



Plan Your Business

1. Can I choose any locations/sites in Hong Kong for establishing my planned business?

All land in Hong Kong is designated for specific uses through stipulation of the relevant Outline Zoning Plan according to the Town Planning Ordinance, e.g. industrial, commercial, recreational, country park, urban area, etc. You should therefore select a site within a suitable location to match the nature of your planned business.

2. Are there any sites in Hong Kong that are dedicated for specific types of business?

There are purpose-built premises in Hong Kong where pollution prevention facilities are provided such as centralized grease traps, common air ducts, recyclables storage area, etc.

For **industrial operations in general**, there are 3 industrial estates in Hong Kong that are designated for such activities (see Section 3.1).

For **environmental and recycling industries**, the Hong Kong SAR Government has been establishing the EcoPark in Tuen Mun Area 38, which is solely developed for use by such activities (see www.epd.gov.hk/epd/ecopark).

3. What environmental factors should I consider when selecting sites for my planned business?

You should consider the following environmental factors:

- Location and land use – if the site is suitable to your business nature
- Neighbourhood environment – if there are any nearby environment-sensitive premises
- Previous usage of premises – if there are any land contamination or damages to the premises caused by past users
(see Section 3.1)

Start Your Business

4. Where can I find the legal requirements of the prevailing environmental legislation in Hong Kong?

All the environmental legislation in Hong Kong is available through:
www.epd.gov.hk/epd/english/laws_regulations/laws_maincontent.html
www.legislation.gov.hk/eng/index.htm

For any update on or new environmental legislation, you may visit:
www.gld.gov.hk/egazette
www.epd.gov.hk/epd/english/news_events/what_new/what_new.html

5. Is it mandatory to conduct an environmental impact assessment for my planned operation?

If your planned operation belongs to any of the *Designated Projects* as defined under the Environmental Impact Assessment Ordinance (see Appendix B), you must undergo the statutory environmental impact assessment process for the project according to the Ordinance before commencement of the project (see Section 3.2).

6. How can I know whether my intended operation is classified as a *Specified Process*?

You may refer to Appendix C for the list of such Processes or Schedule 1 of the Air Pollution Control Ordinance via the webpage www.legislation.gov.hk/eng/index.htm for the definitions of the Processes.

7. Do I need to apply for any environmental permits or licences before I can start my new business?

Depending on the nature of your planned business activities, you may need to apply for the following environmental permits or licences from EPD in advance:

For Businesses Involving	Approval/ Permits/ Licences from EPD	Where to Find More Details
<i>Designated Projects</i> (Appendix B)	<i>Environmental Permit</i>	Section 3.2
<i>Specified Processes</i> (Appendix C)	Specified Process Licence	Section 3.2
Installation of or alterations to furnaces, ovens, chimneys or flues	Approval for Installation or Alteration	Section 3.2
Discharge of wastewater (except discharge of domestic sewage into communal sewers and unpolluted water)	Water Pollution Control Ordinance Licence (i.e. effluent discharge licence)	Section 3.2
Generation of any chemical waste (Part A or Part B)	Registration as <i>Chemical Waste Producer</i> , and to notify EPD prior to disposal of any Part A chemical waste	Section 3.2

For Businesses Involving	Approval/ Permits/ Licences from EPD	Where to Find More Details
Import or export of any waste (except for certain types of uncontaminated waste that are for the purpose of reuse, reprocessing, recycling or recovery)	Permit for import or export of waste	Section 4.9
Reprocessing, recycling and/or treatment of over 1,000 litres or kilograms of chemical waste per day	<i>Waste Disposal Licence</i>	Section 4.9
import, export, manufacture or use of scheduled chemicals	Activity-based permit for import, export, manufacture or use of the scheduled chemicals and, for import or export of the scheduled chemicals, consignment-based import or export licence	Section 3.2

For the timeframe required for application of the above licences/permits, see Appendix F.

8. In case I need to construct related facilities for my planned business, are there any environmental permits or licences relevant to the construction/renovation works?

Depending on the types of construction/renovation activities involved, you or your appointed construction/renovation contractor may need to apply for the following environmental licences or permits and comply with the associated requirements:

For Construction/ Renovation Works Involving	Specific Environmental Requirements	Where to Find More Details
<i>Designated Projects</i> (Appendix B)	Comply with the requirements as specified in the <i>Environmental Permit</i>	Section 4.3
Concrete batching plant with total silo capacity (including cement and PFA silos) exceeding 50 tonnes or bitumen plant with capacity exceeding 250 kg per hour	Apply for the Specified Process Licence from EPD before operating the plant and comply with the Licence requirements	Section 4.3
<i>Notifiable Works</i>	Notify EPD before commencement of the work and implement the relevant dust control measures as specified in the Air Pollution Control (Construction Dust) Regulation	Section 4.3
Use of powered mechanical equipment/carrying out <i>Prescribed Works</i> during restricted hours or within <i>Designated Areas</i>	Apply for <i>Construction Noise Permit</i> from EPD before the works and to comply with the Permit conditions	Section 4.3

For Construction/ Renovation Works Involving	Specific Environmental Requirements	Where to Find More Details
<i>Percussive Piling</i>	Apply for <i>Construction Noise Permit</i> from EPD before the work and comply with the permit conditions	Section 4.3
Use of hand-held percussive breakers or air compressors	Ensure the breakers/ compressors are with valid Noise Emission Labels issued by EPD before use	Section 4.3
Marine dumping of materials and related loading operations	Apply for Marine Dumping Permit from EPD before the work and comply with the Permit conditions	Section 4.3
Removal of asbestos containing materials in premises, or any work which involves the use or handling of asbestos containing materials	Appoint registered asbestos professionals to carry out such work (see Section 3.4) and register with EPD as a <i>Chemical Waste Producer</i> prior to disposing of asbestos waste	Section 3.4 or 4.3

For the timeframe required for application of the above licences / permits, see Appendix F.

9. Do I need to plan for installation of any pollution control equipment or facilities for my future operation?

Depending on the environmental permits or licences (see the answers to the above 2 questions), you or your appointed contractor, if any, may need to plan for installation of suitable pollution control systems in order to comply with the terms and conditions of the permits/licences. For technical assistance in the design and installation of such systems, see Section 6.

10. How can I find the allowable air pollutant emission standards or wastewater discharge standards relating to my operation?

Air Pollutant Emission Standards	<p>For the operations classified as <i>Specified Processes</i>, EPD has published relevant Guidance Notes on Best Practicable Means which stipulate the environmental standards to be fulfilled by the operators before a licence is granted from EPD. Please visit EPD's webpage for the full list of such guidance notes: www.epd.gov.hk/epd/english/environmentinhk/air/guide_ref/air_guidelines.html</p> <p>For operations not classified as <i>Specified Processes</i>, the operators should approach EPD for the emission standards on a case-by-case basis.</p>
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Wastewater Discharge Standards	EPD sets out the wastewater discharge standards for individual operations in accordance with the Technical Memorandum – Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters, which is available from the webpage: www.epd.gov.hk/epd/english/envir_standards/statutory/esg_stat.html
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11. Are there any pollution charges that I need to take into account when starting my business?

At present, the following statutory pollution charges have been imposed to businesses:

Pollution Charges	Applicable to	Where to Find More Details
Sewage Charge	All water account holders whose premises are connected to a public sewerage (virtually all businesses)	Section 3.2
Trade Effluent Charge	30 trades and industries (Appendix D) that produce trade effluents with a strength higher than that of domestic sewage	Section 3.2
Charges for disposal of chemical waste	<i>Chemical Waste Producers</i> that require disposal of chemical waste at the Chemical Waste Treatment Centre	www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/chemical_fees.html
Charges for disposal of construction waste	Construction waste producers (e.g. construction contractors)	Section 4.3

It is under planning to impose charges for disposal of municipal solid waste generated by industrial and commercial activities.

12. When planning for waste or material storage facilities, are there any specific environmental requirements that I need to comply with?

For Storage of	Statutory Requirements	Where to Find More Details
Chemical waste	Waste Disposal (Chemical Waste) (General) Regulation	Section 3.2
Materials classified as Dangerous Goods	Dangerous Goods Ordinance	Section 3.2
Chemical waste classified as Dangerous Goods	Both of the above legal requirements	See both of the above

13. Is there any legal control on the types of fuel that I need to take into account when starting my business?

The Air Pollution Control (Fuel Restriction) Regulation exercises legal control on the types of fuels allowable for use by commercial and industrial appliances (see Section 3.2). In the Shatin Fuel Restriction Area, only gaseous fuel is legally permitted for commercial and industrial appliances except for appliances used in construction sites or for emergency purposes.

14. Is there any legal control on ozone-depleting substances (ODS) that I need to take into account when starting my business?

While you can use materials containing ODS, you are advised to use non-ODS substitutes for your operation where appropriate (see Section 3.2). The Hong Kong SAR Government has been implementing a phase-out programme for ODS, which are commonly used in various operations, e.g. refrigerants in air-conditioning systems, fire-fighting installation, blowing agents for foam manufacturing, electronics cleaning agent, etc. In addition, if you are using refrigerants containing controlled ODS, you are required to use approved equipment for recovering and recycling the refrigerants during maintenance. For details, see “A Concise Guide to the Ozone Layer Protection (Controlled Refrigerants) Regulation” (available via: www.epd.gov.hk/epd/english/environmentinhk/air/guide_ref/air_guidelines.html)

15. What could I do to reduce my company's future water/energy costs when starting my business?

See Section 3.2 for the tips on saving water and energy costs respectively.

Manage Your Business

16. I have received an air pollution or noise abatement notice from EPD. What should I do then?

Receipt of an abatement notice from EPD indicates that your operation has caused air or noise nuisance to your neighbouring environment. Therefore, you are required to either stop the operation that has caused the nuisance or take measures to abate the nuisance within the timeframe as specified in the abatement notice. Failure to comply with the abatement notice is liable to prosecution by EPD.

17. Having obtained the effluent discharge licence from EPD, does this mean that my company can legally discharge any wastewater?

After you have obtained the effluent discharge licence, you are required to ensure that the effluent from your company is in compliance with the terms and conditions of the licence, which will include maximum allowable quantity of discharge, discharge standards, discharge location, etc. Failure to comply with the licence requirements may be liable to prosecution by EPD (see Section 3.3).

18. I have received a warning letter from EPD saying that the effluent discharge from my company breached the discharge licence conditions. What should I do then?

Upon receipt of the warning letter, you should immediately identify the causes of breaching the discharge licence conditions, e.g. failure of the treatment systems, improper operation of the treatment system, and then take the necessary actions to rectify the problems as soon as possible. Further breaching of the discharge licence conditions may be liable to prosecution by EPD.

19. Having registered with EPD as a chemical waste producer, does this mean that my company can legally dispose of any waste?

Registration with EPD as a *Chemical Waste Producer* is only the first step for chemical waste control. After the registration, you must check if any of your produced waste falls into the category of Part A chemical waste which is particularly hazardous, e.g. asbestos, antibiotics, pesticides. If yes, you need to notify EPD under the Waste Disposal Ordinance prior to disposal of such waste. In addition, you must ensure proper packaging, labelling, storage and disposal of any chemical waste (Part A or Part B) generated by your company according to the Waste Disposal (Chemical Waste) (General) Regulation, and the associated trip-ticket system administered by EPD. Failure to comply with the legal requirements may be liable to prosecution by EPD. See Section 3.3 or the following webpage: www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_cwc_list.html

20. Where can I find suitable contractors for collection and disposal of my company's waste?

A list of the suitable waste collectors can be found in EPD's webpage: www.epd.gov.hk/epd/english/environmentinhk/waste/waste_maincontent.html

21. Is it allowable to import or export my company's waste materials to or from other places?

You must obtain a permit from EPD if you intend to import or export any waste, except for certain types of uncontaminated waste that are for the purpose of reuse, reprocessing, recycling or recovery (see Section 4.9).

22. Are there any special environmental requirements for handling and disposal of clinical waste?

You need to follow the good practices in handling clinical waste (more details via: www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_cwdcl_c.html) and consign waste to clinical waste collectors. The Waste Disposal (Clinical Waste) (General) Regulation and Waste Disposal (Charges for Disposal of Clinical Waste) Regulation are being developed to provide legislative control of clinical waste (see Section 4.2).

23. Are there any special environmental requirements for handling and disposal of livestock waste?

Solid livestock waste must be disposed of in accordance with the Code of Practice: Livestock Waste Management (see Section 4.5).

24. Is it legal to use materials containing ozone-depleting substances (ODS)?

Refer to the answer of question 14.

25. Is my company required to carry out any regular environmental monitoring works during the operation? If yes, where can I get some help?

Depending on the environmental permits or licences that you have obtained, you may be required to conduct regular environmental monitoring for your operations. Below are the permits or licences that could contain mandatory monitoring requirements:

- *Environmental Permit* issued for *Designated Projects* (Appendix B)
- *Specified Process* Licence
- Water Pollution Control Ordinance Licence (i.e. effluent discharge licence)
- *Construction Noise Permit*

Even if you are not required by law to perform any regular environmental monitoring, it is worth considering doing so for your own benefits. This is because regular monitoring can help identify:

- Possible areas for environmental improvement, which could in return bring financial benefits; and
- Any potential environmental nuisance from your operation so that early remedial actions could be taken to avoid receiving complaints.

(see Section 6 for technical assistance in environmental monitoring works)

26. Can I apply for reducing my company's sewage charges/trade effluent surcharges?

You may make enquiry to Drainage Services Department for re-assessment of your sewage charges/trade effluent surcharges. To substantiate your applications, you should employ laboratories accredited under the Hong Kong Laboratory Accreditation Scheme (HOKLAS) to conduct the necessary sample analysis work (see Section 3.3).

Withdraw Your Business

27. What are the environmental requirements specific to de-commissioning work that I need to comply with?

If your de-commissioning work involves demolition of buildings, you should ensure your appointed contractor has complied with the relevant environmental requirements, which are very similar to those described for the construction work (see Section 4.3). Prior to demolition of any buildings or electrical and mechanical facilities, any hazardous materials must be identified and properly dealt with. In particular, hazardous materials containing asbestos or polychlorinated biphenyl (PCB) must be handled and disposed of in accordance with the corresponding Codes of Practice. For demolition work involving asbestos containing material, the relevant requirements of the Air Pollution Control Ordinance must be followed (see Section 3.4).

28. Do I need to clean up or restore the site during de-commissioning work?

Mandatory requirements to clean up or restore the site during de-commissioning may be included in the *Environmental Permits* issued for *Designated Projects* (Appendix B) or in the land lease. Even if you are not legally required to clean up or restore the site, you are advised to do so in case your operation did cause contamination to the land or damages to the building.

The interpretation of specific terms used in this Guide is given in Appendix G.