

Advice on Import and Export of Used Electrical and Electronic Equipment Having Hazardous Components or Constituents

Electrical and electronic equipment may contain hazardous components or constituents which pose certain environmental or health risks when disposed of. In line with the Basel Convention, the Waste Disposal Ordinance (WDO) controls the import and export of waste electrical and electronic equipment (WEEE) containing hazardous constituents or components and e-waste¹ (control to be effective from 31 December 2018) through a permit system. Common types of such controlled waste embrace computer monitors, laptops, tablet computers and televisions with various display technologies such as cathode ray tubes (CRT), liquid crystal displays (LCD), light emitting diodes (LED) and plasma displays; and accumulators, batteries, mercury-switches, printed circuit boards (disassembled from electrical and electronic equipment and/or in a broken state), transformers and capacitors containing mineral oil or polychlorinated biphenyl and electronic and electrical assemblies that have been contaminated with any substance to an extent which renders the waste as chemical waste. Moreover, the import and export of non-hazardous WEEE (i.e. in the Sixth Schedule of the WDO) not destined for recycling, WEEE contaminated with hazardous substances listed in the Seventh Schedule of the WDO and e-waste (control to be effective from 31 December 2018) is subject to the permit control under the WDO. Any person imports or exports the above controlled waste should obtain a permit from the Environmental Protection Department (EPD) in advance. Failing to comply with the requirement constitutes an offence and the offender is liable to a fine of \$200,000 and 6 months' imprisonment. Import / export permit will be issued if, among other requirements, the waste will be managed in an environmentally sound manner.

The WDO defines "waste" as any substance or article which is abandoned. It also stipulates that any substance or article which is discarded or otherwise dealt with as waste is presumed to be waste until the contrary is proved. It has been ruled by the court that for the purpose of waste import and export control, any article or substance once given up by its original user is considered as waste under the WDO, irrespective whether it is still workable or can be sold for a value. As such, used electrical and electronic equipment having hazardous components or constituents (e.g. televisions,

¹ Under the definition of the WDO, "e-waste" means any electrical equipment or electronic equipment that, judging by its appearance, is an item set out in column 2 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) and has been abandoned.

computer monitors and batteries) and e-waste (control to be effective from 31 December 2018) will fall within the said control unless they will be re-used for their originally intended purpose without repair.

In light of the global concern of illegal transboundary movements of hazardous electronic waste, the EPD has been exercising stringent import/export control on such waste in recent years. Suspected waste cargoes coming to or leaving Hong Kong will be fully inspected and offenders of the WDO will be prosecuted. Importers and exporters of used electrical or electronic equipment having hazardous components or constituents and e-waste (control to be effective from 31 December 2018) are advised to confirm whether their shipments will require a waste import/export permit from the EPD before shipment. If such equipment is shipped to the importing country for direct re-use, no waste import/export permit will generally be required from the EPD. However, importers and exporters are strongly advised to take the following measures before importing or exporting into/from Hong Kong any such equipment to facilitate the import/export compliance checking:

- (i) Select only those used equipment of reasonably new models and ages with genuine demand in the second-hand market of the importing countries. In any case, it is advisable to avoid any unit with over 5 years from the date of manufacturing;
- (ii) Arrange examination, repairing, retrofitting and testing of the used equipment to ensure that the used equipment is in good conditions meeting both the technical specifications and safety standard of the destined countries and suitable for reuse as such direct by consumers before they are exported. In any case, no damaged or non-working items should be allowed in the shipment;
- (iii) Properly record the examination, repairing and testing results of each of the used equipment, which should include their brand names, models and serial numbers, years of manufacturing, problems/damages found and fixed, dates and results of compliance testing conducted, and the correspondence details of the company responsible for the testing. Testing should be done not more than 2 years before shipment to the importing country. All the above information should be made available to the concerned control authority for inspection and checking upon request;

- (iv) Provide proper and sufficient individual protective packaging to each of the used equipment to protect the WHOLE unit from damage during transportation and the associated loading and unloading operations. There should not be any direct physical contact between each unit and the packaging should be able to withstand the weight of the units placed on it. There should be legible labels or signs (e.g. with unique serial numbers) on the packaging to identify each item. Photos of the packaging should be provided, if considered necessary, to the relevant control authority for advice; and

- (v) Make prior contractual arrangement with concerned parties in the importing countries to secure proper second-hand outlet. Confirm with the control authorities of the importing countries on whether import of used equipment is allowable and whether the consignee or buyer is permitted to import them for sale as second-hand commodities.

Environmental Protection Department
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