

ENVIRONMENTAL PROTECTION DEPARTMENT

GUIDELINES ON IMPORT AND EXPORT CONTROL OF WASTE PLASTICS

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

A. FOREWORD

1. With effect from 1 January 2021, the Environmental Protection Department (EPD) will enhance import and export control measures for waste plastics. Any person who intends to import, re-export or export waste plastics into, via or from Hong Kong must apply for a permit or consent from EPD or submit a declaration form to EPD in advance. This set of Guidelines aims to let the trade understand the corresponding arrangements regarding the control measures, and to elaborate on the waste plastics import and export requirements, the arrangements for making a permit/consent application, and the required declaration form and relevant documents to be submitted.

B. BACKGROUND

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

2. Following a decision adopted by the Conference of the Parties to the Basel Convention (BC) in May 2019, control on transboundary movements of waste plastics will be enhanced with effect from 1 January 2021. By then, plastic waste is regarded as “regulated waste plastics” except for the single-type and uncontaminated waste plastics in the Annex that are recovered in an environmentally sound manner (e.g. recycling). Any person who intends to conduct transboundary movement of “regulated waste plastics” shall obtain prior consent from the states of export, import and transit concerned. In addition, import and export of “regulated waste plastics” between a Party and a non-Party of the BC are prohibited.

3. In the meantime, Hong Kong's neighbouring countries, such as Thailand, Vietnam and Malaysia, have been progressively tightening up their import control on various types of waste plastics, including the above-mentioned "regulated waste plastics" as well as "non-regulated waste plastics". Moreover, the Mainland of China has imposed a total ban on the import of all waste plastics since the end of 2018. In view of the above, it is a must for Hong Kong to enhance control on the import, export and re-export of waste plastics, so as to prevent waste plastics from being stranded or illegally disposed of, or causing pollution in Hong Kong.

How does the Waste Disposal Ordinance of Hong Kong regulate the import and export of various types of waste plastics?

4. According to the Waste Disposal Ordinance (WDO) (Cap. 354), import and export of all waste plastics are subject to strict control under a permit system, unless the person concerned can prove that the waste plastics are (a) uncontaminated; and (b) imported or exported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste.
5. As such, any person importing or exporting "regulated waste plastics" shall apply for the relevant waste import / export permit or consent from EPD in advance. For re-export of "regulated waste plastics" *via* Hong Kong, declaration form and relevant documents should be submitted to EPD in advance for record purposes, so that EPD may respond timely to the request of the state of export for consent to the transit arrangement.
6. Any person shall, before importing, exporting or re-exporting "non-regulated waste plastics" into, from or *via* Hong Kong, submit in advance a declaration form and relevant documents to EPD for record purposes. This is to prove that the waste plastics are not subject to permit control under the WDO's requirements. That means, the waste plastics are (a) uncontaminated; and (b) imported, 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 exchanges 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.

What are “regulated waste plastics”?

7. According to the definition under the BC, all waste plastics are “regulated waste plastics” except those listed in the Annex, destined for recycling in an **environmentally sound manner**, and **free from contamination** and other types of wastes.

What are “uncontaminated waste plastics”?

8. According to section 20I(2) of the WDO and with reference to national standard, “Environmental protection control standard for imported solid wastes as raw materials - Waste and scrap of plastics” GB16487.12-2017, “uncontaminated waste plastics” mean waste plastics that are clean and contain no more than 0.5% impurities by weight. Impurities include other types of waste plastics, waste paper, waste glass, etc. In fact, the Mainland of China has imposed a **total ban** on the import of all waste plastics since end 2018.

What operations are regarded as recovering in an “environmentally sound manner”?

9. According to the principles of reducing transboundary movements of waste to the minimum consistent with the environmentally sound management of waste under the BC, handling waste plastics with low technology operations will have limited environmental gains, but will generate pollution and residual wastes requiring disposal in the place of import. Therefore, it is against the BC’s principles if the place of export has the equivalent capability in handling the wastes concerned, or the place of import handles the imported waste with lower

technology or applies highly polluting re-processing, recycling or recovery operations. Such wastes should be disposed of in their places of origin and transboundary movements should not take place.

	<p>“Re-processing, recycling or recovery operations” that are regarded as “environmentally sound management” <i>(Generally more advanced operations, and air, noise as well as water pollution must be strictly prevented when conducting such operations)</i></p>	<p>“Re-processing, recycling or recovery operations” that are not regarded as “environmentally sound management” <i>(Generally lower technology operations, or inadequate preventive measures against air, noise and water pollution)</i></p>
Examples	<ul style="list-style-type: none"> • Thermal treatment for production of recycled plastic pellets • Production of new plastic products • Transformation of waste plastics into useful petrochemical/chemical raw materials or other useful materials by pyrolysis, gasification or other chemical recycling technologies 	<ul style="list-style-type: none"> • Sorting of waste plastics by type • Shredding for production of plastic flakes • Re-packaging • Baling • Incineration • Landfilling

C. IMPORT OF WASTE PLASTICS

What are the procedures and the documents required to be submitted if I intend to import “regulated waste plastics”?

10. According to the WDO, any importer who imports “regulated waste plastics” shall complete the following procedures before the shipment of waste plastics departs from the place of export:
- (a) Obtain an export permit or consent from the place of export; and
 - (b) Obtain an import permit or consent issued by EPD.

11. The procedures and documents required to be submitted for applying a permit for importing “regulated waste plastics” are as follows:
 - (a) A completed application form [EPD-IE98 (Import)] and its required information; and
 - (b) A copy of the permit or consent issued by the place of export.

12. Applicants of the import permit should note that based on the principles of the BC, EPD will only issue a permit for the import of the waste that complies with the requirements of the WDO. In other words,
 - (a) If the “regulated waste plastics” to be imported are contaminated, such as mixed with multiple types of polymer or other wastes, it will be difficult to recycle and handle the waste in an environmentally sound manner in Hong Kong. Such import does not comply with the criteria for issuing a permit as set out in section 20A(4)(a) of the WDO; and
 - (b) If the waste plastics are not imported for the purpose of a reprocessing, recycling, recovery or reuse operation in Hong Kong, they do not comply with the criteria for issuing an import permit as set out in section 20A(4)(c) of the WDO.

13. Before each shipment of “regulated waste plastics” departs from the place of export, the importer is required to submit documents to EPD for record in accordance with the conditions of the permit or consent issued.

What are the procedures and the documents required to be submitted if I intend to import “non-regulated waste plastics”?

14. Any importer who imports “non-regulated waste plastics” shall submit a declaration form and relevant documents to EPD for record purposes, before each shipment departs from the state of export. This serves to prove that the shipment of waste plastics is neither subject to the WDO’s import permit control, nor the control under the BC, otherwise the shipment of waste plastics may be repatriated to the place of export.

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;
- (c) Copy of packing list or equivalent document;
- (d) Information on the type of waste plastics and their photos;
- (e) Information on the recycling facility in Hong Kong;
- (f) Copy of the contract documents with the recycling facility in Hong Kong;
- (g) Copy of Business Registration Certificate of the recycling facility in Hong Kong;
- (h) Copy of waste plastics inspection report (if any); and
- (i) Information on the recycled products and their intended use or sales outlets.

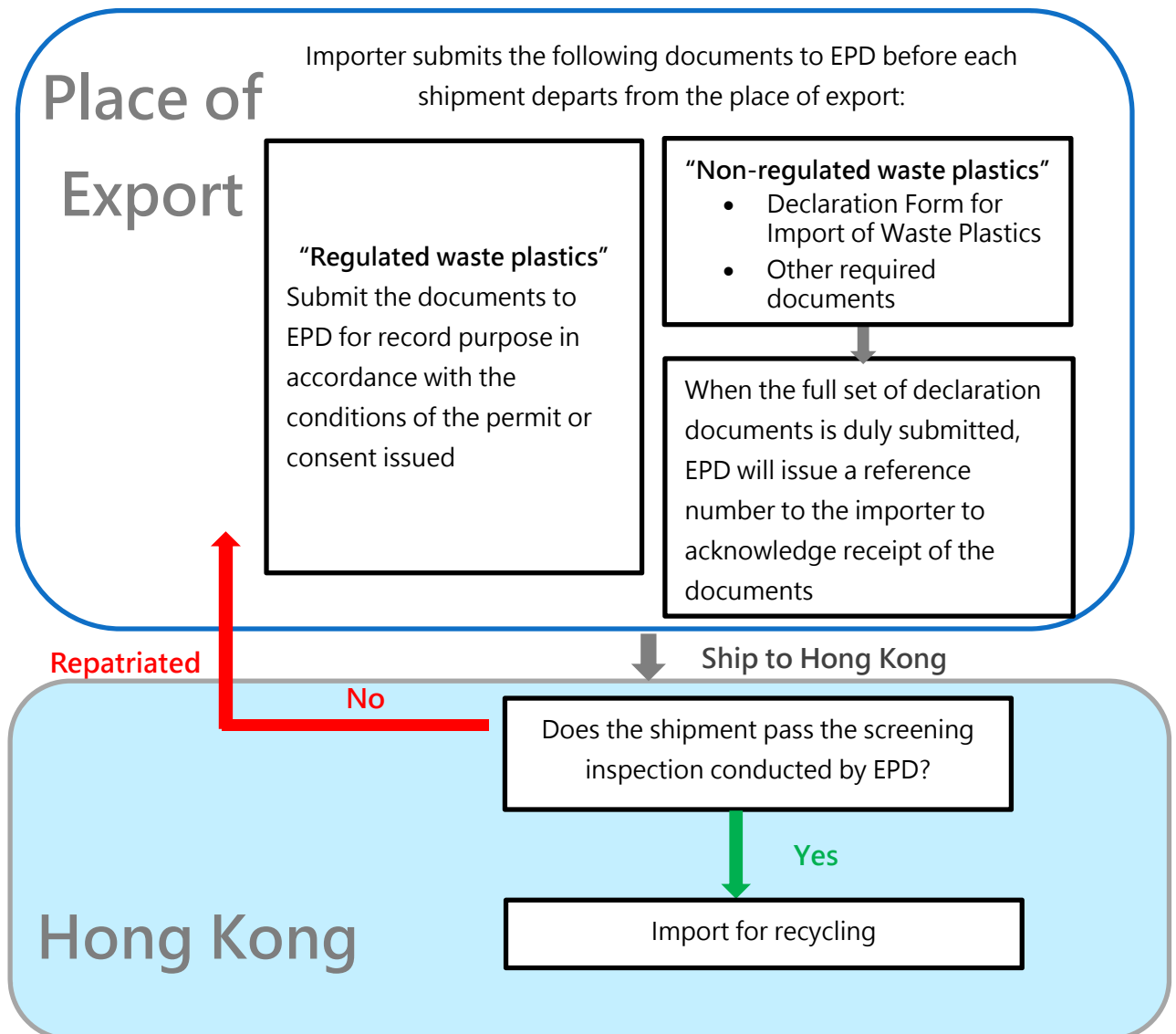
16. If the full set of declaration documents has been submitted, the EPD will issue a reference number to the importer to acknowledge receipt of the documents. However, such acknowledgement does not imply that the relevant shipment has complied with the WDO, nor does it exempt any person from the liabilities to observe all the laws of Hong Kong or relevant place of export when importing waste plastics.

Under what circumstances will the imported waste plastics be possibly repatriated to the place of export?

17. The following waste plastics shall not be imported into Hong Kong, otherwise the shipments may be repatriated to the place of export:
- (a) The shipment does not comply with the requirements of the WDO;
 - (b) An import permit or consent for importing "regulated waste plastics" issued by EPD has not been obtained, or the import of the "regulated waste plastics" does not comply with the conditions of the permit or consent;
 - (c) A declaration form and relevant documents for importing "non-regulated waste plastics" have not been submitted to EPD in advance, or EPD has not acknowledged receipt of the full set of all required documents; or

- (a) Discrepancies between the actual shipment and the information in the declaration documents are found during EPD's screening inspection.

Summary: Flowchart for import of waste plastics



D. EXPORT OF WASTE PLASTICS

What are the procedures and documents required to be submitted if I intend to export “regulated waste plastics”?

18. According to the WDO, any exporter who exports “regulated waste plastics” shall complete the following procedures before the shipment of the waste plastics departs from Hong Kong:
 - (a) Obtain an import permit or consent from the relevant place of import;
 - (b) Obtain consent from all relevant places of transit (if applicable);
and
 - (c) Obtain an export permit or consent issued by EPD.

19. The procedures and the documents required to be submitted for applying for a permit for exporting “regulated waste plastics” are as follows:
 - (a) A completed application form [EPD-IE98 (Export)] and its required information;
 - (b) A copy of the permit or consent issued by the place of import;
and
 - (c) Copy of consent from all relevant places of transit (if applicable).

20. Before EPD considers the application for an export permit for “regulated waste plastics” in accordance with the requirements of the WDO, written consents must have been granted by the Competent Authorities of the place of import and the relevant places of transit (if applicable).

21. Before each shipment of “regulated waste plastics” departs from Hong Kong, exporter is required to submit the documents to EPD in accordance with the conditions of the permit or consent issued. EPD will provide the above-mentioned documents to the Competent Authorities of relevant places of import and transit (if applicable) for appropriate follow-up actions, such as information verification, so as to avoid as far as possible any repatriation of the waste plastics upon arrival and prosecution actions against the exporter.

What are the procedures and the documents required to be submitted if I intend to export “non-regulated waste plastics”?

22. Any exporter who wants to export “non-regulated waste plastics” shall submit a declaration form and relevant documents to EPD for record purposes, before each shipment departs from Hong Kong. This serves to prove that the waste plastics shipments are not subject to the WDO’s export permit control, nor the control under the BC.
23. 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 waste plastics and their photos;
 - (e) Copy of import permit or 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 plastics inspection report (if any).
24. If the full set of declaration documents is duly submitted, 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 plastics.
25. EPD will provide the above-mentioned documents to the Competent Authority of place of import for appropriate follow-up actions including information verification. Follow-up actions and time required may vary at the discretion of the Competent Authority of the place of import. If, before the shipment of waste plastics departs from Hong Kong, the place of import notifies EPD that it does not allow the subject import shipment, EPD will advise the exporter to refrain from

exporting the subject shipment as soon as possible. The exporter is responsible for acquainting itself with the import requirements from the Competent Authority of the place of import before waste plastics shipment departs from Hong Kong, so as to ensure compliance of the laws. The exporter may bear the risks of repatriation and prosecution by the authority of the place of import, if the exporter decides to export waste plastics without prior declaration. EPD will also take appropriate follow-up actions in accordance with the WDO.

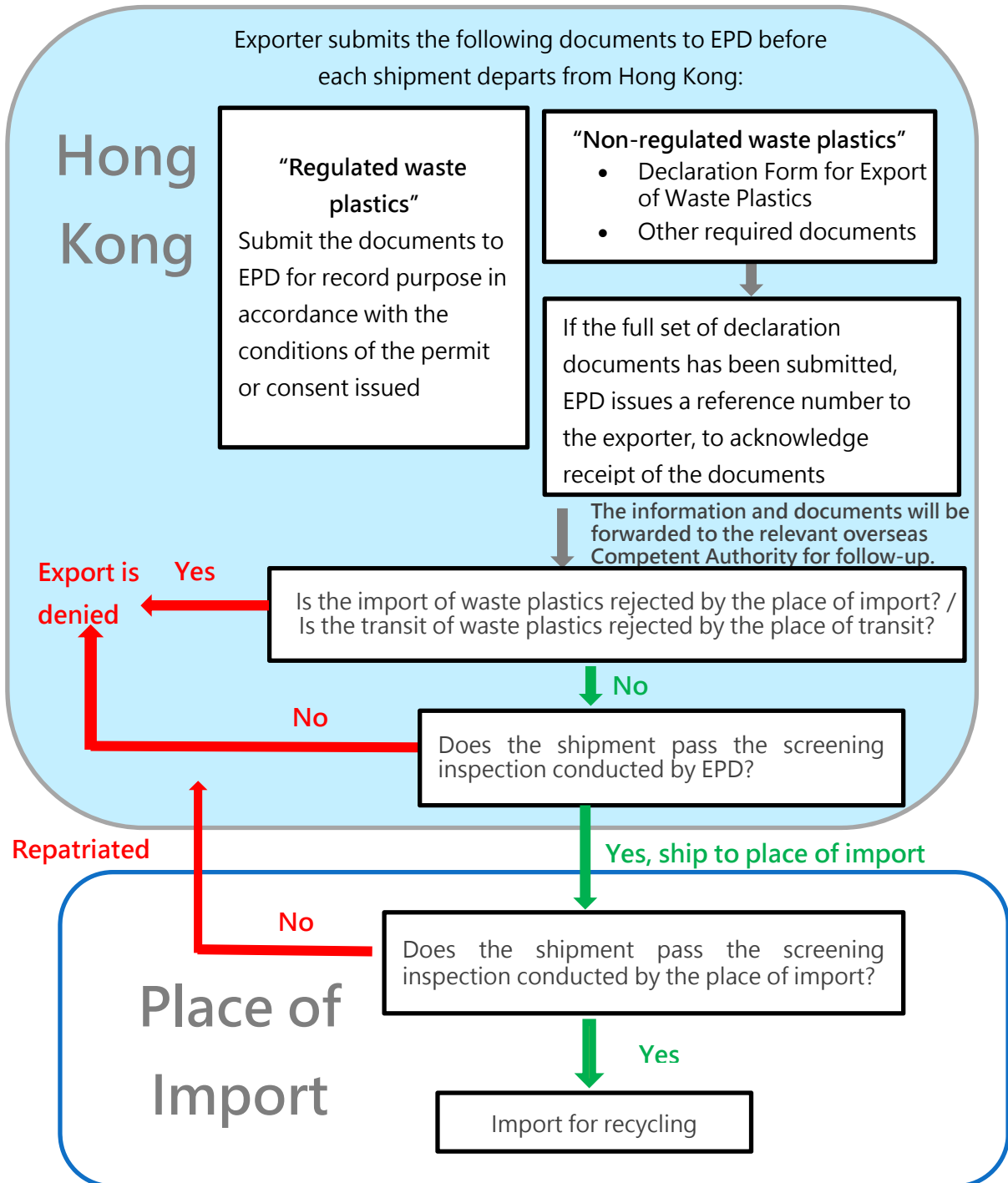
26. EPD will, jointly with the Customs and Excise Department, continue to conduct screening inspections on export containers based on intelligence and information submitted by exporters, having regard to the risk assessment and enforcement priority to prevent illegal export of "regulated waste plastics" by falsification or omission of information. If it is found out that no prior declaration has been submitted to EPD before the shipment departs from Hong Kong, export of the shipment concerned may not be allowed.

Under what circumstances are waste plastics disallowed to be exported from Hong Kong?

27. Export of waste plastics under the following circumstances may not be permitted:
- (a) The shipment does not comply with the requirements of the WDO;
 - (b) An export permit or consent for exporting "regulated waste plastics" issued by EPD has not been obtained, or the export of the "regulated waste plastics" does not comply with the conditions of the permit or consent;
 - (c) A declaration form and relevant documents for exporting "non-regulated waste plastics" have not been submitted to EPD in advance, or EPD has not acknowledged receipt of the full set of required documents;
 - (d) Discrepancies between the actual shipment and the information in the declaration documents are found during EPD's screening inspection; or
 - (e) Export of waste plastics that violates the control imposed by the place of import, without obtaining consent for import from the

place of import, or that results in repatriation by the place of import.

Summary: Flowchart for export of waste plastics



E. RE-EXPORT OF WASTE PLASTICS

What are the procedures and the documents required to be submitted if I intend to re-export “regulated waste plastics via Hong Kong?”

28. Any person who re-exports “regulated waste plastics” via Hong Kong is not required to apply for an import or export permit from EPD, but shall complete the following procedure before the waste plastics shipment departs from the place of export:
- (a) Obtain an export permit or consent issued by the Competent Authority of the relevant place of export;
 - (b) Obtain an import permit or consent issued by the Competent Authority of the relevant place of import; and
 - (c) Submit a declaration form and relevant documents to EPD.
29. Before issuing an export permit or consent for “regulated waste plastics”, the Competent Authority of the place of export will first obtain consent from the Competent Authorities of the place of import and all places of transit (including EPD of Hong Kong) for the transboundary movement according to the requirements of the BC.
30. 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 covering both places of export and import by one single document;
 - (c) Copy of packing list or equivalent document;
 - (d) Information on the type of waste plastics and their photos;
 - (e) Copy of export permit or consent from the place of export;
 - (f) Copy of import permit or consent from the place of import;
 - (g) Other documents required by the concerned overseas Competent Authorities (if any); and
 - (h) Copy of waste plastics inspection report (if any).
31. If the full set of declaration documents is duly submitted, 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 places of import and export when re-exporting waste plastics.

32. "Regulated waste plastics" for re-export via Hong Kong shall not be sorted, transferred to another container or consolidated with other containers in Hong Kong under any circumstances to ensure that no "regulated waste plastics" will be stranded or disposed of in Hong Kong.

What are the procedures and the documents required to be submitted if I intend to re-export "non-regulated waste plastics" via Hong Kong?

33. Any person who re-exports "non-regulated waste plastics" via Hong Kong shall submit a declaration form and relevant documents to EPD for record purposes before the shipment of waste plastics departs from the place of export. This serves to prove that the waste plastics shipments are not subject to the control under the BC and allowed to be re-exported to the place of import.
34. 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 covering both places of export and import by one single document;
 - (c) Copy of packing list or equivalent document;
 - (d) Information on the type of waste plastics and their photos;
 - (e) Copy of import permit or 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 plastics inspection report (if any).

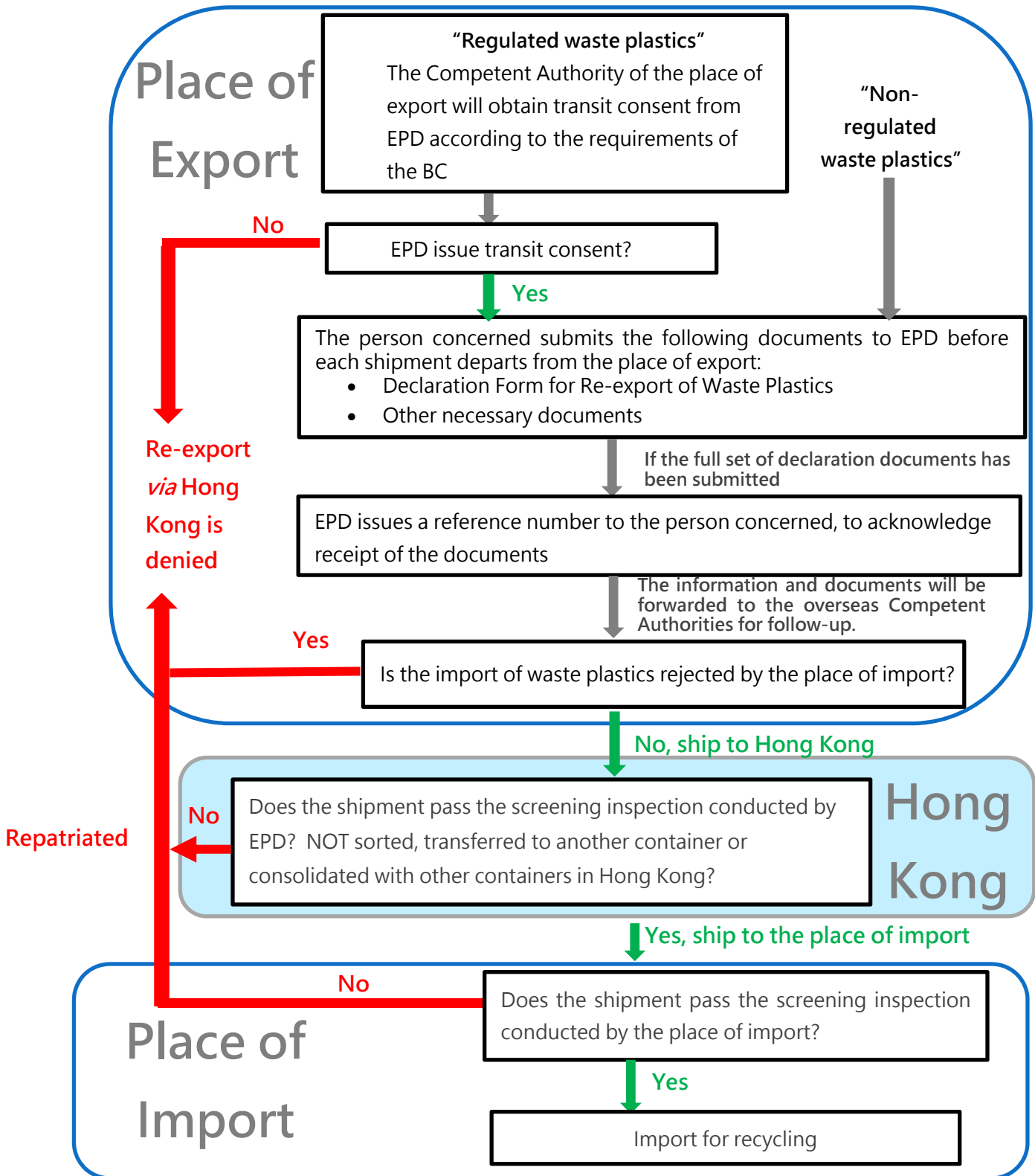
35. If the full set of declaration documents is duly submitted, EPD will issue a reference number to the person concerned to acknowledge receipt of the documents. However, such acknowledgement does not imply that the relevant shipment has complied with the WDO, nor does it exempt any person from the liabilities to observe all the laws of Hong Kong or relevant places of import and export when re-exporting waste plastics.
36. EPD will forward the above-mentioned documents to the Competent Authority of the place of import for appropriate follow-up actions including information verification, so as to avoid repatriation of the waste plastics on arrival.
37. "Non-regulated waste plastics" for re-export via Hong Kong shall not be sorted, transferred to another container or consolidated with other containers in Hong Kong under any circumstances to ensure that no "non-regulated waste plastics" will be stranded or disposed of in Hong Kong.

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

38. The following waste plastics 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 transit of "regulated waste plastics" has not obtained prior consent from EPD;
 - (c) A declaration form and relevant documents have not been submitted to EPD in advance, or EPD has not acknowledged receipt of the full set of all required documents (e.g. no valid Bills of Lading or equivalent documents to prove the re-export arrangement);
 - (d) The consent or permission for import has not been given by the place of import;

- (e) Discrepancies between the actual shipment and the information in the declaration documents are found during EPD's screening inspection, or
- (f) The place of import notifies EPD that it rejects the import of waste plastics.

Summary: Flowchart for re-export of waste plastics



F. FOLLOW-UP ACTIONS AND ENFORCEMENT BY ENVIRONMENTAL PROTECTION DEPARTMENT

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

39. For the convenience of the trade, EPD will issue an acknowledgement with a reference number to the person concerned after confirming the receipt of all required documents. Shipping companies may require their clients to provide the relevant reference numbers and a brief account of the type(s) of the waste plastics in the description of goods column/box of the shipping document to facilitate EPD's verification of the shipment details.
40. The issue of an acknowledgement by EPD does not imply that the relevant shipment complies with the WDO, nor does it exempt any person from the liabilities to observe all the laws of Hong Kong or relevant places of import and export when importing, exporting or re-exporting waste plastics into or from or via Hong Kong. If discrepancies between the actual shipment and the information in the declaration documents are found during EPD's screening inspection, the relevant shipment may be repatriated to the place of origin or the export of the shipment may be rejected. EPD will also take appropriate follow-up actions in accordance with the WDO.
41. In addition, EPD will forward the declaration documents received to the relevant overseas Competent Authorities, to let them apprehend 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, re-export or export of waste plastics, how will EPD enforce the law?

42. EPD will, jointly with the Customs and Excise Department, continue to conduct screening 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, EPD will also enhance collaboration with overseas Competent Authorities through timely notification, to control transboundary movements of waste plastics.

What are the penalties of violating the requirements on waste import and export control under the WDO?

43. 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 repatriated to the place of origin and the cost will be borne by the offender.

G. RELEVANT FEES AND IMPLEMENTATION SCHEDULE

What are the application fees for waste plastics import or export permits?

44. Currently, the fees for applying for an import and export permit for a single shipment and multiple shipments are \$11,595 and \$18,430 respectively. The fee paid is non-refundable regardless of whether the application is successful or not. Details on how to apply for an import and export permit as well as the documents required are provided at the following link:

https://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_tcs3_3.html



What is the fee required for declaration of import, re-export or export of waste plastics?

45. While no payment is required for submission of a declaration form related to the import, export or re-export of waste plastics into, from or via Hong Kong, the applicant has to bear the cost for preparing the documents.

When will the enhanced arrangement for import, re-export or export of waste plastics be implemented?

46. Although the decision for enhancing control on transboundary movements of waste plastics under the BC will only be formally implemented on 1 January 2021, many countries have been progressively tightening up their control on import, re-export or export of various types of waste plastics. The trade is advised to carry out preparatory work as soon as possible. Members of the trade may submit declaration documents to EPD in advance if they see fit, so as to familiarise themselves with the new control arrangement gradually before the decision under the BC comes into effect. In the meantime, EPD will also provide relevant overseas Competent Authorities responsible for waste plastics import and export control with information received. This would facilitate the trade's understanding of the latest control in various places, thereby avoiding repatriation of waste plastics on arrival and violation of the relevant local laws.

H.CONTACT

How to contact the overseas Competent Authorities responsible for import and export control of waste plastics?

47. Importers and exporters are responsible for acquainting themselves with the import and export requirements from the Competent Authorities of the place of import and export, so as to avoid contravention of the laws, or legal and financial liabilities arising from repatriation of shipments. If you need to contact the overseas Competent Authorities responsible for import and export control of waste plastics, please refer to the official contact information available on the BC Secretariat website:

<http://www.basel.int/Countries/CountryContacts/tabid/1342/Default.aspx>



How to contact EPD for enquiries concerning these Guidelines?

48. If you have any enquiries about the content of these Guidelines, please contact EPD at +852 2835 2311 or by email wasteimportandexport@epd.gov.hk.

Environmental Protection Department
(Last Updated: 28 Sep 2020)

If below waste plastics are uncontaminated and recovered in an environmentally sound manner, the waste plastics are regarded as “non-regulated waste plastics” (*Source: Basel Convention Annex IX entry B3011*)

A. Plastic waste almost exclusively consisting of one non-halogenated polymer, including but not limited to the following polymers:

1.	聚乙烯 [#]	Polyethylene (PE) [#]
2.	聚丙烯 [#]	Polypropylene (PP) [#]
3.	聚苯乙烯	Polystyrene (PS)
4.	丙烯腈-丁二烯-苯乙烯共聚物	Acrylonitrile butadiene styrene (ABS)
5.	聚對苯二甲酸乙二醇酯 [#]	Polyethylene terephthalate (PET) [#]
6.	聚碳酸酯	Polycarbonates (PC)
7.	聚醚	Polyethers

- Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.

B. Plastic waste almost exclusively consisting of one cured resin or condensation product, including but not limited to the following resins:

8.	脲醛樹脂	Urea formaldehyde resins
9.	酚醛樹脂	Phenol formaldehyde resins
10.	三聚氰胺甲醛樹脂	Melamine formaldehyde resin
11.	環氧樹脂	Epoxy resins
12.	醇酸樹脂	Alkyd resins

C. Plastic waste almost exclusively consisting of one of the following fluorinated polymers:

13.	全氟乙烯丙烯共聚物	Perfluoroethylene/propylene (FEP)
14.	四氟乙烯-全氟烷基乙烯基醚共聚物	Tetrafluoroethylene/perfluoroalkyl vinyl ether (PFA)
15.	四氟乙烯-全氟甲基乙烯基醚共聚物	Tetrafluoroethylene/perfluoromethyl vinyl ether (MFA)
16.	聚氟乙烯	Polyvinylfluoride (PVF)
17.	聚偏二氟乙烯	Polyvinylidene fluoride (PVDF)

The amendment of the Basel Convention on transboundary movement of waste plastics is available on the following website:

<http://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-COP.14-BC-14-12.English.pdf>

The current text of Basel Convention is available on the following website:

<http://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-IMPL-CONVTEXT.English.pdf>