Waste Disposal (Amendment) Ordinance 2013

Enhanced control of depositing of construction waste on private land
The person causing waste to be deposited could include:

- Contractor
- Employer
- Driver

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- Contractor
- Employer
- Driver

A person commits an offence if he deposits or causes or permits to be deposited waste in any place except with lawful authority or excuse, or except with the permission of any owner or lawful occupier of the place.

s.16A (an existing section)
AMENDMENT OF WASTE DISPOSAL ORDINANCE (CAP. 354)

To provide for enhanced control of the depositing of construction waste on private land

The Waste Disposal (Amendment) Ordinance 2013

was passed and gazetted in Dec 2013
Waste Disposal (Amendment) Ordinance 2013

- Two new sections added
  - s.16B
  - s.16C

- Prior notification and EPD’s acknowledgment required for deposition of construction waste on private land.
Waste Disposal (Amendment) Ordinance 2013

- **s.16B(3)**
  - A person who deposits, or causes to be deposited, construction waste on a private lot without the valid permission of the sole owner or all of the owners of the lot commits an offence.

- **s.16C(4)**
  - A person who deposits construction waste on a private lot must, at all times during the depositing activity, display in a conspicuous place on the lot a copy of the acknowledged form for the depositing activity.
NOT APPLICABLE IN THE FOLLOWING CIRCUMSTANCES

- the total area on which construction waste has been deposited within the lot, regardless of who deposited the waste, does not exceed $20 \text{ m}^2$
  
  [Section 16B(1)(a)]

- any building works carried out according to the following ordinances:
  - Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121)
  - Buildings Ordinance (Cap. 123)

  [Section 16B(1)(b)]
CONSTRUCTION WASTE

- defined under Waste Disposal (Charges for Disposal of Construction Waste) Regulation.
- means any substance, matter or thing that is generated from construction work and abandoned, whether or not it has been processed or stockpiled before being abandoned, but does not include any sludge, screenings or matter removed in or generated from any desludging, desilting or dredging works.
PRIVATE LOT

- means a piece or parcel of ground held under a Government lease and identified by a lot number as defined by the Land Registration Regulations.
**The Enhanced Control**

Before a person deposits, or causes to be deposited, construction waste on a private lot, he should:

1. Obtain the written permission of all owners of the lot.
2. Submit to EPD a duly completed and signed form EPD-238 at least 21 calendar days before the deposition.
3. Acquire EPD’s acknowledgement on the form EPD-238.
4. Display a copy of Parts C and D of the acknowledged form in a conspicuous place on the lot at all times during the depositing activity.
ADVANTAGES OF THE PRIOR NOTIFICATION PROCEDURES

- Better protect the rights and interests of landowners

- Enforcing departments will be notified of the deposition in advance, thus can remind relevant parties on the legal requirements and take enforcement actions as necessary

- The acknowledged form displayed during the deposition will enhance public inspection through a more transparent process
**Penalty**

- **s.16A and s.16B(3) (viz. illegal deposition)**
  - $200,000 plus 6-month imprisonment for the first offence;
  - $500,000 plus 6-month imprisonment for a second or subsequent offence; and
  - a daily fine of $10,000 for a continuing offence

- **s.16C(6) (viz. providing false information in its notification form)**
  - $100,000

- **s.16C(7) (viz. fail to display a copy of the acknowledged form during the depositing period)**
  - $100,000
POINTS TO NOTE:

- Deposition of construction waste on a private lot and the total deposition area of construction waste within the lot exceeds 20 m²
  - Obtain written permission from all land owners
  - Submit an EPD-238 for the deposition to EPD 21 calendar days before the intended date of the deposition and obtain acknowledgement from EPD before the commencement of the deposition
  - Ensure necessary measures have been adopted for easy identification of the specified deposition area to prevent depositors from carrying out land filling activities outside the specified area

- Know the source and nature of construction waste
  - Never accept fill from unknown or suspicious source.
  - Ensure the construction waste is not contaminated by chemical waste (e.g. asbestos and waste oil)
  - Dispose of construction waste at suitable waste facilities

- Comply with environmental and safety requirements
  - Ensure land filling activities will not cause environmental nuisances, flooding, or affect the safety of surrounding buildings/slopes
  - Vehicles to cover the load of dusty materials entirely and wash the vehicle bodies and wheels before leaving construction sites
  - Do not overload
**Delineate the specified deposition area**

- Effectively prevent depositors from carrying out land filling activities outside the specified deposition areas.
IMPLEMENTATION DATE

Expect to implement in mid 2014

- Gazette
- Press Release
- EPD Website
- Publicity Letters to Trade
切勿非法傾倒
No illegal waste deposition

在私人土地傾倒建築廢料
須先通知環保署並獲確認
Deposition of construction waste on private land requires prior notification to EPD for acknowledgement

違反者最高罰款為二十萬元及監禁六個月
A maximum fine of $200,000 and 6-month imprisonment for non-compliance

環境保護署
Environmental Protection Department
2838 3111 www.epd.gov.hk
Publicity Leaflet (1)

Waste Disposal (Amendment) Ordinance 2013
Enhanced control of the deposition of construction waste on private land

Before deposition of construction waste on a private lot

1. Submit the written notification of the site-owner or any of the owners of the lot in Form EPD/SD/WC/02.
2. Display a copy of the written notification of the site-owner or any of the owners of the lot in a conspicuous place at the entrance of the lot during the depositing period.

Penalty

<table>
<thead>
<tr>
<th>Offence</th>
<th>Description</th>
<th>Minimum penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 159</td>
<td>Illegal disposal of waste</td>
<td>$10,000 and imprisonment for 6 months</td>
</tr>
<tr>
<td>Section 158</td>
<td>Disposal of construction waste without obtaining permission from the owners or EPD acknowledgement through prior notification procedure</td>
<td>$10,000 and 6-month imprisonment for a second or subsequent offence</td>
</tr>
</tbody>
</table>

Construction waste means any substance that is generated from construction works and abandoned and usually includes mud, rubble, sand, concrete, asphalt, bricks, tiles, etc. Please refer to the Waste Disposal Charges for disposal of construction waste regulations for detailed definition.

Enquiry
For more information on the Waste Disposal (Amendment) Ordinance 2013, please contact EPD
Website: www.epd.gov.hk
Publicity leaflet (2)

Know your environmental responsibilities
Dispose of construction waste properly

A Guide for Developers, Contractors and Property Management Companies

- Prepare guidelines and separate site waste management plan
- Separate solid waste, recycling and implement a diversion system
- Use suitable waste disposal facilities
- Obtain written permission from all land owners and EPD's acknowledgement and save
- Create written permission for all land owners and EPD's acknowledgement and save
- Ensure proper identification of the separate waste and separation process
- Report any anomalies in a timely manner and provide assistance to prevent dumping
- Do not engage in dumping activities

Be responsible, say "NO" to illegal waste dumping

A Guide for Construction Waste Transporters

Do:
- know the source, properties and nature of your load
- comply with all safety and environmental requirements
- transport load to suitable waste disposal facilities
- ensure written permission from all land owners and EPD's acknowledgement have been obtained
- If construction waste is to be deposited on a private lot and the total deposition area of construction waste within the lot exceeds 20 m²

Don't:
- damage the environment, cause environmental nuisances or affect road safety
- risk heavy fines and imprisonment

Avoid your land becoming a dumping ground!

A Guide for Land Owners

Prevent illegal land filling and waste dumping activities, where
- Notwithstanding development or existing usage
- Obstruct the environment or cause environmental nuisances
- Cause flooding or drainage problems affecting the safety of adjacent buildings
- Cause noise and vibration
- Risk heavy fines and imprisonment

Environmental Protection Department
March 2014
Waste Disposal (Amendment) Ordinance 2013

Introduction

The Environmental Protection Department (EPD) has been enforcing section 15A of the Waste Disposal Ordinance (WDO) against illegal deposition or dumping of waste. A person commits an offence if he deposits or causes another person to deposit waste in any place.

To enhance the control of the deposing or dumping of construction waste on a private land, EPD has introduced a prior notification procedure under the Waste Disposal (Amendment) Ordinance 2013. Under the newly inserted sections 16A and 16C, it requires a person to obtain the written permission of the owner given in a specified form (EPD-238) and submit it to EPD before the intended date of the deposition. After acquiring EPD’s acknowledgement on the form, the depositor (e.g. the contractor concerned or the dump truck driver transporting construction waste) must ensure that a copy of the acknowledged form is displayed in a conspicuous place on the lot before depositing the waste.

Notification Form

Before the commencement date of depositing activity, written permission of land owners and relevant information should be submitted to EPD using the form (EPD-238).

Form EPD-238 (Currently for reference only)
(Request for acknowledgement on owners permission of the depositing of construction waste on a private lot)

A duly completed form should be submitted to EPD 21 days before the intended date of the deposition.

Further information

- Gazette on Waste Disposal (Amendment) Ordinance 2013 was published on 27 Dec 2013 (English / Chinese)

- Leaflet (Click to view pdf format)

ENQUIRIES

- Tel: 2838 3111
- E-mail: enquiry@epd.gov.hk