

Waste Disposal Ordinance (Cap. 354)
Enhanced Control of the Deposition of Construction Waste on Private Lots

A Guide to Completing the Notification Form EPD-238

To protect the environment and prevent the abuse of land for landfill activities using construction waste without landowners consent, the Waste Disposal (Amendment) Ordinance 2013 (hereinafter referred to as the “WD(A)O”) will be effective on 4 August 2014. The WD(A)O aims to enhance control on illegal deposition of construction waste on private land with the prior notification and acknowledgement procedures. These notes (together with the specimen) provide guidance on filling the notification form.

Legislative Requirements: (Please read before completing the form)

1. Any person who deposits or causes to be deposited, construction waste on a private lot, shall obtain the acknowledgement from the Environmental Protection Department (hereinafter referred to as the “EPD”) through the prior written notification procedures. **According to the WD(A)O, the person shall:**
 - obtain the written permission of all owners of the lot with signatures on the notification form EPD-238 to indicate their consent;
 - submit to the EPD a duly completed and signed notification form EPD-238 at least **21** calendar days before the commencement of the depositing activity;
 - obtain the acknowledgement from EPD on the notification form EPD-238;
 - ensure that a copy of Parts C and D of the acknowledged form has been displayed in a conspicuous place on the lot at all time during the depositing activity.

Important Note:

The affixation of acknowledgement from the Director of Environmental Protection only represents that the depositing activity is in compliance with section 16B(3) of the WD(A)O, the depositing activity still has to be in compliance with other applicable laws of Hong Kong. The owner(s) of the lot/intended depositor(s) should consult the relevant Government departments for advice.

2. The prior notification procedures are, however, not applicable under the following circumstances:
 - The depositing activity forms part of the building works carried out according to the Buildings Ordinance or Buildings Ordinance (Application to the New Territories) Ordinance, such as a Form BD103 has been issued by Buildings Department for the construction works, or a Certificate of Exemption has been issued by Lands Department; or
 - The total area of construction waste on the same private lot (regardless of who deposited the waste) does not exceed 20 square metres after the deposition.

3. Any person who deposits, or causes to be deposited, construction waste on a private lot, without complying the above notification and acknowledgement procedures, commits an offence and is punishable under:
- Sections 16A and 16B (*viz.* unlawful deposition)
 - A fine of \$200,000 plus 6-month imprisonment for the first offence;
 - A fine of \$500,000 plus 6-month imprisonment for a second or subsequent offence; and
 - A daily fine of \$10,000 for a continuing offence
 - Section 16C(6) (*viz.* providing false information in its notification form)
 - A fine of \$100,000
 - Section 16C(7) (*viz.* fail to display a copy of the acknowledged form during the deposition period)
 - A fine of \$100,000

Completing the form and other preparatory work:

4. The following should be noted when completing the notification form EPD-238:
- The form should be completed legibly by typing or writing in black or blue ink.
 - If there is insufficient space in any column to fill in all the information required, please use separate sheet(s) of paper, while ensuring each additional sheet is numbered and duly signed by the notifier.
5. Please make sure that the following documents are submitted when making written notification to EPD:
- Completed and duly signed notification form EPD-238;
 - A copy of HKID or Business Registration Certificate of the owner(s) (and any authorized signatory);
 - The authorization document for any authorized signatory;
 - A site plan¹(as shown in Appendix I) showing the boundary of the lot and the affected area where deposition is to be carried out; and
 - Other relevant materials such as document showing the source of the waste, site photos, photos of the delineated area for deposition and photocopy of the contract(s) involved.
6. The notification procedure is free of charge. The completed form together with the required information and documents (listed on para. 5 above) shall be submitted to any EPD offices (as listed in Appendix II) by hand during office hours, or by post.
7. Duration of depositing activity should not exceed 12 months. Separate notification with justification has to be submitted otherwise.

¹ The site plan should be drawn on an appropriate scale (typically ranging from 1 : 400 to 1 : 1,000) to show the lot and its details, such as nearby roads, buildings, river, stream, watercourse, or pond to identify the site and the topography of its surroundings. Site plan of any single lot can be downloaded at the GeoInfo Map website of the Lands Department (<http://www1.map.gov.hk/gih3/view/index.jsp>). If a notification involves deposition at multiple lots, you may prepare the site plan based on the Lot Index Plan of Lands Department. A Lot Index Plan can be purchased at any Map Sale Outlet of Lands Department or through the website (http://www.landsd.gov.hk/mapping/en/paper_map/lip.htm).

8. Ensure that necessary measures (e.g. using fencing, waterfilled barriers or traffic cones) have been adopted to delineate the area of depositing construction wastes at the lot when submitting the form. After receiving the form, EPD will verify that the information of the lot owners submitted matches the record of the Land Registry. EPD will also notify other relevant departments of the basic information of the depositing activity. Site visit will be conducted by EPD as necessary to facilitate subsequent enforcement. The notifier, owner(s) and intended depositor(s) are responsible to verify the lot boundary and to ensure that the demarcation of the deposition areas falls within the stated lot, and that they are liable for prosecution and claims if they cause the deposition of construction waste on others' lots or Government land.
9. Parts C and D of the form acknowledged by EPD will be returned to the notifier.
10. It is the responsibility of the personnel involved in the depositing activity (e.g. contractor, transporter, truck driver) to ensure that a copy of Parts C and D of the acknowledged form as well as the site plan has been sealed properly with transparent material, and displayed in a conspicuous place (e.g. the entrance and exit of the depositing area) during the deposition activity. The copy of each Part should be printed on papers not smaller than A4-size.

Environmental Protection Department
January 2015

《廢物處置條例》(第 354 章)

WASTE DISPOSAL ORDINANCE (CAP. 354)

要求環境保護署認收擁有人對擬在私人地段擺放建築廢物給予的許可
REQUEST FOR ACKNOWLEDGEMENT ON OWNERS' PERMISSION OF THE DEPOSITING OF
CONSTRUCTION WASTE ON A PRIVATE LOT

致： 環境保護署署長 (以下簡稱「署長」)

TO: Director of Environmental Protection (hereinafter referred to as the "Director")

A 部 擁有人的許可

PART A OWNERS' PERMISSION

~~本人~~/我們* 為在該地段的擁有人(聲明載於附件 A), 現藉署長根據《廢物處置條例》(第 354 章)(以下簡稱「條例」)第 16C(2)(a)條指明的本表格, 給予附件 B 所列人士/公司* 許可, 以便其促使將建築廢物擺放在該地段及/或在該地段擺放建築廢物。為給予許可, ~~本人~~/我們* 提交署長規定的以下資料及文件#:

As the owner(s) of the Lot, with the declaration given in Annex A, ~~I~~/ we* hereby give permission, vide this form specified by the Director under section 16C(2)(a) of the Waste Disposal Ordinance (Cap. 354) (hereinafter referred to as the "WDO"), to the person(s)/ company(ies)* listed in Annex B to cause construction waste to be deposited and/or deposit construction waste on the Lot. For the purpose of giving the permission, ~~I~~/ we* submit the following information and documents# that the Director requires -

- 擁有人/獲授權簽署人(如有)的香港身份證或商業登記證副本。
A copy of HKID card or Business Registration for the Owner(s) / the authorized signatory (if any)
- 獲授權簽署人的授權文件(如適用)。
The authorization document for the authorized signatory (if applicable).
- 清楚顯示該地段內河流、溪澗、水道及池塘、該地段範圍的界線以及擬進行的擺放活動涉及範圍界線的平面圖。
A site plan showing clearly the rivers, streams, watercourses and ponds on the Lot, the boundary of the Lot and the boundary of the intended deposition area.
- 附件 C 所載有關擺放活動的其他詳情。
Other details of the depositing activity as set out at Annex C.

B 部 提交本表格者聲明

PART B DECLARATION BY THE PERSON WHO SUBMITS THIS FORM

本人現證明, 就本人所知及所信, 本表格(包括附件)所載詳情, 均屬真實無誤。

I hereby certify that the particulars given in this form (including its annexes) are correct and true to the best of my knowledge and belief.

Tin



簽署及公司蓋章 (如適用)
Signature and Company Chop (if applicable)

Tin Tin Development Company Limited

姓名/公司名稱*
Name/ Company Name*

12345678-123-12-12-1

香港身份證號碼/商業登記證號碼*
HKID Card No. / BR No. *

G/F, No. 1023, Tin Ha Road,
Hung Shui Kiu, Yuen Long, New Territories

地址
Address

1234 5678 (abc@def.tintin.com.hk)

聯絡電話號碼(及電郵)
Contact Tel. Number (and e-mail)

05/11/2014

日期
Date

* 請刪去不適用者 Please delete as appropriate
請在適當方格內劃上記號 Please mark the appropriate box(es)

《廢物處置條例》(第 354 章)
WASTE DISPOSAL ORDINANCE (CAP. 354)

在私人地段擺放建築廢物
DEPOSITING OF CONSTRUCTION WASTE ON A PRIVATE LOT

註:根據《條例》第 16C(4)條, C 部及 D 部 (包括該地段及擺放活動涉及範圍界線的平面圖[#]) 的複本須於有關擺放活動期間, 時刻在該地段的一個顯眼位置展示。

Note: Copy of Part C and Part D (including map showing boundaries of the Lot and the deposition area[#]) must be displayed in a conspicuous place on the Lot, at all times during the depositing activity, according to section 16C(4) of the WDO.

C 部 擺放活動的詳情

PART C DETAILS OF THE DEPOSITING ACTIVITY

地址:

Address: No. 999, Tsing Tin Tsuen, Lam Tei, Tuen Mun, N.T.

地段編號:

Lot No.: Lot 3199 in D.D. 199, Tuen Mun, N.T.

即在土地註冊處以地段編號作識別的地段 (以下簡稱「該地段」)

as may be identified by the lot number in the Land Registry (hereinafter referred to as "the Lot")

擺放日期:

Date of deposition: Between 27/11/2014 and 29/12/2014 (Both dates inclusive)

擺放活動預計所產生的擺放總面積(以平方米計算)

Estimated total area of the deposition arising from the depositing activity (in square metres) : 32 m²

擺放活動預計所產生的擺放高度(以米計算)

Estimated height of the deposition arising from the depositing activity (in metres) : 1.5 m

如對上述擺放活動的詳情有任何疑問, 請聯絡以下公司(如適用):

For enquiry on the above depositing activity, please contact the company below (if applicable):

Tin Tin Development Company Limited

1234 5678

公司名稱

Company name

電話號碼

Tel. number

#平面圖須清楚顯示該地段的界線、當中的河流、溪澗、水道及池塘等, 以及擺放活動涉及範圍的界線。

A site plan showing clearly rivers, streams, watercourses, ponds, etc. on the Lot, and the boundaries of the Lot and the deposition area.

D 部 環境保護署署長認收 (由環境保護署填寫)

**PART D ACKNOWLEDGEMENT FROM DIRECTOR OF ENVIRONMENTAL PROTECTION
(To be completed by Environmental Protection Department)**

環境保護署署長現就擬在 C 部所概述的地段編號擺放建築廢物，認收擁有人的許可[^]。環保署署長在本部的認收標記只表示擺放活動符合《條例》第 16B(3)條。擺放活動須符合香港其他適用法例。地段擁有人／準擺放者須諮詢相關政府部門的意見。

The Director of Environmental Protection hereby acknowledges receipt of owners' permission[^] for the intended depositing of construction waste on the Lot No. as summarized in Part C. The affixation of acknowledgement from Director of Environmental Protection in this part only represents that the depositing activity is in compliance with section 16B(3) of the WDO. The depositing activity has to be in compliance with other applicable laws of Hong Kong. The owner(s) of the Lot/intended depositor(s) should consult the relevant Government departments for advice.

認收:
Acknowledgement: _____
環境保護署署長 (代行)
(
For Director of Environmental Protection

日期:
Date: _____

[^]私人地段的唯一或全體擁有人已給予許可。

[^]Permission has been given by the sole owner or all of the owners of the private lot.

警告：

Warning:

(1) 根據《條例》第 16C(6)條，任何人如知道本表格或關乎本表格的任何資料或文件在某要項上屬不正確或不準確；或不相信該表格、資料或文件在某要項上屬正確及準確，仍提交本表格或有關資料或文件，即屬犯罪，可處第 6 級罰款。

Any person who submits this form or any information or document in relation to this submission, which he knows to be incorrect or inaccurate in a material particular or does not believe to be correct or accurate in a material particular, commits an offence under section 16C(6) of the WDO and is liable to a fine at level 6.

(2) 根據《條例》第 16C(4)條及第 16C(7)條，任何人在私人地段擺放建築廢物，但未能有關擺放活動期間，時刻在該地段的一個顯眼位置展示本表格的指明部分的複本，即屬犯罪，可處第 6 級罰款。




Any person who deposits construction waste on a private lot and fails to display in a conspicuous place on the Lot, at all times during the depositing activity, a copy of the specified part of this form, commits an offence under sections 16C(4) and 16C(7) of the WDO and is liable to a fine at level 6.

擁有人的聲明 OWNERS' DECLARATION

~~本人~~/~~我們~~* 謹此聲明，~~本人~~/~~我們~~* 為該地段的擁有人。~~本人~~/~~我們~~* 並在下文列出~~本人~~/~~我們~~* 的詳情，以及簽署和蓋上公司印章[^]：

~~I~~/~~We~~* hereby declare that ~~I am~~/~~we are~~* ~~the owner~~/~~owners~~* of the Lot. ~~I~~/~~We~~* also set out ~~my~~/~~our~~* particulars and give ~~my~~/~~our~~* signature(s) and affix the company chop[^] below –

擁有人的詳情[#] PARTICULARS OF THE OWNER(S)[#]

	姓名/公司名稱* NAME/ COMPANY NAME*	地址及電話 號碼 ADDRESS & TEL. NO.	香港身份證號碼/商業 登記證號碼* HKID NO. / BR NO.*	簽署及公司印鑑 (如適用) SIGNATURE AND COMPANY CHOP (if applicable)
A1.	CHAN Tai-man	No. 900 Tsing Tin Tsuen, Lam Tei, Tuen Mun, N.T. Tel 8765 4321	A123456(7)	
A2.	Tin Tin Development Company Limited	G/F, No. 1023, Tin Ha Road, Hung Shui Kiu, Yuen Long, New Territories Tel 1234 5678	12345678-123-12-12-1	 
A3.				
A4.				

*請刪去不適用者 Please delete as appropriate

[^]如適用 If applicable

[#]可另加附頁 Attach additional sheet(s) as necessary

註 Note:

- (a) 在 A 部所提交的資料及文件必須屬真實無誤；以及
The information and documents submitted under Part A must be correct and true; and
- (b) 在 A 部給予的許可，必須註有由署長根據《條例》第 16C(3)條在 D 部加上的認收標記，方屬有效。
The permission given under Part A is only valid if it bears an acknowledgement affixed by the Director in Part D subject to section 16C(3) of the WDO.

促使將建築廢物擺放及／或擺放建築廢物的人士詳情#

PARTICULARS OF THE PERSON(S) CAUSING CONSTRUCTION WASTE TO BE DEPOSITED AND/OR DEPOSITING CONSTRUCTION WASTE#

(總承建商、擁有人的代理人、次承建商等)

(Main contractor, agent of the owners, sub-contractor, etc.)

	姓名／公司名稱* NAME/ COMPANY NAME*	地址及電話號碼 ADDRESS & TEL. NO.	香港身份證號碼／ 商業登記證號碼* HKID NO. / BR NO.*
B1.	WONG Siu-ming	Flat A, 33/F, Block 10, Yue Man Villa, Tuen Mun, N.T. Tel 1234 8888	B123456(7)
B2.	Ar Luen Engineering Company Limited	G/F, Goodie Industrial Building, 599 Sun Tuen Road, Tuen Mun, N.T. Tel 1234 9999	87654321-123-12-12-1
B3.			
B4.			
B5.			
B6.			

*請刪去不適用者 Please delete as appropriate

#可另加附頁 Attach additional sheet(s) as necessary

擬進行的擺放活動詳情
DETAILS OF THE INTENDED DEPOSITING ACTIVITY

1. 擬進行的擺放活動的目的:

Purpose of the intended depositing activity:

~~填平池塘 / 整平凹凸地面 / 為發展項目平整地盤 / 堆存填料作填料庫 / 其他(請在下文說明)*:~~

~~Filling up of pond / Leveling off uneven ground surfaces / Forming sites for development / Stockpiling in the form of fill bank / Others (please specify below)*:~~

2. 預計所需的建築廢物數量 (以立方米計算):

Estimated quantity of construction waste required (in cubic metres):

48 m³ (roughly 3 lorry loads)

3. 建築廢物來源及其地址:

Source(s) of construction waste with address(es):

Government Project HA/0120/2014 Demolition Site at Yuen Long Estate, Yuen Long, N.T.

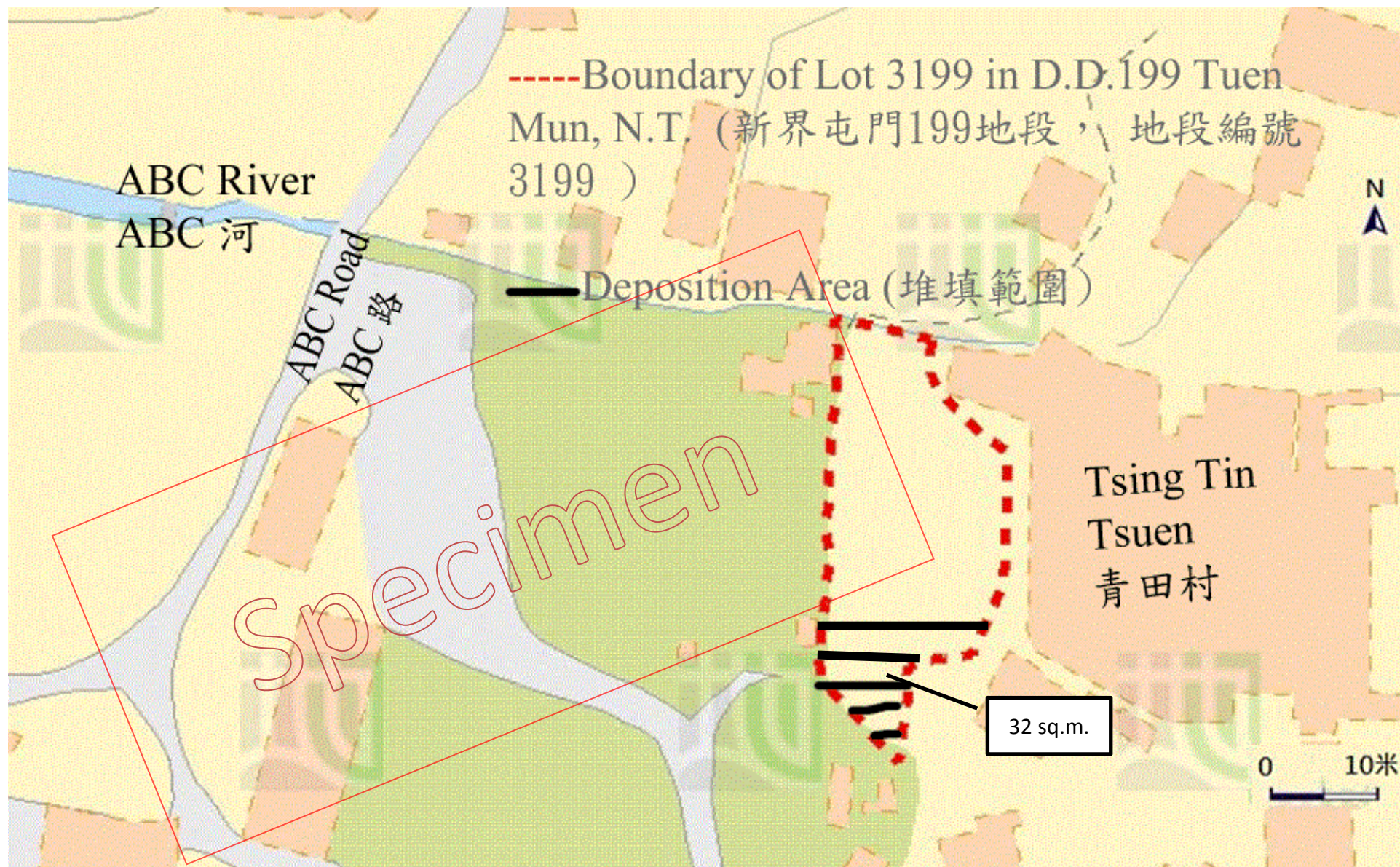
4. 擺放活動日期和運作時間(如 2015 年 3 月 24 日至 6 月 12 日早上 10 時至下午 5 時週日及公眾假期除外):

Date of depositing activity and operation hours (e.g. from 10 am to 5 pm during 24 Mar - 12 Jun 2015 except Sundays and public holidays):

10 am - 6 pm from Monday to Saturday during 27 November - 29 December 2014

except Sundays and public holidays

*請刪去不適用者 Please delete as appropriate



Site Map

Appendix II

Environmental Protection Department Offices

The completed form and the necessary attachments should be submitted to the following Customer Service

Branch Offices	Control Districts	Address	Telephone
Revenue Tower Office	-	33/F, Revenue Tower, 5 Gloucester Road, Wan Chai, Hong Kong	2824 3773
Cheung Sha Wan Government Offices	-	8/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon.	2402 5200
Regional Offices	Control Districts	Address	Telephone
Regional Office (East)	Kwun Tong, Wong Tai Sin, Sai Kung , Yau Tsim Mong & Kowloon City	5/F., Nan Fung Commercial Centre, 19 Lam Lok Street, Kowloon Bay, Kowloon.	2755 5518
Regional Office (South)	Hong Kong Island & Islands	2/F., Chinachem Exchange Square, 1 Hoi Wan Street, Quarry Bay, Hong Kong.	2516 1718
Regional Office (West)	Tuen Mun, Tsuen Wan, Kwai Tsing & Sham Shui Po	8/F., Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories.	2417 6116
Regional Office (North)	Yuen Long, Shatin, Tai Po & North	10/F., Sha Tin Government Offices, No.1 Sheung Wo Che Road, Sha Tin, New Territories.	2158 5757