



WASTE DISPOSAL (AMENDMENT) ORDINANCE 2013

ENHANCED CONTROL OF DEPOSITING OF CONSTRUCTION WASTE ON PRIVATE LAND

CONTROL ON ILLEGAL WASTE DEPOSITION UNDER THE WASTE DISPOSAL ORDINANCE

- s.16A (an existing section)
 - A **person** commits an offence if he deposits or causes or permits to be deposited **waste** in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place.

The person causing waste to be deposited could include:-

- **Contractor**
- **Employer**
- **Driver**

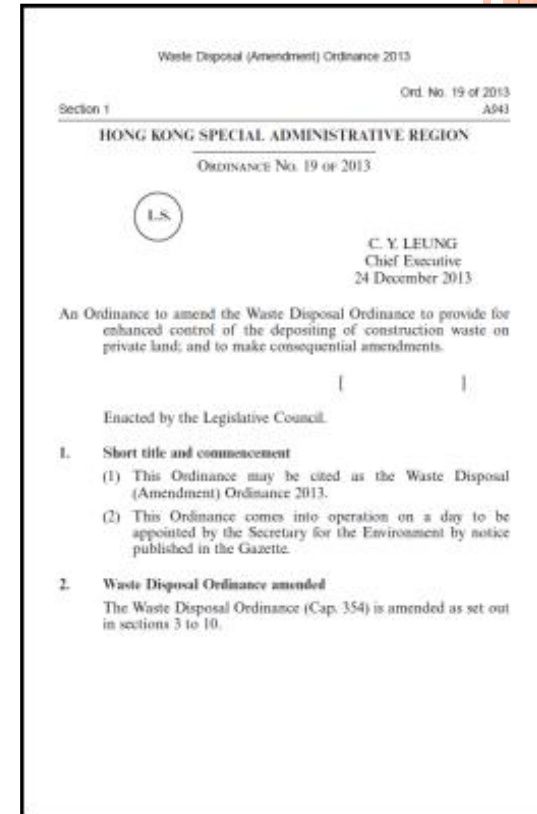


AMENDMENT OF WASTE DISPOSAL ORDINANCE (CAP. 354)

To provide for enhanced control of the
depositing of construction waste on private
land

The Waste Disposal (Amendment) Ordinance 2013

was passed and gazetted
in Dec 2013



WASTE DISPOSAL (AMENDMENT) ORDINANCE 2013

- Two new sections added

- s.16B



- s.16C



- Prior notification and EPD's acknowledgment on the notification form required for deposition of construction waste on private land.



WASTE DISPOSAL (AMENDMENT) ORDINANCE 2013

○ s.16B(3)

- A person who deposits, or causes to be deposited, **construction waste** on a **private lot** without the **valid permission** of the **sole owner or all of the owners** of the lot commits an offence.

○ s.16C(4)

- A person who deposits construction waste on a private lot must, **at all times during the depositing activity, display in a conspicuous place on the lot a copy of the acknowledged form** for the depositing activity.



NOT APPLICABLE IN THE FOLLOWING CIRCUMSTANCES



- the total area on which construction waste has been deposited within the lot, regardless of who deposited the waste, does not exceed 20 m²

[Section 16B(1)(a)]

- any building works carried out according to the following ordinances:
 - Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121)
 - Buildings Ordinance (Cap. 123)

[Section 16B(1)(b)]



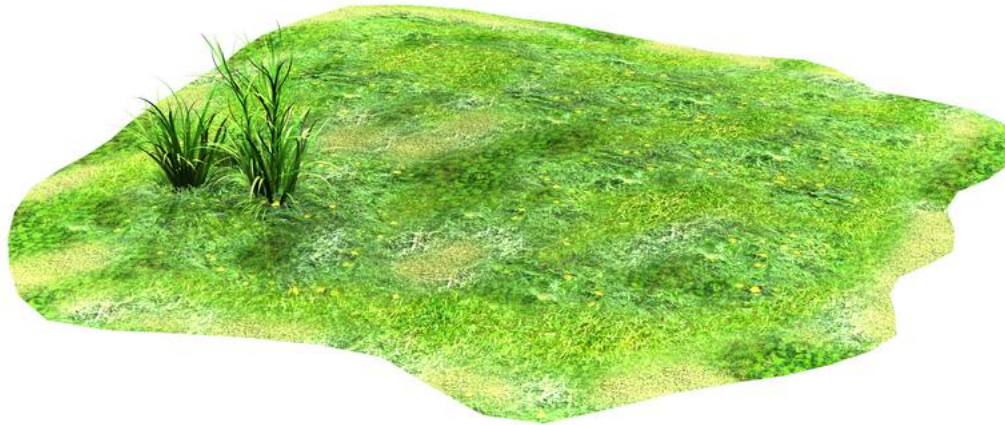
CONSTRUCTION WASTE

- defined under Waste Disposal (Charges for Disposal of Construction Waste) Regulation.
- means any substance, matter or thing that is generated from construction work and abandoned, whether or not it has been processed or stockpiled before being abandoned, but does not include any sludge, screenings or matter removed in or generated from any desludging, desilting or dredging works.



PRIVATE LOT

- means a piece or parcel of ground held under a Government lease and identified by a lot number as defined by the Land Registration Regulations



THE ENHANCED CONTROL

Before a person deposits, or causes to be deposited, construction waste on a private lot, he should

(1) obtain the written permission of all owners of the lot



(2) submit to EPD a duly completed and signed form EPD-238 at least 21 calendar days before the deposition



(3) Acquire EPD's acknowledgement on the form EPD-238

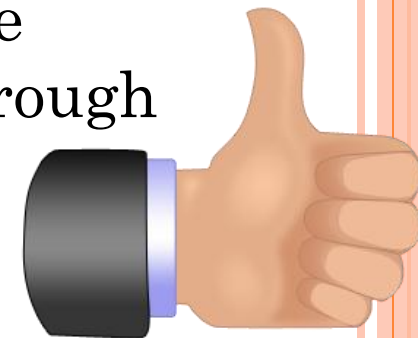


(4) Display a copy of Parts C and D of the acknowledged form in a conspicuous place on the lot at all times during the depositing activity



ADVANTAGES OF THE PRIOR NOTIFICATION PROCEDURES

- Better protect the rights and interests of landowners
- Enforcing departments will be notified of the deposition in advance, thus can remind relevant parties on the legal requirements and take enforcement actions as necessary
- The acknowledged form displayed during the deposition will enhance public inspection through a more transparent process




PENALTY

- s.16A and s.16B(3) (*viz. illegal deposition*)
 - \$200,000 plus 6-month imprisonment for the first offence;
 - \$500,000 plus 6-month imprisonment for a second or subsequent offence; and
 - a daily fine of \$10,000 for a continuing offence
- s.16C(6) (*viz. providing false information in its notification form*)
 - \$100,000
- s.16C(7) (*viz. fail to display a copy of the acknowledged form during the depositing period*)
 - \$100,000



POINTS TO NOTE :

- Deposition of construction waste on a private lot and the total deposition area of construction waste within the lot exceeds 20 m²
 - Obtain written permission from all land owners
 - Submit an EPD-238 for the deposition to EPD 21 calendar days before the intended date of the deposition and obtain acknowledgement from EPD before the commencement of the deposition
 - Ensure necessary measures have been adopted for easy identification of the specified deposition area to prevent depositors from carrying out land filling activities outside the specified area
 - Know the source and nature of construction waste
 - Never accept fill from unknown or suspicious source.
 - Ensure the construction waste is not contaminated by chemical waste (e.g. asbestos and waste oil)
 - Dispose of construction waste at suitable waste facilities
 - Comply with environmental and safety requirements
 - Ensure land filling activities will not cause environmental nuisances, flooding, or affect the safety of surrounding buildings/slopes
 - Vehicles to cover the load of dusty materials entirely and wash the vehicle bodies and wheels before leaving construction sites
 - Do not overload
- 

DELINEATE THE SPECIFIED DEPOSITION AREA

- Effectively prevent depositors from carrying out land filling activities outside the specified deposition



IMPLEMENTATION DATE

Expect to implement in mid 2014

- Gazette
- Press Release
- EPD Website
- Publicity Letters to Trade



POSTER

《2013年廢物處置(修訂)條例》
Waste Disposal (Amendment)
Ordinance 2013

切勿非法傾倒

No illegal waste deposition

在私人土地傾倒建築廢料
須先通知環保署並獲認收

Deposition of construction waste on **private land**
requires prior notification to EPD for acknowledgement



違例者最高罰款為二十萬元及監禁六個月
A maximum fine of \$200,000 and 6-month imprisonment for non-compliance

 環境保護署
Environmental Protection Department

 2838 3111

 www.epd.gov.hk



PUBLICITY LEAFLET (1)

Waste Disposal (Amendment) Ordinance 2013

Enhanced control of the deposition of construction waste on private land

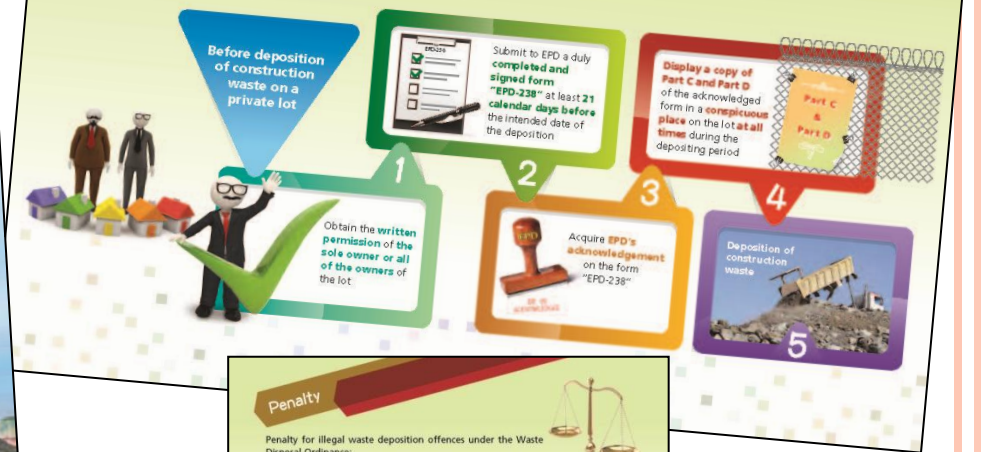


The Environmental Protection Department (EPD) has been enforcing section 16A of the Waste Disposal Ordinance (WDO) against illegal deposition or dumping of waste. A person commits an offence if he deposits or causes another person to deposit waste in any place except with the permission of any owner or lawful occupier of the place.

To enhance the control of the deposition or dumping of construction waste on private land, sections 16B and 16C have been enacted under the Waste Disposal (Amendment) Ordinance 2013, requiring a person to obtain the EPD's acknowledgement through the prior notification procedures before the commencement of the depositing activity. Furthermore, the construction waste depositor (e.g. the contractor or the dump truck driver transporting construction waste) must ensure a copy of the acknowledged form is displayed in a conspicuous place on the lot before depositing the waste.

The prior notification procedures are not applicable under the following circumstances:

1. the deposition forms part of building works carried out according to the Buildings Ordinance (Application to the New Territories) Ordinance or Building (Indigenous Inhabitants) Ordinance, such as village houses (commonly known as "small houses") built by indigenous inhabitants; or
2. 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.



Penalty

Penalty for illegal waste deposition offences under the Waste Disposal Ordinance:

| Clause | Offence | Maximum penalty |
|-------------|--|--|
| Section 16A | Illegal deposition of waste | \$200,000 and 6-month imprisonment; |
| Section 16B | Deposition of construction waste without obtaining permission of the lot owners and EPD's acknowledgement through the prior notification procedures. | \$500,000 and 6-month imprisonment for a second or subsequent offence; An additional daily fine of \$10,000 for a continuous offence |
| Section 16C | Provision of false information in the notification form | \$100,000 |
| | Failure to display a copy of the acknowledged form during the depositing activity | |



Construction waste means any substance that is generated from construction works and abandoned and usually includes rock, rubble, sand, concrete, asphalt, brick, tile, etc. Please refer to the Waste Disposal (Charges for Disposal of Construction Waste) Regulation for detailed definition.

Enquiry


For more information on the Waste Disposal (Amendment) Ordinance 2013, please contact EPD

Hotline: 2838 3111
Email: enquiry@epd.gov.hk
Website: www.epd.gov.hk




PUBLICITY LEAFLET (2)

Know your environmental responsibilities
Dispose of construction waste properly




A Guide for Developers, Contractors and Property Management Companies

- Prepare guidelines and implement a waste management plan
- Supervise material transportation and implement a trip ticket system
- Use suitable waste disposal facilities
- Obtain written permission from all land owners and EPD's acknowledgement and take necessary measures for easy identification of the specified deposition area if construction waste is to be deposited on a private lot and the total deposition area of construction waste within the lot exceeds 20 m²
- Help prevent illegal dumping activities

 環境保護署
Environmental Protection Department

March 2014

Be responsible, say "NO" to illegal waste dumping




A Guide for Construction Waste Transporters

✓ **Do:**

- know the source, properties and nature of your load
- comply with all safety and environmental requirements
- transport load to suitable waste disposal facilities
- ensure written permission from all land owners and EPD's acknowledgement have been obtained if construction waste is to be deposited on a private lot and the total deposition area of construction waste within the lot exceeds 20 m²

✗ **Don't:**

- damage the environment, cause environmental nuisances or affect road safety
- risk heavy fines and imprisonment

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Avoid your land becoming a dumping ground!



A Guide for Land Owners

Prevent illegal land filling and waste dumping activities, don't:

- undertake unauthorized development or violate lease conditions
- damage the environment or cause environmental nuisances
- cause flooding or form unstable slopes affecting the safety of adjacent buildings or land
- devalue your land
- risk heavy fines and imprisonment

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March 2014

EPD WEBSITE

The screenshot shows the EPD website interface. At the top, there is a navigation bar with 'Home', 'WASTE', 'Problems & Solutions', 'Data & Statistics', 'Public Consultation', 'Study Reports', 'Guidelines & References', 'Waste Reduction Programme', 'Waste Collectors & Recyclers', 'Waste Management Facilities', 'Advanced Search', 'Get Adobe Reader', and 'WEB ACCESSIBILITY CONFORMANCE'. The main content area is titled 'WASTE' and features a 'Waste Disposal (Amendment) Ordinance 2013' section. This section includes an introduction, a list of links (Introduction / What is Construction Waste? / Notification Form / Further information / FAQs / Enquiries), and two photographs of construction waste disposal sites. The first photo shows a large pile of construction waste in an open field, and the second photo shows a similar site with a more developed background.

Waste Disposal (Amendment) Ordinance 2013

[Introduction / What is Construction Waste? / Notification Form / Further information / FAQs / Enquiries](#)

Introduction

The Environmental Protection Department (EPD) has been enforcing section 10A of the Waste Disposal Ordinance (WDO) against illegal deposition or dumping of waste. A person commits an offence if he deposits or causes another person to deposit waste in any place.

To enhance the control of the depositing or dumping of construction waste on a private land, EPD has introduced a prior notification procedure under the Waste Disposal (Amendment) Ordinance 2013. Under the newly enacted sections 16B and 16C, it requires a person to obtain the written permission of the owners given in a specified form (EPD-238) and submit it to EPD before the intended date of the deposition. After acquiring EPD's acknowledgement on the form, the depositor (e.g. the contractor concerned or the dump truck driver transporting construction waste) must ensure that a copy of the acknowledged form is displayed in a conspicuous place on the lot before depositing the waste.

Disposed Construction Waste

Top

Notification Form

Before the commencement date of depositing activity, written permission of land owners and relevant information should be submitted to EPD using the form (EPD-238).



(PDF format – 720 KB)
[Download Form](#)

Form EPD-238 (Currently for reference only)
(Request for acknowledgement on owners' permission of the depositing of construction waste on a private lot)

A duly completed form should be submitted to EPD 21 days before the intended date of the deposition

Top

Further information

- Gazette on Waste Disposal (Amendment) Ordinance 2013 was published on 27 Dec 2013 ([English](#) / [Chinese](#))
- Leaflet (Click to view pdf format)



- What's YOU can do if you spot land filling / fly-tipping incident?
<http://www.epd.gov.hk/epd/english/landfilling/incident/incident.html>

ENQUIRIES

- Tel: 2838 3111
- E-mail: enquiry@epd.gov.hk

