

Cooperation Arrangement on Control of Waste Movements Between the Mainland and HKSAR

To regulate waste movements between the Mainland and the Hong Kong Special Administrative Region (HKSAR), the State Environmental Protection Administration (SEPA) as one party and the Environmental Protection Department of the HKSAR Government (EPD/HKSAR) as the other party signed the “Memorandum of Understanding - Cooperation on Control of Waste Movements Between the Mainland and HKSAR” (MoU) in Hong Kong on 7 January 2000.

With the rapid economic growth and port development in the Mainland, currently some of the shipping routes of HKSAR have been re-aligned to visit Mainland ports enroute to a country or countries outside China. To further regulate the movements of hazardous wastes from HKSAR to overseas countries via the Mainland and the movements of hazardous wastes from the Mainland to overseas countries via HKSAR, as well as to prevent a country or countries overseas from transshipping hazardous wastes to the Mainland through HKSAR, supplementary provisions are to be included in the MoU . Further amendments are needed for details of the contact persons designated for issuance and receipt of the “notification of hazardous waste movement between the Mainland and HKSAR” in HKSAR following the reorganization of EPD/HK in 2004.

In view of the above, the previous MoU is now amended and renamed the “Cooperation Arrangement on Control of Waste Movements Between the Mainland and HKSAR” (the Cooperation Arrangement). The amendments are as follows:

I. Both sides agreed to implement notification and consent in respect of hazardous waste shipments between the Mainland and HKSAR:

1. Prior to any hazardous waste shipment from the Mainland to HKSAR or vice versa, the contact person of the contact point of the place of export shall issue a “notification of hazardous waste movement between the Mainland and HKSAR” to the contact person of the contact point of the place of import. No export of hazardous waste is allowed unless and until the contact person of the place of import has given a written consent. This requirement shall also apply to hazardous waste transit through port(s) of the other side to a country or countries overseas.

2. The contact person of the contact point for issuance and receipt of the “notification of hazardous waste movement between the Mainland and HKSAR” in the Mainland shall be the Head of Solid Waste Management Division of the Pollution Control Department of the SEPA.

The contact person of the contact point for issuance and receipt of the “notification of hazardous waste movement between the Mainland and HKSAR” in HKSAR shall be the Senior Environmental Protection Officer of the Waste Import/Export Control Section, EPD/HKSAR.

3. The notification form of hazardous waste movement between the Mainland and HKSAR shall be Basel Convention’s standard notification form, to be used shall be the prescribed form entitled “Transboundary Movement of Waste – Notification”.

4. In this Cooperation Arrangement, hazardous waste movements

refer to:

(1) The export of hazardous wastes generated in the Mainland to HKSAR and the export of hazardous wastes generated in HKSAR to the Mainland;

(2) The export of hazardous wastes generated in the Mainland via HKSAR to a country or countries overseas and the export of hazardous wastes generated in HKSAR via the Mainland to a country or countries overseas. For the export of hazardous wastes generated in HKSAR via Mainland port(s) to a country or countries overseas, only transit shipment is allowed but not transshipment or offloading at the ports of the Mainland.

5. In this Cooperation Agreement, hazardous wastes refer to:

- (1) All categories of wastes to be controlled as listed in Annex I of the Basel Convention;
- (2) All categories of wastes requiring special consideration as listed in Annex II of the Basel Convention;
- (3) Hazardous wastes as listed in Annex VIII (List A) of the Basel Convention;
- (4) Those specified or defined as hazardous wastes under laws and regulations of the Mainland;
- (5) Those specified and defined as hazardous wastes under laws and regulations of HKSAR.

6. For any approved hazardous waste shipment(s) from HKSAR via the Mainland port(s), the applicant of the said hazardous waste shipment(s) shall, through the contact person of HKSAR, notify in writing the contact person in the Mainland of the shipment details 15 days in advance. The information to be provided shall include but not limited to: names, the description of the hazardous wastes (including HS codes), quantities, port(s)

of transit, local customs authorities, ship codes, manifests, shipping company(company), arrival and departure times which shall be passed by the SEPA to the relevant Mainland customs authorities upon receipt of such written notification. All shipments of hazardous wastes via the Mainland port(s) shall be in compliance with the requirements set down by the Mainland customs authorities and properly transshipped under the supervision of the Mainland customs authorities.

7. Regarding hazardous waste shipment(s) from the Mainland via HKSAR, the applicant for hazardous waste shipment(s) shall act, in full compliance with the requirements set out in the consent letter issued by the contact person of HKSAR, prepare and provide the required information and properly transshipped the hazardous wastes. In case the deal in respect of the approved transboundary movement(s) of hazardous wastes via HKSAR falls through and the wastes are not to be removed out of the HKSAR, the applicant is required to report in writing to the EPD/HKSAR and the SEPA as soon as possible. As such, the SEPA shall raise no objection to the re-import of the same, the costs of which shall be borne by the registrant.

II. The contact point of China under the Basel Convention in SEPA has agreed to send timely a copy of any relevant information issued by the Secretariat of the Basel Convention to the regulating authorities of HKSAR, China under the Basel Convention via the Ministry of Foreign Affairs and the Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR upon receipt of the same.

III. The HKSAR shall submit its annual report to the Conference of Parties to the Basel Convention via the Central Peoples' Government through the Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR.

IV. For participation of meetings under the Basel Convention, HKSAR shall apply to the Central Peoples' Government in accordance with the procedures as stipulated in the preceding paragraph III.

V. Both parties agreed to further discuss the following proposals by EPD/HKSAR, after SEPA has consulted with the relevant Mainland departments :

1. The relevant Mainland departments shall give a prior notification and confirmation when they need to return to an overseas country(countries) of origin any hazardous wastes or other wastes that have been illegally transshipped through HKSAR.

2. The SEPA shall provide to EPD/HKSAR any relevant information concerning new waste inspection centres set up overseas by the State Administration of Import and Export Commodity Inspection.

3. The relevant departments of the Mainland shall provide EPD/HKSAR with copies of the relevant taxation laws and regulations on how HKSAR businessmen, who operate factories in the Mainland, can dispose of the waste generated from their factories in the Mainland and at the same time arrange for tax rebate or exemption. The EPD/HKSAR shall make use of such information to encourage the businessmen to properly dispose of their wastes in the Mainland, thus avoiding shipping the wastes illegally to HKSAR for disposal.

VI. The HKSAR Government will continue to explore with the relevant Mainland departments the possibility of further cooperation on the

handling of difficult wastes which include:

1. export of low level radioactive wastes from HKSAR for storage and treatment in the Mainland; and
2. export of hazardous wastes from the Mainland for treatment in the Chemical Waste Treatment Centre in HKSAR.

This Cooperation Arrangement is signed in duplicate in Shenzhen on 15 November 2007.

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Pollution Control Department
State Environmental Protection
Administration

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Environmental Protection Department,
Hong Kong SAR Government