

ENVIRONMENTAL PROTECTION DEPARTMENT

GUIDELINES ON

IMPORT AND EXPORT CONTROL OF WASTE PAPER

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ENVIRONMENTAL PROTECTION DEPARTMENT GUIDELINES ON IMPORT AND EXPORT CONTROL OF WASTE PAPER

A. FOREWORD

1. This set of Guidelines aims to let the trade understand the import and export control measures for waste paper, including the ban on import of all waste paper into Hong Kong as well as the corresponding arrangements and the required declaration documents for re-exporting and exporting waste paper.

B. BACKGROUND

Why is it necessary to enhance control on the import and export of waste paper?

2. Since there is no recycling facility in Hong Kong that can receive imported waste paper at present, the Environmental Protection Department (EPD) has enhanced the import and export control measures on waste paper in accordance with the current Waste Disposal Ordinance (WDO, Cap. 354). Except for the re-export of waste paper that destined for recycling at other places, no waste paper is allowed to be imported into Hong Kong, to avoid any illegal disposal of waste paper in Hong Kong or causing pollution.
3. Hong Kong's neighbouring countries (e.g. Indonesia and Malaysia, etc.) have been progressively tightening their import control on various types of waste paper. Moreover, the authority of the Mainland of China has started restrictions on the places of origin of imported waste paper and announced that a total import ban of solid waste will basically be achieved by the end of 2020, and import of foreign waste (including all waste paper) will be completely banned. In view of the above, it is a must for Hong Kong to enhance the control on the re-export and export of waste paper.

What are the requirements of the Waste Disposal Ordinance on regulating the import and export of various types of waste paper?

4. According to the WDO, import and export of all waste paper are subject to strict control under WDO's permit system, unless the person concerned can prove that the waste paper is (a) uncontaminated; and (b) imported or exported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste.
5. However, since there is no recycling facility in Hong Kong that can receive imported waste paper at present, generally speaking, except for the waste paper that is re-exported via Hong Kong to other places for recycling, all waste paper shall not be imported into Hong Kong.
6. Before the waste paper shipment departs from the place of export, any person who exports waste paper from or re-exports waste paper via Hong Kong shall confirm in advance that the shipment meets the requirements of the place of import, and an import permission or an equivalent confirmation has been obtained from the authority of the place of import. Some places of import have imposed other restrictions on waste paper (e.g. the Mainland of China will impose restrictions on the places of origin, such as banning the import of foreign waste paper¹), or require pre-shipment check in the place of export. If a waste paper shipment does not fulfil the restrictions imposed by the place of import (whether on the quality of the waste paper or the place of origin) and the import of the shipment is rejected, the person concerned may contravene the WDO and is liable to prosecution.
7. To help ensuring that export or re-export shipments conforms to the WDO, any person shall, before exporting or re-exporting waste paper from or via Hong Kong, submit in advance a declaration form and relevant documents to the EPD for record purposes. This is to prove that the waste paper

¹ Details shall follow the latest official information published by the authority of the Mainland of China.

shipments to be exported or re-exported meet the requirements under the WDO. That means, the waste paper is (a) uncontaminated; and (b) exported or re-exported for the purpose of a reprocessing, recycling, recovery operation or the reuse of the waste. The submitted documents also facilitate the strengthening of information exchange between the EPD and relevant states of import and export, and endeavour to safeguard the legitimacy and smooth operation of the transboundary movements of the waste.

In respect of waste paper, what operations are regarded as “reprocessing, recycling or recovery operations”?

8. Reprocessing, recycling or recovery operations of waste paper refer to those operations that turn waste paper into new paper or other useful products. On the other hand, merely re-packaging, sorting or baling of imported waste paper is not regarded as a reprocessing, recycling nor recovery operation. Some examples are provided in the following table for reference:

	Regarded as “reprocessing, recycling or recovery operations” <i>(turning waste paper into new paper or other useful products, and air, noise as well as water pollution must be strictly prevented when conducting such operations)</i>	Not regarded as “reprocessing, recycling or recovery operations” <i>(failing to turn waste paper into new paper or other useful products, or unsatisfactory preventive measures against air, noise and water pollution)</i>
Examples	<ul style="list-style-type: none"> • De-inking – production of pulp by processing waste paper with chemicals to remove inks and other unwanted elements to extract the paper fibres • Conversion into pulp • Production of new paper products 	<ul style="list-style-type: none"> • Sorting of waste paper by type • Shredding for production of paper flakes • Re-packaging • Baling • Incineration • Landfilling

C. EXPORT OF WASTE PAPER

What are the procedure and documents required to be submitted if I intend to export waste paper?

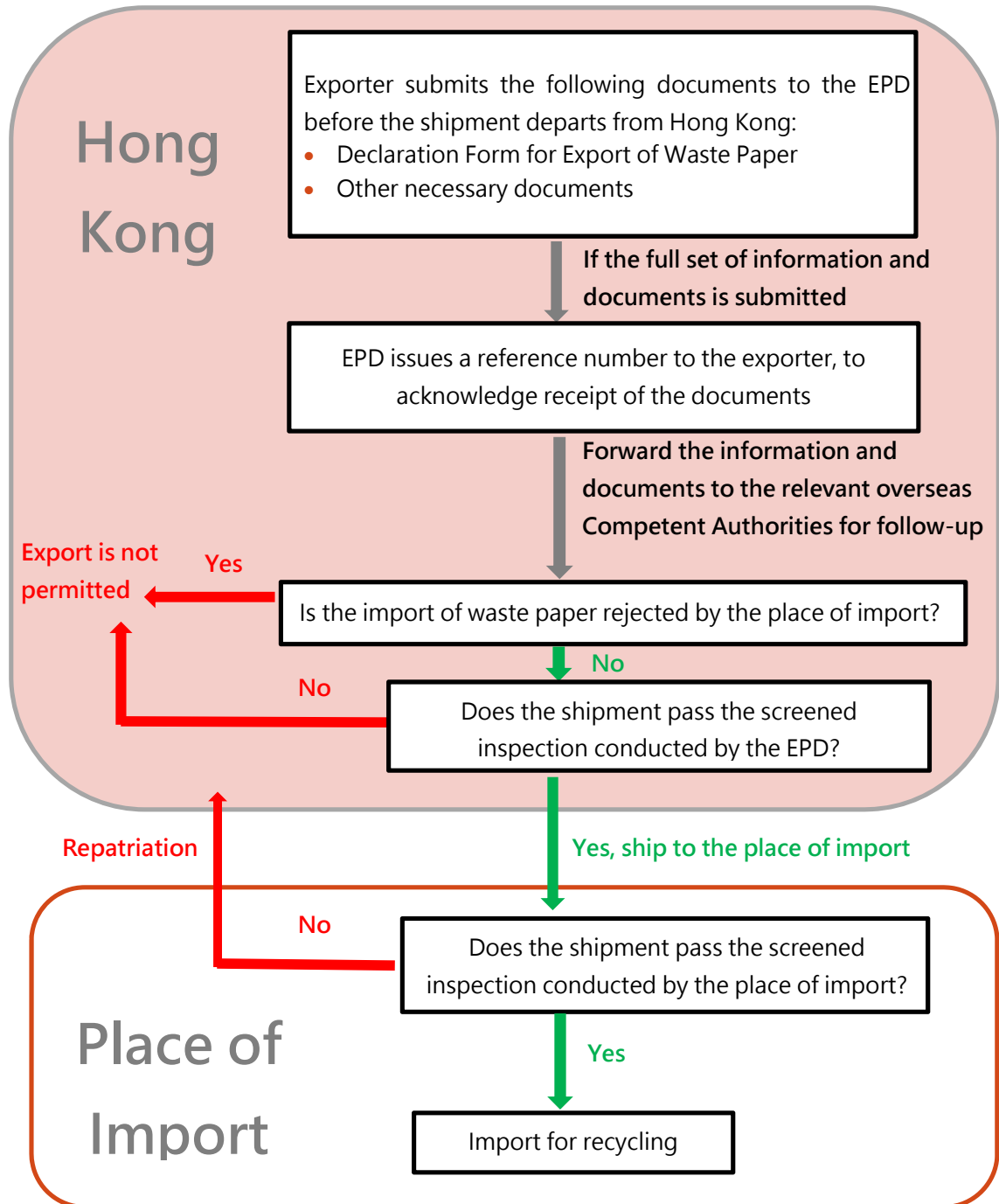
9. Any exporter who exports waste paper for recycling overseas shall submit a declaration form and the relevant documents to the EPD for record purpose, before each shipment departs from Hong Kong. This is to prove that the batch of waste paper complies with the export requirements of the WDO. If the person concerned is a contractor of EPD's contract "Collection and Recycling Services of Paper Recyclable Materials", he/she is still required to submit the declaration form and the relevant documents for record purposes according to these Guidelines.
10. Documents required to be submitted with the declaration form are :
 - (a) Copy of Business Registration Certificate;
 - (b) Copy of Bill of Lading or equivalent document;
 - (c) Copy of packing list or equivalent document;
 - (d) Information on the type of the waste paper and its photos;
 - (e) Copy of import permit or the consent from the place of import;
 - (f) Information on the recycling facility in the place of import;
 - (g) Copy of the contract documents with the recycling facility in the place of import;
 - (h) Other documents required by the concerned overseas Competent Authorities (if any); and
 - (i) Copy of waste paper inspection report (if any).
11. If the full set of declaration documents has been submitted, the EPD will issue a reference number to the exporter to acknowledge receipt of the documents. However, such acknowledgement does not imply that the relevant shipment has complied with the WDO, nor does it exempt any person from the liabilities to observe all the laws of Hong Kong or relevant place of import when exporting waste paper.

12. The EPD will forward the above-mentioned documents to the authority of the place of import for appropriate follow-up actions, to avoid as far as possible any repatriation of the waste paper upon arrival.

Under what circumstances is waste paper not permitted to be exported?

13. Export of waste paper under the following circumstances may not be permitted:
 - (a) The shipment does not comply with the requirements of the WDO;
 - (b) The authority of the place of import notifies that import consent or permission has not been given;
 - (c) A declaration form and relevant documents have not been submitted to the EPD in advance, or the EPD has not acknowledged receipt of the full set of all required documents;
or
 - (d) Discrepancies are found between the actual shipment and the information in the declaration documents during the EPD's screened inspection.

Summary: Flowchart for export of waste paper



D. RE-EXPORT OF WASTE PAPER

What are the procedure and the documents required to be submitted if I intend to re-export waste paper via Hong Kong?

14. Any person who re-exports waste paper via Hong Kong shall submit a declaration form and relevant documents to the EPD for record purposes, before the shipment departs from the place of export. This is to prove that the batch of waste paper is allowed to be re-exported to the place of import.
15. Documents required to be submitted with the declaration form are:
 - (a) Copy of Business Registration Certificate;
 - (b) Copy of Bill of Lading or equivalent document – shipment(s) from the place of export to the place of import shall be covered by the same Bill of Lading or equivalent document;
 - (c) Copy of packing list or equivalent document;
 - (d) Information on the place of origin;
 - (e) Information on the type of the waste paper and its photos;
 - (f) Copy of import permit or the consent from the place of import;
 - (g) Information on the recycling facility in the place of import;
 - (h) Copy of the contract documents with the recycling facility in the place of import;
 - (i) Other documents required by the concerned overseas Competent Authorities (if any); and
 - (j) Copy of waste paper inspection report (if any).
16. If the full set of declaration documents has been submitted, the EPD will issue a reference number to the person concerned to acknowledge receipt of the documents. However, such acknowledgement does not imply that the relevant shipment has complied with the WDO, nor does it exempt any person from the liabilities to observe all the laws of Hong Kong or relevant place of export and place of import when re-exporting waste paper.
17. The EPD will forward the relevant documents to the authority of the place of import for appropriate follow-up actions, to avoid as far as possible any

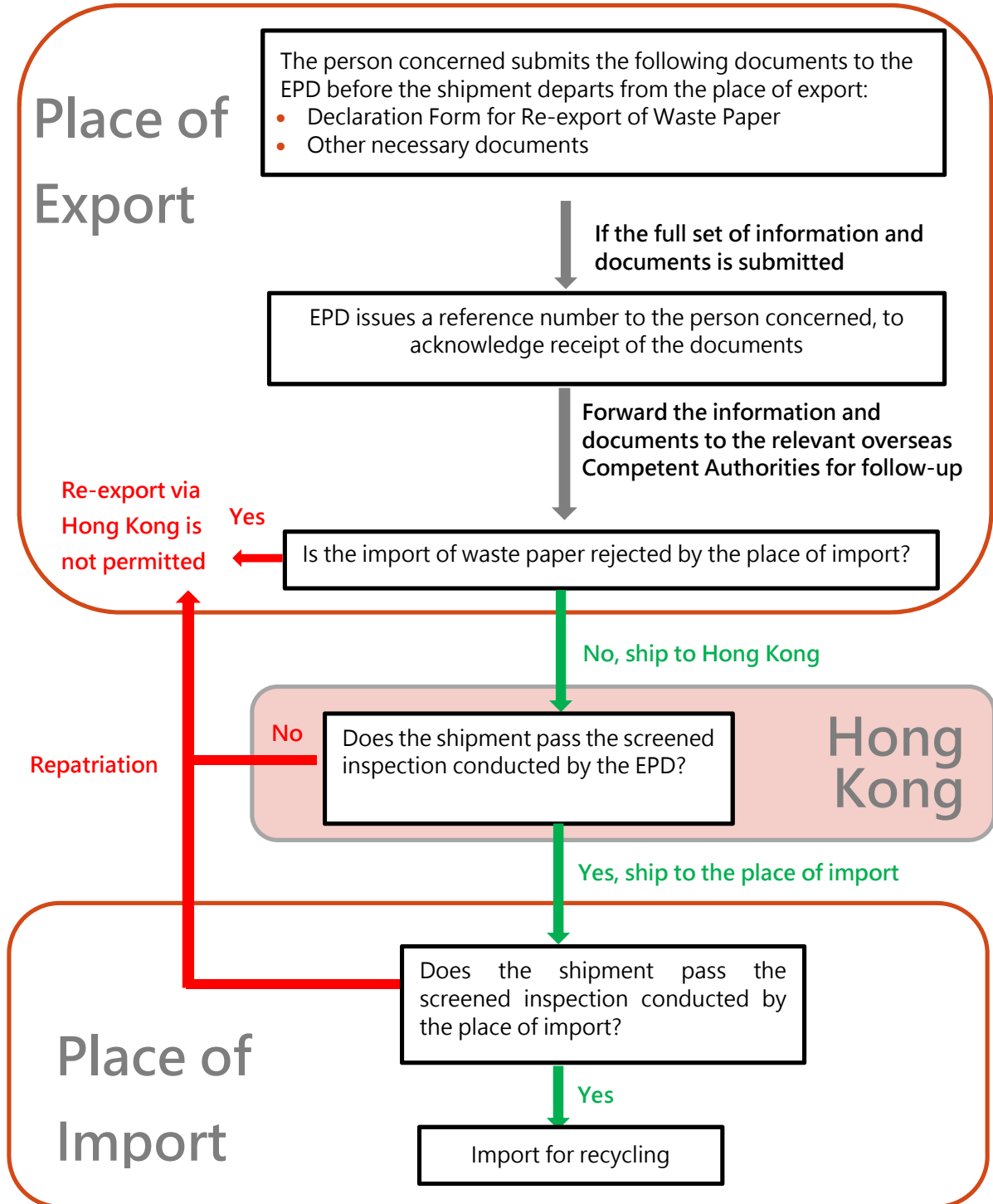
repatriation of the waste paper upon arrival. As some places of import have imposed restrictions on waste paper (e.g. the Mainland of China will impose restrictions on the places of origin, such as banning the import of foreign waste paper from end of 2020), the re-exporter shall obtain consent from the place of import before the shipment departs from the place of export.

18. Under no circumstances will waste paper for re-export via Hong Kong be sorted, transferred to another container or consolidated with other containers in Hong Kong, to ensure that no such waste paper will be stranded or disposed of in Hong Kong. Moreover, the Bill of Lading or equivalent documents must cover the onward shipments to the place of import, otherwise the shipment may be repatriated to the place of export.

Under what circumstances will the waste paper re-exported via Hong Kong be possibly repatriated to the place of export?

19. The following re-exported waste paper shall not be re-exported via Hong Kong, otherwise the shipment may be repatriated to the place of export:
 - (a) The shipment does not comply with the requirements of the WDO;
 - (b) The authority of the place of import notifies that the consent or permission for import has not been given;
 - (c) A declaration form and relevant documents have not been submitted to the EPD in advance, or the EPD has not acknowledged receipt of the full set of required documents (e.g. no valid Bills of Lading or equivalent documents to prove the re-export arrangement); or
 - (d) Discrepancies are found between the actual shipment and the information in the declaration documents during the EPD's screened inspection.
20. No person shall attempt to re-export waste paper via Hong Kong to states or regions where waste paper import is prohibited. Otherwise, the waste paper will be repatriated and the person concerned may be prosecuted by the EPD for contravening the WDO.

Summary: Flowchart for re-export of waste paper



E. FOLLOW-UP ACTIONS AND ENFORCEMENT OF ENVIRONMENTAL PROTECTION DEPARTMENT

What follow up actions will the EPD take after receiving the declaration form and the relevant documents?

21. For the convenience of the trade, the EPD will issue an acknowledgement with a reference number to the person concerned after confirming the receipt of all the required documents. Shipping companies may require their clients to provide the relevant acknowledgement and provide the information (including the reference number and a brief account of the type(s) of the waste paper) in the description of goods column/box of the shipping document to facilitate EPD to verify the shipment details.
22. The issue of an acknowledgement by the EPD does not imply that the concerned shipment has complied with the WDO, nor does it exempt any person from the liability to observe all laws of Hong Kong or relevant place of import and export when exporting or re-exporting waste paper from or via Hong Kong. If discrepancies are found between the actual shipment and the information in the declaration documents during the EPD's screened inspections, the concerned shipment may be repatriated to the place of origin or the export of the shipment may be rejected. The EPD will also take appropriate follow-up actions in accordance with the WDO.
23. In addition, the EPD will forward the declaration documents received to the relevant overseas Competent Authorities, to let them apprehended the situation of the shipment being imported to, re-exported via or exported from their places, and timely notify one another, to avoid as far as possible the repatriation of the shipment upon arrival.

Under the enhanced arrangement for import and export of waste paper, how will the EPD enforce the law?

24. The EPD will, jointly with the Customs and Excise Department, continue to conduct screened inspections on exported and re-exported containers based on intelligence and information submitted by importers and exporters, having regard to the risk assessment and enforcement priority. In the meantime, the EPD will also enhance collaboration with overseas Competent Authorities through timely notification, to control transboundary movements of waste paper.
25. The EPD will, based on intelligence, conduct surprise inspections to suspicious local recycling facilities to detect and intercept the sources of illegal waste exports. Prosecutions will be instituted against the involved exporters once sufficient evidence is collected. Exporters shall not attempt to contravene the law.

What are the penalties of violating the requirements on waste import and export control under the Waste Disposal Ordinance?

26. Offenders violating the law are liable to a maximum fine of \$200,000 and 6 months' imprisonment for the first offence; and a fine of \$500,000 and 2 years' imprisonment for subsequent offences. Besides, the illegally imported wastes will be returned to the place of origin and the cost will be borne by the offender.

F. RELEVANT FEES AND IMPLEMENTATION SCHEDULE

What is the fee required for declaration?

27. No payment is required for submission of a declaration form related to the export or re-export of waste paper from or via Hong Kong. Nevertheless, the applicant has to bear the cost for preparing the documents.

When will the enhanced arrangement for import and export control of waste paper be implemented?

28. The EPD has been ready to implement the control arrangement mentioned in these Guidelines. The trade should also carry out preparatory work immediately. They may, depending on their needs, submit export or re-export declaration documents to the EPD, to familiarise with the relevant arrangements and to adapt to gradual tightening of import control on various types of waste paper in different countries. In particular, the new situation that the authority of the Mainland of China will implement the total import ban of foreign waste (including all types of waste paper) from 2021. In the meantime, the EPD will forward the declaration information received to the overseas Competent Authorities responsible for waste paper import and export control, and notify the trade of the updated control arrangements of various places, to reduce repatriation of waste paper shipments upon arrival, and to avoid violating the relevant local laws of those places.

G. CONTACT

How to contact the EPD for enquiries concerning enhanced control on waste paper import and export?

29. If you have enquiries about the enhanced control on waste paper import and export, you are welcome to contact the EPD at +852 2835 2311 or by email (wasteimportandexport@epd.gov.hk).

Environmental Protection Department
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