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For advice by circulation

**Proposed Amendments to the Waste Disposal Ordinance
(Cap. 354) for the Implementation of the Relevant Amendments
to the Basel Convention on the Control of Transboundary
Movements of Hazardous Wastes and their Disposal**

PURPOSE

This paper seeks Members' views on our proposal to amend the Waste Disposal Ordinance (Cap. 354) ("WDO") to comply with and implement the relevant amendments to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal ("Basel Convention") in the Hong Kong Special Administrative Region ("HKSAR").

BACKGROUND

2. The Basel Convention entered into force in 1992¹. It controls the international transboundary movement of hazardous wastes and other specified wastes². Our country is a Party to the Basel Convention and the Basel Convention is applicable to the HKSAR.

3. According to the Basel Convention, the export of controlled waste may only proceed if the state of import and state(s) of transit, if any, have given their prior consent to the shipment proposal. The HKSAR has been implementing the Basel Convention through the waste import and export permit control under the WDO. The WDO stipulates that anyone who imports or exports controlled waste shall obtain a permit issued by the Environmental Protection Department ("EPD").

¹ Currently, there are about 190 Parties to the Basel Convention, including most states in the world.

² Apart from controlling hazardous wastes, the Basel Convention also controls other specified waste covered in its Annex II, including household wastes, and plastic waste that is mixed or hard to recycle.

4. According to statistics from the Census and Statistics Department, Hong Kong imported about 20 tonnes and exported about 530 tonnes of electrical and electronic waste (“EEW”) in 2023. Data from the EPD shows that in 2022, about 48,000 tonnes of waste electrical and electronic equipment were recovered, while 16,000 tonnes were disposed of. The quantities of EEW imported or exported were small compared with the quantities recovered or disposed of.

PROPOSED AMENDMENTS

5. At the 15th meeting of the Conference of the Parties to the Basel Convention in 2022, the contacting parties considered and adopted amendments to the Basel Convention, as proposed by Ghana and Switzerland. The amendments, which will take effect from 1 January 2025, expand the control scope of the Basel Convention from hazardous EEW to all EEW, with a view to ensuring proper management of EEW at the state of import.

6. Our country has expressed her acceptance of the above amendments to the Basel Convention. The amendments will enter into force in our country, and apply to Hong Kong, on 1 January 2025. Therefore, the HKSAR is obligated to implement the amendments on the same date for compliance with the international obligation alongside with our country.

7. The existing waste import and export permit control under the WDO only regulates hazardous EEW and e-waste³ regulated under the Producer Responsibility Scheme on Waste Electrical and Electronic Equipment. Import or export of other EEW does not require a permit as long as the EEW are uncontaminated and are imported or exported for the purpose of recycling. In order to implement the above amendments to the Basel Convention in the HKSAR, we propose to amend the WDO to regulate the import and export of all EEW under the permit control system.

8. To facilitate the trade to adapt to the new requirements of the Basel Convention and to the new control under the WDO, the EPD has been actively explaining the implementation details and providing assistance to the trade. Moreover, a six-month phasing-in period will be put in place as the amendments to the WDO become effective. During the phasing-in period, the EPD will exercise discretion when it handles non-compliance. For example, the importers or exporters would need to prove that the non-compliance occurred solely because of a lack of understanding of the scope and mechanisms of the amendments to the Basel Convention, and that they have planned to send the EEW to suitable facilities for recycling rather than dumping it. The EPD may exercise discretion in deciding

³ E-waste refers to air-conditioners, refrigerators, washing machines, televisions, computers (including desktops, laptops and tablets), printers, scanners, monitors, dehumidifiers and tumble dryers that have been abandoned.

not to pursue prosecution after examining the specific case details. At the same time, the EPD will continue to facilitate trade compliance through further publicity and educational efforts.

EXPECTED BENEFITS

9. The above proposal implements the 2022 amendments to the Basel Convention and ensures EEW undergoing transboundary movement is properly managed in the state of import, thereby protecting the local environment and public health.

TRADE CONSULTATION

10. From May to June 2024, we consulted about 240 stakeholders from the trade for the proposed WDO amendments through telephone survey, focus group meetings and briefing session. Stakeholders consulted include relevant trade associations, recyclers, collectors, traders, shipping companies and air cargo companies. All the stakeholders expressed understanding that the above amendments to the Basel Convention will enter into force in our country and the relevant WDO amendments aim to fulfil the international obligations alongside with our country. In this connection, the stakeholders did not have any objection to the proposed WDO amendments.

LEGISLATIVE TIMETABLE

11. We consulted the Legislative Council Panel on Environmental Affairs on the proposed WDO amendments on 15 July 2024, and members generally supported the proposal. We aim to introduce a relevant WDO amendment bill to the Legislative Council in the fourth quarter of 2024, for implementing the proposed WDO amendments on 1 January 2025.

ADVICE SOUGHT

12. Members are invited to offer views to the proposed WDO amendments as set out in paragraph 7 above.

Environmental Protection Department
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