



Room 924, 9th floor, Murray Building, Garden Road, Central, Hong Kong
Tel: 2848 2606 Fax: 2530 5264

香港中環花園道美利大廈9樓924室 • 電話：2848 2606 傳真機：2530 5264 **(ACE Paper 11/97)**
for information

Transboundary Movements of Wastes

I. Introduction

This paper outlines the problem of imported waste in Hong Kong and examines the adequacy of existing policy and legislation in containing the problem.

II. Background

2. Recent years have seen an increase in international trade in waste. While the recovery of waste materials in legitimate recycling activities should be encouraged, the international community is concerned about the potential adverse impacts of non-recyclable or contaminated waste. This led to the conclusion of an international agreement, known as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, to provide a framework for controlling the transboundary movement of hazardous and other wastes. The main control mechanism is to effect a system of prior notification and consent by the authorities of the states of import, export and transit prior to the commencement of shipments of hazardous or non-recyclable waste. Both the United Kingdom and China are parties to the Basel Convention, which has also been extended to Hong Kong.

III. Recent Developments

3. Hong Kong's geographical location and free port status have made it a major entrepôt for the Asia-Pacific region. Huge volumes of cargo, including waste materials, pass through Hong Kong every day. Hong Kong's waste trade amounted to over \$23 billion in 1995, 98% of which consisted of non-hazardous and uncontaminated waste, such as waste paper and scrap metals. Detailed statistics for 1994 and 1995 are as follows -

1994				1995			
Quantity (million tonnes)		Value (billion HK\$)		Quantity (million tonnes)		Value (billion HK\$)	
Import	Export	Import	Export	Import	Export	Import	Export
1.9	2.5	6.5	6.4	2.7	3.1	12.6	10.5

4. Since 1 April 1996, when China tightened up its control on the import of waste, waste shipments which are considered unsuitable for recycling may be returned to Hong Kong if they were exported to China through Hong Kong.

5. A shipment of soiled plastic waste mixed with household waste which was exported from the USA to China but was rejected by the Fuzhou authorities and subsequently returned to Hong Kong on 2 July 1996 brought to a head the problem of imported waste. With the assistance of the Environmental Protection Department (EPD), the Hong Kong trader reached agreement with a US waste disposal company (not the original seller) to return the waste to the USA for disposal. The US Consulate General in Hong Kong helped ensure that the waste would be allowed re-entry into the USA. The waste was returned to the USA in two lots which left Hong Kong in August 1996. The waste had been disposed of at a waste-to-energy incineration facility in New Jersey, USA.

6. A total of 50 containers of waste in three shipments, believed to be mostly of German origin, were shipped from Rotterdam in the Netherlands to Hong Kong in March/April 1996. The waste was claimed to be "plastic scrap" but was mixed with domestic and industrial waste and thus fell under the scope of the Basel Convention. The shipments were regarded as *illegal traffic* under the Convention as no prior notification was made to Hong Kong, although no prosecution could be initiated in Hong Kong as the incident occurred before the implementation of the enhanced controls under the Waste Disposal Ordinance (WDO) in September 1996. The German and Dutch competent authorities agreed, after lengthy consideration, to accept the return of the waste. The carrier who brought the waste to Hong Kong effected the return shipment on 27 January 1997.

IV. Legislative Control

7. The Fuzhou incident underlined the importance of early implementation of a permit system to control the import and export of waste. This was introduced on 1 September 1996. Prior to that the legislative framework under the WDO did not require a comprehensive permit control for the import and export of waste - approval from the EPD was required only when the waste was imported for disposal. This framework was therefore not effective for the control of wastes which are stranded in Hong Kong and not yet subject to any disposal operation. There are also limitations on the control of illegal disposal of imported waste where there is no importer or trader in Hong Kong who is responsible for the waste.

8. A permit control scheme on the import and export of waste under the Waste Disposal (Amendment) Ordinance 1995 came into operation on 1 September 1996. This control scheme is in line with the requirements of the Basel Convention. The import of contaminated or non-recyclable waste without a permit, regardless of the purpose of the import, is an offence under the amended WDO. These new

legislative provisions also enable a more effective control on any attempt to dispose of imported waste in Hong Kong. The intent of the enhanced control scheme is clear. Whilst the movement of hazardous or contaminated waste is placed under stringent permit control to ensure their proper management, legitimate trade and recycling of non-hazardous waste are allowed to continue without interference in order to conserve raw materials.

9. The enhanced control scheme has been widely publicised to the local waste traders, the shipping industry and Hong Kong's major waste trade partners. EPD also liaises closely with relevant authorities in overseas countries and works with the Hong Kong Customs and Excise Department to carry out inspection of selected waste shipments. Moreover, waste disposal sites are closely monitored to guard against any illegal disposal of imported waste.

10. Government will continue to ensure that all rejected shipments of non-recyclable waste are returned to the country of origin as soon as possible and that the wastes are not allowed to be disposed of in Hong Kong. We will monitor the situation and the effectiveness of the enhanced control scheme, and consider additional measures as and when necessary.

Planning, Environment and Lands Branch
February 1997