste; or
- 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.