

Asia Network - Implementation of the Basel Convention

Experience of Hong Kong Special Administrative Region, China

Project/program	Joint enforcement with the custom authority and awareness raising for importers and exporters
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<Objectives>

- To implement a robust and user-friendly permit system to control transboundary movement of hazardous wastes and other wastes
- To strengthen border control of hazardous wastes and other wastes
- To effectively intercept hazardous waste shipments in Hong Kong

<Background Information>

The Hong Kong Special Administrative Region (HKSAR) is located in a convenient location for trading in Asia and has efficient port facilities to support the shipping industry. With the increasing waste movements in the world, HKSAR has become one of the major waste transshipment ports in the Asia-Pacific Region. Prevention of smuggling of hazardous wastes such as waste cathode ray tubes (CRTs) and waste batteries is an important and challenging task for EPD.

<Implementation framework>

The successful implementation of the Basel Convention in HKSAR depends on a robust permit system with user-friendly procedures, high awareness of the trade to regulatory requirements and effective enforcement.

Permit System

The implementation of the Basel Convention is anchored on a permit system under the Waste Disposal Ordinance (WDO) in Hong Kong. A permit from EPD is required for importing or exporting any hazardous wastes (such as CRTs and batteries) into or out of HKSAR. On the other hand, any import or export of uncontaminated recyclable waste (such as waste paper, plastic scrap and metal scrap) into or out of HKSAR for recycling or reuse is allowed without a permit.

EPD is committed to provide user-friendly and effective application procedures to the trade.

Application forms and guidance notes related to waste import and export control are available in EPD's website. A dedicated enquiry hotline is available to the public and the



trade for prompt response to enquiries. 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. EPD also provides assistance in approaching overseas Competent Authorities for information on waste import control.

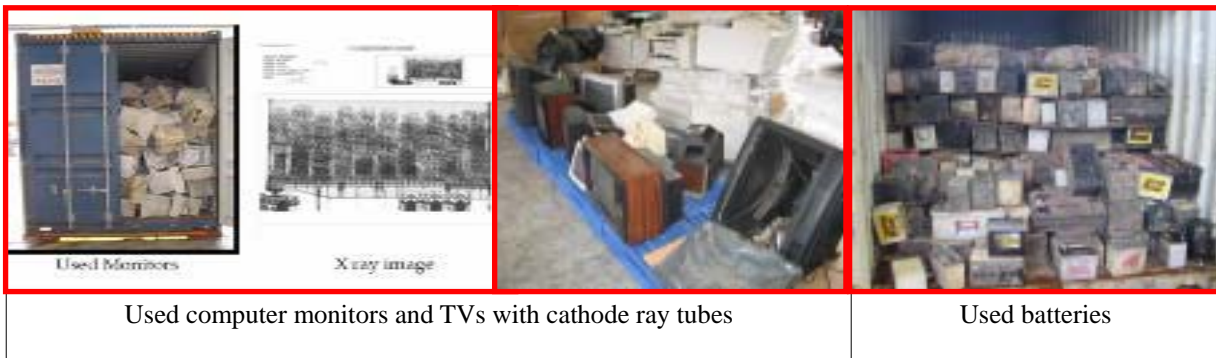
Awareness of the Trade

High level of environmental awareness of the trade is indispensable for the compliance of waste import and export control. Since the implementation of regulatory control in 1996, EPD has conducted seminars to the trade and issued, from time to time, advisory notices to remind and update them on relevant requirements of local and overseas controls "A Guide to the Control on Import and Export of Waste" is made known to the public and is available at EPD's website. For used electrical and electronic appliances, EPD has been disseminating specific advice (#) to the trade in order that they could fulfill both international and local control requirements in their daily practice.

*See EPD website (<http://www.epd.gov.hk/epd>)

See "Advice on Import and Export of Used Electrical and Electronic Equipment Having Hazardous Components or Constituents" at

http://www.epd.gov.hk/epd/textonly/english/environmentinhk/waste/guide_ref/files/advice_on_e-waste.pdf



Effective Enforcement

For years, EPD has been working closely with Hong Kong Customs and Hong Kong Police in combating illegal transboundary movements of hazardous wastes. In 2007 to 2009, EPD prosecuted more than 270 illegal cases in this respect. The following collaborative activities have been conducted among EPD, Hong Kong Customs and Hong Kong Police as a regular practice within the HKSAR.

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| (i) | Convening regular meetings |
| (ii) | Intelligence sharing |
| (iii) | Joint operations and spot investigations |
| (iv) | 24h designated contact points |
| (v) | Training and seminars |

Subject to tight resources constraints, a risk management approach has been adopted in assessing secondhand/ waste shipments to HKSAR and an effective intelligence network is now up and running to improve enforcement efficiency in the front line.

Experience tells that close collaboration with overseas' authorities as well as international networks such as "Asia Network for Prevention of Illegal Transboundary Movement of Hazardous Wastes" and "Implementation and Enforcement of Environmental Law (IMPEL)" under the European Union is crucial to waste

import and export control which involves enforcement work by authorities at both ends on any dubious shipments. Partnership programmes with other stakeholders also enhance access to information about the development of relevant trades for strategic planning of enforcement activities.

<Achievements and Challenges>

EPD has been adopting stern control against smuggling of hazardous waste shipments for a substantial period of time. In 2007 to 2009, EPD intercepted more than 330 hazardous waste shipments.

Intercepted hazardous waste shipments to HKSAR will be returned to the export places in accordance with the Basel Convention. In 2009, all hazardous waste shipments intercepted in HKSAR were returned. To enhance the impact against smugglers, EPD would inform the waste export country in each interception with a view to facilitating parallel enforcement actions to be taken against the exporter at the source.

Upon vigilant enforcement actions, compliance rate since 2008 has shown substantial improvement. This further supports that concerted efforts from waste export, transshipment and import countries are essential to tackle such an international issue. Though taking parallel enforcement action against the exporter remains a challenging and difficult task to most authorities, it would however bring out a strong deterrent message conducive to regulatory compliance.