



Room 2006, 20th floor, Murray Building, Garden Road, Central, Hong Kong
Tel: 848 2551 Fax: 845 3489
香港中環花園道美利大廈20樓2006室 • 電話: 848 2551 傳真機: 845 3489

(ACE Paper 45/96)
for advice

Waste Disposal (Forms and Fees for Licences) Regulation

Introduction

This paper seeks Members' endorsement of the proposal to amend the Waste Disposal (Forms and Fees for Licences) Regulation to enable the Director of Environmental Protection (the Director) to prescribe the fees for application of permits for waste import and export under Sections 20A and 20B of the Waste Disposal (Amendment) Ordinance 1995.

Background

2. The Waste Disposal (Amendment) Ordinance 1995 [WD(A)O 95] was enacted in February 1995 to enable a more comprehensive control on import and export of waste. The extended control arrangements are in line with the general requirements of the Basel Convention. This will ensure that illegal shipment of waste into, from and through Hong Kong will be put under proper control and legitimate waste trade which contributes to resource conservation will be able to continue. It should be noted that nearly 98% of the existing waste trade in Hong Kong (valued at over HK\$ 23 billion in 1995) are dealing with non-hazardous waste such as waste paper and scrap metals. The provisions of the WD(A)O 95 shall come into force on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette.

3. The Government's intention had been to bring in the extended control by the end of this year. However, the recent return of a waste consignment from Fuzhou to Hong Kong has been of great concern. There is therefore an urgent need to bring forward the implementation of the extended control. The Government now intends to bring the extended control into operation in September 1996. Under the extended control system, the import/export of any waste, with the exception of uncontaminated and non-hazardous waste as defined under the WD(A)O 95 and which are for reuse or recycling purposes, would be subject to control. Waste importers and exporters are required to apply for an import/export permit from the Environmental Protection Department (EPD) prior to the commencement of waste shipment. Some of the essential information/documents to be provided in the application includes:

- * quantity, composition, classification and hazardous nature of the waste;
- * contractual agreement between the waste generator and the disposer/recycler;

- * contractual undertaking of the exporter to take back the waste in case the shipment cannot be completed as intended; and
- * financial guarantee to enable the relevant environmental authorities to manage any abandoned or returned waste in an environmentally sound manner.

These information/documents will help to ensure that the waste shipment will be managed in an environmentally sound manner. The EPD will not issue a permit unless the department is satisfied with the information/documents provided by the applicant. In addition, the environmental authorities of the countries of export, transit and import, where relevant, must have given consent to the waste shipment, and, in the case of a waste import into Hong Kong, the environmental authority of the exporting country must agree to allow the return of the waste to its country if the intended shipment cannot be completed.

4. Under section 20A(2)(b)(iv) and 20B(2)(b)(iii) of the WD(A)O 95, an application for a waste import or export permit should be accompanied by a prescribed fee. The fees cover the costs incurred by Government for processing of permit applications as in the case of licence fees for waste collection and disposal prescribed under the Waste Disposal Ordinance. The Waste Disposal (Forms and Fees for Licences) Regulation (the Regulation) was first enacted in 1992 to prescribe the application forms and application fees for waste collection and disposal licences. The Regulation was amended in 1994 to introduce inflationary adjustments to the licence fees. It is now proposed that the Regulation be further amended to prescribe the application fees for waste import and export permits.

5. Members' attention are drawn to the fact that the extended control scheme will be brought into force by September 1996 and the Government has decided not to collect the permit application fees for a short period following implementation. This is to implement the control scheme at the earliest possible date but allowing time for the Regulation to be enacted.

Proposal to Amend the Regulation

6. The amendments to the Regulation will enable the collection of prescribed application fees for waste import and export permits. There will be two types of permit applications, namely permits for a single shipment and permits for multiple shipments. Each of the two types of permit applications will attract a different application fee, according to the level of costs incurred by the Government in processing the permit applications:-

<i>Type of Import or Export Permits</i>	<i>Application Fee</i>
a) Import/export permits for a single shipment of waste	\$10,750
b) Import/export permits for multiple shipments of waste	\$17,460

7. Permits for multiple shipments of waste will have a validity period up to 12 months. The total quantity of waste to be shipped under a permit of multiple shipments will be controlled and kept track of by the EPD.

Public Consultation

8. The industry and other relevant parties and organisations have been consulted on the proposed permit control framework before the enactment of the WD(A)O 95. The requirement that a waste import or export permit application be accompanied by a prescribed fee is stipulated under the WD(A)O 95. The principle of full administrative cost recovery in setting a prescribed fee for licence or permit applications as in the case of waste collection and disposal licences has been followed in the present exercise.

Advice Sought

9. Members are requested to advise whether the proposal to amend the Waste Disposal (Forms and Fees for Licences) Regulation in paragraph 6 should be recommended to the Governor in Council.

Environmental Protection Department
August 1996
