

**A GUIDE TO THE
WATER POLLUTION CONTROL ORDINANCE**

Environmental Protection Department

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Introduction

The quality of the waters of Hong Kong has been deteriorating over the years as a result of water pollution arising from population pressure and economic growth. In order to safeguard public health, to protect the fabric of the sewage collection and disposal systems and to contain the problem before the quality of the receiving waters deteriorates beyond natural recovery, it is necessary to implement controls on wastewater discharges.

2. The Water Pollution Control Ordinance (Chapter 358), was enacted in 1980 and amended in 1990 and 1993. It provides the main statutory framework for the declaration of water control zones to cover the whole of Hong Kong and the establishment of water quality objectives. The objectives describe the water quality that should be achieved and maintained in order to promote the conservation and best use of the waters of Hong Kong in the public interest. Within each water control zone, all discharges or deposits are controlled by a licensing system. The Director of Environmental Protection (DEP) is the Authority responsible for licensing and controlling these discharges.

3. In Hong Kong, there are a total of ten water control zones and four supplementary water control zones:

Tolo Harbour and Channel Water Control Zone;
Southern Water Control Zone;
Port Shelter Water Control Zone;
Junk Bay Water Control Zone;
Deep Bay Water Control Zone;
Mirs Bay Water Control Zone;
North Western Water Control Zone;
Western Buffer Water Control Zone;
Eastern Buffer Water Control Zone;
Victoria Harbour Water Control Zone (Phase One, Phase Two, Phase Three);
Tolo Harbour Supplementary Water Control Zone;
Southern Supplementary Water Control Zone;
Second Southern Supplementary Water Control Zone; and
North Western Supplementary Water Control Zone.

4. The delineation of water control zones and supplementary water control zones is shown on the map in this guide. Major areas within each control zone are listed in Annex 1. If you have any doubt as to whether a certain area is within a specific water control zone, you should contact the respective Regional Office of the Environmental Protection Department (EPD) for clarification (Please see Annex 2).

5. Apart from control on the discharge and deposit, Government also has plans to provide new sewers and improve existing communal sewers in the territory. Most premises that are not currently served by communal sewers will gradually be provided with one. Connecting to communal sewers leading to government treatment plants is the most effective and reliable way to dispose of wastewater.

6. This guide is for explanatory purpose only and is intended to explain the legislative controls under the Water Pollution Control Ordinance. In case of doubt, the reader is advised to consult the following ordinance, regulations and technical memorandum for details:

Water Pollution Control Ordinance Chapter 358 (as amended by the Water Pollution Control (Amendment) Ordinance 1990 and 1993);

Water Pollution Control (General) Regulations (as amended by the Water Pollution Control (General) (Amendment) Regulations 1990 and 1994);

Water Pollution Control (Sewerage) Regulation; and

Water Pollution Control (Appeal Board) Regulations.

(The above documents are available for sale at the Government Publications Sale Section at 4/F., Room 402, Murray Building, Garden Road, Central, Hong Kong)

Technical Memorandum -Standards for Effluents Discharged into Drainage and Sewerage Systems. Inland and Coastal Waters.

7. The following booklets and leaflet provide guidance to prevent pollution:

Guidance Notes on Discharges from Village Houses;

Grease Traps for Restaurants and Food Processors;

Guidelines for the Design of Small Sewage Treatment Plants; and

Connections to Sewers under the Water Pollution Control Ordinance.

Discharge:es Subject to Control

8. Discharges of domestic sewage into communal sewers and unpolluted water into stormwater drains, river courses and water bodies are not under control. However, the discharges from sewage treatment plants and septic tanks are subject to control.

9. All other effluents, whether discharged into communal sewers, stormwater drains, river courses or water bodies, are subject to control. These include effluents from all types of industrial, manufacturing, commercial, institutional and construction activities.

10. For a discharge subject to control, the discharger should apply for a licence from EPD and comply with its terms and conditions.

Application for a Licence

11. A licence granted under the Water Pollution Control Ordinance should be obtained before a new discharge is commenced. Application form (Form A) for the licence is available free of charge at the offices of EPD (Please see Annex 2) as well as District Offices. The applicant should submit the completed application form, together with the three most recent water bills or estimated water consumption information to a Regional Office of EPD. The applicant should also submit copies of Business Registration Certificate or Certificate of Incorporation where appropriate. EPD may request the applicant to submit copies of other related documents when necessary (e.g. drainage layout plan). The applicant must pay the appropriate licence application fee.

12. The applicant must be the person who makes or authorizes the discharge or the owner or occupier of the premises from which the discharge is made.

13. DEP may grant a licence for a discharge under the Water Pollution Control Ordinance. Licences are generally valid for 5 years, except those for domestic septic tanks, which are normally valid for the tank's useful life or until the concerned premises has been connected to the communal sewers provided in the vicinity.

14. DEP has the power to refuse to grant a licence for a discharge if:-

- (A) he considers that the attainment and maintenance of water quality objectives will not be or not likely to be achieved; or
- (B) he considers that the discharge will or is likely to endanger public health, will be harmful to the sewerage or drainage system or will be harmful to the health or safety of the operation or maintenance staff.

Public Notification and Objection to the Grant of a Licence

15. For any application for a licence, renewal or variation of a licence for making a discharge into the waters of Hong Kong, the applicant should publicly notify the application by a notice published in an English and a Chinese newspaper at his own expense. The only exceptions are:

- the application for a licence to discharge domestic sewage from a separate household; and
- the application for renewal of a licence in respect of a discharge from the applicant's establishment that consumes 10 cubic metres or less of water a day and the rate of flow of the discharge applied for is not greater than that.

16. During the period of 30 days after the notice is published, any person may object to the granting of the application on the ground that it would tend to inhibit the attainment or maintenance of the relevant water quality objectives. If a person wishes to make an objection, he should give notice of the objection to DEP in writing by registered post within the time limit.

17. For new application, DEP may grant a licence to the applicant not earlier than 40 days after the notice is published in newspapers if he receives no objection. For renewal or variation application, DEP may grant a licence to the applicant not earlier than 30 days after the notice is published in newspapers if he receives no objection.

Conditions of a Licence

18. A licence will be granted with terms and conditions specifying requirements relevant to the discharge, e.g. the discharge location, provision of wastewater treatment facilities, maximum allowable quantity, effluent standards, self-monitoring requirements and keeping records. In determining the effluent standards, DEP makes reference to the Technical Memorandum and considers the need to protect the drainage or sewerage system, the health and safety of the operation and maintenance staff or the receiving waters. A discharge should be made in accordance with the terms and conditions of a licence. Authorised officers may carry out inspections to ensure the compliance of the discharge.

Technical Memorandum

19. The Technical Memorandum is a guide to DEP in determining standards for effluents. It sets

standards that differ in different flow rates, different areas, and between surface waters and sewers. The standards in the higher flow ranges are normally more stringent than those in the lower flow ranges. The Technical Memorandum also lists out the analytical methods used by the Government Chemist who is the analyst designated by the Water Pollution Control Ordinance.

Variation of the Licence Conditions

20. If a licensee wishes to change any of the conditions of his licence, e.g. change of the flow rate or quality of the discharge, he should make an application to EPD for variation of the licence. The same application procedures set out in paragraphs 11 – 17 above should be followed. Any change to the raw materials used, the working method, or the production rate, will most likely cause changes to the flow rate or quality of the discharge. As a result, application for variation of licence conditions is required.

Renewal of the Licence

21. If a licensee wishes to renew his licence, he should make an application to EPD for renewal of the licence at least 2 months and not more than 4 months before the expiry date of the licence. The same application procedures set out in paragraphs 11 – 17 above should be followed.

Licence Application Fees

22. A fee will be charged for processing each licence application. The fees are dependent upon the types and quantities of the discharge and are subject to changes. The current rates are as follows:

A. A discharge from industrial, institutional or commercial premises:-

(a) for a new licence or variation of a licence:-	
(i) for flow rate < 10 m ³ /day	\$1,290
(ii) for flow rate > 10 m ³ /day but < 30 m ³ /day	\$1,300
(iii) for flow rate > 30 m ³ /day	\$1,300

(b) for renewal of a licence:-

(i) for flow rate < 10 m ³ /day	\$650
(ii) for flow rate > 10 m ³ /day but < 30 m ³ /day	\$650
(iii) for flow rate > 30 m ³ /day	\$650

B. A discharge from industrial, institutional or commercial premises of domestic sewage only

\$125

C. A discharge from a domestic sewage treatment plant:-

(a) for a new licence or variation of a licence	\$2,650
(b) for renewal of a licence	\$1,150

D. New licence, variation or renewal of a licence for effluent discharge from domestic premises or domestic septic tank

\$125

Register

23. EPD will maintain a register containing relevant water quality objectives, copies of the application and notice, date of the application, name of the applicant, location of the discharge and the result of the application of every licence application. Such a register is kept at the respective Regional Office of EPD and is open for inspection by the public during normal office hours. A person can obtain a certified copy of an entry in the register on payment of a fee of \$55.

Connections to Communal Sewers

24. When communal sewers are provided in the vicinity and ready for connection, EPD may serve a notice on the owner of concerned premises requiring him to construct appropriate terminal manhole and other pipework for conveying all wastewaters to the communal sewer before a specified date.

25. The Government will provide and pay for the new communal sewers and the sewer linking the terminal manhole to the communal sewer. The owner of the premises is to pay for the terminal manhole and any pipework leading from the premises to the terminal manhole.

26. The owner of the premises should properly maintain the terminal manhole constructed and any pipework leading from the premises to the terminal manhole.

Powers of the Authority

27. If it is considered necessary due to the potential adverse effects of the discharge on public health, the health and safety of operation and maintenance staff, the drainage and sewerage system or the receiving waters, DEP has the power to:

- (a) refuse to grant, vary or renew a licence;
- (b) cancel an existing licence;
- (c) vary the terms and conditions in an existing licence; or
- (d) add new terms and conditions to an existing licence.

28. DEP has the power to require a person convicted of an offence under the Water Pollution Control Ordinance to restore the waters damaged by the offending discharge. If the convicted person fails to do so, DEP may undertake the restoration and recover the costs from the convicted person.

Right of Appeal

29. A person who is aggrieved by any requirements or decisions of DEP may appeal within 21 days of the receipt of such requirements or decisions. A full list of requirements or decisions against which an appeal can be lodged is given in Section 29 of the Ordinance. These include those mentioned in paragraphs 14, 18, 24, 27 and 28 of this guide. Notice of Appeal for use in filing an appeal to the Chairman of the Appeal Board are available at the offices of EPD.

30. The completed Notice of Appeal should be sent to the Chairman of Appeal Board at the following address:

Chairman of Water Pollution Control Appeal Board
40/F., Revenue Tower, 5 Gloucester Road, Wan Chai
Hong Kong.

A copy of the completed Notice of Appeal should be sent to the respective Regional Office of EPD.

31. Any correspondence and enquiry in relation to appeal matters should be addressed to:
Secretary, Water Pollution Control Appeal Board
40/F, Revenue Tower, 5 Gloucester Road, Wan Chai
Hong Kong.
Tel: 2594 6324

Offences and Penalties

32. It is an offence to discharge pollution matter in a water control zone, or to discharge effluent in breach of the terms and conditions specified in the licence. The only exemptions are those stated in paragraph 8 above. The maximum penalty is

- (A) For discharges of any waste or polluting matter:
 - 6 months imprisonment and
 - for a first offence, a fine of \$200,000
 - for a second or subsequent offence, a fine of \$400,000
 - in addition, if the offence is a continuing offence, a fine of \$10,000 for each day
- (B) For discharges of poisonous or noxious matter:
 - for a first offence, a fine of \$400,000 and imprisonment for 1 year
 - for a second or subsequent offence, a fine of \$1 million and imprisonment for 2 years
 - in addition, if the offence is a continuing offence, a fine of \$40,000 for each day
- (C) For contravention of the conditions of a licence:
 - a fine of \$200,000 and imprisonment for 6 months

33. Any person who fails to comply with any requirement specified in a notice stated in paragraph 24 above commits an offence and is liable to a fine of \$100,000. In addition, if the offence is a continuing offence, a fine of \$5,000 for each day.

34. Any person who provides information which he knows to be false commits an offence and is liable to a fine of \$10,000.

35. Any person who wilfully obstructs an authorized officer in the exercise of his power in the course of his duty commits an offence and is liable to a fine of \$10,000.

36. Under no circumstances should an applicant offer an advantage to Government staff, to do so is an offence under the Prevention of Bribery Ordinance.

Further Information

37. For any further information or enquiries, please contact the Regional Offices of EPD (Please see Annex 2).

Annex 1

Water Control Zones in Hong Kong

Water Control Zone	Major Areas	Regional Office
Tolo Harbour and Channel	Sha Tin, Tai Po and Ma On Shan.	Regional Office (North)
Southern	The southern part of Hong Kong Island including Shek O, D'Aguilar Peak, Tai Tam, Stanley, Chung Hom Kok, Repulse Bay, Deep Water Bay, the southern part of Lantau Island and all outlying islands in the southern territorial waters of Hong Kong.	Regional Office (South)
	Chok Ko Wan (Penny's Bay).	Regional Office (West)
Port Shelter	Sai Kung, Pak Kong, Pak Sha Wan, Ho Chung, Tai Po Tsai, Silverstand, Clear Water Bay, Kau Sai Chau and Kiu Tsui.	Regional Office (East)
Junk Bay	Tseung Kwan O, Tseng Lan Shue, Tiu Keng Leng, Tseung Kwan O Industrial Estate and Hang Hau.	Regional Office (East)
Deep Bay	Ping Che, Fanling, Sheung Shui New Town, Kwu Tung, Mai Po, Kam Tin, Shek Kong, Yuen Long, Tin Shui Wai, Lau Fau Shan and San Tin.	Regional Office (North)
Mirs Bay	Sha Tau Kok, Luk Keng, Ping Chau, Kat O, Tap Mun, Chek Keng and Ko Lau Wan.	Regional Office (North)
	Tai Long Wan, Long Ke, the southern tip of Clearwater Bay Peninsula and part of Tung Lung Chau.	Regional Office (East)
North Western	Tuen Mun, Castle Peak, Lam Tei, Lung Kwu Sheung Tan, Tap Shek Kok, Pillar Point, Tai Lam Chung and Yam O.	Regional Office (West)
	Chek Lap Kok, Tung Chung and Tai O.	Regional Office (South)
Western Buffer	Tsing Yi, Tsuen Wan, Sham Tseng, Ma Wan and part of North Lantau Island.	Regional Office (West)
	Aberdeen, Ap Lei Chau and Pok Fu Lam.	Regional Office (South)
Eastern Buffer	Chai Wan and Shau Kei Wan.	Regional Office (South)
	Tai Miu Wan and part of Tung Lung Chau.	Regional Office (East)
Victoria Harbour (Phase One)	Tsuen Wan East and Kwai Chung.	Regional Office (West)
	Ma Yau Tong and Kwun Tong.	Regional Office (East)
Victoria Harbour (Phase Two)	Sham Shui Po.	Regional Office (West)
	Yau Ma Tei, Tsim Sha Tsui, Mongkok, Kowloon City and Wong Tai Sin.	Regional Office (East)
Victoria Harbour (Phase Three)	Kennedy Town, Shek Tong Tsui, Sai Ying Pun, Sheung Wan, Central District, Wanchai, Happy Valley, Causeway Bay, North Point and Quarry Bay.	Regional Office (South)
Tolo Harbour Supplementary	Catchments for the Plover Cove and Shing Mun Reservoirs.	Regional Office (North)
Southern Supplementary	Catchments for Tai Tam Reservoir and Catchments for Shek Pik Reservoir.	Regional Office (South)
Second Southern Supplementary	South Po Toi and Lantau Channel.	Regional Office (South)
North Western Supplementary	Waters off Tai O and the Western Coast of Lantau Island.	Regional Office (South)

Offices of Environmental Protection Department

Environmental Protection Department Office

Address : 33/F., Revenue Tower,
5 Gloucester Road, Wanchai, Hong Kong
Tel. : 2824 3773
e-mail : enquiry@epd.gov.hk

Regional Offices

Regional Office (East)

Address : 5/F., Nan Fung Commercial Centre,
19 Lam Lok Street, Kowloon Bay,
Kowloon.
Tel. : 2755 5518
Fax. : 2756 8588

Regional Office (South)

Address : 2/F., Chinachem Exchange Square,
1 Hoi Wan Street, Quarry Bay,
Hong Kong.
Tel. : 2516 1718
Fax. : 2960 1760

Regional Office (West)

Address : 8/F., Tsuen Wan Government Offices,
38 Sai Lau Kok Road, Tsuen Wan,
New Territories.
Tel. : 2417 6116
Fax. : 2411 3073

Regional Office (North)

Address : 10/F., Shatin Government Offices,
No. 1 Sheung Wo Che Road, Shatin,
New Territories.
Tel. : 2158 5757
Fax. : 2685 1133

WATER CONTROL ZONES IN HONG KONG