

Chapter:	354C	<b>WASTE DISPOSAL (CHEMICAL WASTE) (GENERAL) REGULATION</b>	Gazette Number	Version Date
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		<b>Empowering section</b>		30/06/1997
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(Cap 354 section 33)

[1 May 1992] *L.N. 119 of 1992*

(Originally L.N. 20 of 1992)

(Enacted 1992)

Part:	I	<b>GENERAL</b>		30/06/1997
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(Enacted 1992)

Section:	1	<b>Citation</b>		30/06/1997
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(1) This Regulation may be cited as the Waste Disposal (Chemical Waste) (General) Regulation.

(2) (Omitted as spent)

(Enacted 1992)

Section:	2	<b>Interpretation</b>		30/06/1997
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In this Regulation, unless the context otherwise requires-

"chemical waste" (化學廢物) means any waste which is chemical waste within the meaning of section 3;

"container" (容器) means a container in which chemical waste is required to be packed under section 9;

"dangerous goods" (危險品) has the same meaning as in section 2 of the Dangerous Goods Ordinance (Cap 295);

"flash point" (燃點) has the same meaning as in regulation 2 of the Dangerous Goods (Application and Exemption) Regulations (Cap 295 sub. leg. A);

"poison" (毒藥) has the same meaning as in section 2 of the Pharmacy and Poisons Ordinance (Cap 138);

"reception point" (接收站) means a place in respect of which -

(a) a waste disposal licence relating to chemical waste has been granted under section 21 of the Ordinance; or

(b) the requirement for such a licence does not apply under section 16(2)(b) of the Ordinance, but does not include any site or premises referred to in section 8(1)(b);

"reception point manager" (接收站經理) means any person in charge of a reception point or any person at a reception point who is authorized to accept chemical waste delivered at that reception point;

"registration" (登記) means registration under Part II;

"specified" (指明) in relation to any form required for the purposes of this Regulation means specified by the Director under section 36;

"waste collector" (廢物收集者) means any person who is authorized by a licence granted under section 21 of the Ordinance to provide the service of collection or removal of chemical waste and includes any person collecting or removing such waste on his behalf;

"waste producer" (廢物產生者) means-

(a) in sections 6 and 7, any person who produces or causes chemical waste to be produced; or

(b) subject to paragraph (a), any person who produces chemical waste or causes it to be produced or who is in possession of or has the custody of chemical waste otherwise than as a waste collector or a reception point manager.

(Enacted 1992)

Section:	3	<b>Chemical waste</b>		30/06/1997
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- (1) Subject to subsection (2), any substance or thing being-
- (a) scrap material;
  - (b) effluent; or
  - (c) an unwanted substance or by-product arising from the application of or in the course of any process or trade activity,

and which is or contains any substance or chemical specified in Schedule 1 shall be regarded as chemical waste for the purposes of this Regulation if such substance or chemical occurs in such form, quantity or concentration so as to cause pollution or constitute a danger to health or risk of pollution to the environment.

- (2) Any-
- (a) thing which is of a class or description specified by the Director in a notice published in the Gazette for the purposes of this section; or
  - (b) other thing being a discharge or deposit which is made in accordance with a licence granted under the Water Pollution Control Ordinance (Cap 358) or in conformity with a technical memorandum issued under that Ordinance,

shall not be chemical waste for the purposes of this Regulation.

(Enacted 1992)

Section:	4	<b>Chemical waste for purposes of section 17 of the Ordinance</b>		30/06/1997
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Any substance which is chemical waste by reason of its containing any substance or chemical specified in Part A of Schedule 1 shall be waste in respect of which notice is to be given under section 17 of the Ordinance.

(Enacted 1992)

Section:	5	<b>Application of Regulation to chemical waste</b>		30/06/1997
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(1) The Director may by notice published in the Gazette appoint a date with effect from which this Regulation or any provision thereof specified in the notice shall apply in relation to any chemical waste.

(2) The Director may for the purposes of subsection (1) appoint different dates with reference to any substance or chemical specified in Schedule 1 or any substance or chemical which is included in or is a constituent or component of a substance or chemical specified in Schedule 1.

(3) Notwithstanding that any section has come into operation pursuant to a notice under section 1, it shall not apply to any chemical waste until it has been made so applicable by a notice under subsection (1).

(Enacted 1992)

Part:	II	<b>REGISTRATION OF WASTE PRODUCERS</b>		30/06/1997
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(Enacted 1992)

Section:	6	<b>Registration of waste producers</b>		30/06/1997
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- (1) A person shall not produce or cause to be produced chemical waste unless he is registered.
- (2) The Director may cause to be maintained in such form as he may determine, a register containing-
  - (a) the names of producers of chemical waste;
  - (b) in relation to such producers, the location of the premises where the chemical waste is produced; and
  - (c) a description of the business or activity in the course of or in connection with which the chemical waste is produced.

(3) The register shall be open for inspection by the public during normal office hours at such places as the Director may determine.

(4) A person shall be entitled, upon payment of the prescribed fee, to a copy of any entry in the register certified by or on behalf of the Director.

- (5) A registration shall not be transferable and shall be valid only in respect of the person and the premises

registered.

(6) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of \$200000 and to imprisonment for 6 months.

(7) Any person who immediately before the commencement of this section was producing or causing to be produced chemical waste may continue to do so without being registered-

- (a) during the period of 6 months beginning on the date of such commencement; or
- (b) if during that period an application for registration is made by or on behalf of such person, until such application is disposed of.

(Enacted 1992)

Section:	7	<b>Application for registration</b>	L.N. 301 of 2000	22/12/2000
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(1) An application for registration shall be made-

- (a) to the Director;
- (b) in the specified form; and
- (c) where the person claiming to be a waste producer (referred to in this section as the "applicant")-
  - (i) is an individual, by such individual;
  - (ii) is a body corporate, by any person who is authorized in that behalf;
  - (iii) is a partnership, by one of the partners.

(2) On receipt of an application under subsection (1) the Director shall, if he is satisfied that the applicant is or is to be engaged in the production of chemical waste-

- (a) register the applicant as a waste producer; and
- (b) assign to him a registration number in such form as he may determine.

(3) Every registered waste producer shall inform the Director of any change in the particulars contained in the application as soon as practicable after such change occurs and the Director may amend the particulars in the register or the assignment of a number in accordance with such information.

(4) Where the Director is satisfied that any registered waste producer has ceased to be a waste producer he shall remove his name from the register.

(5) The fee for registration shall be \$265 and for a certified copy of an entry in the register shall be \$60. (L.N. 269 of 1994; L.N. 493 of 1996; L.N. 571 of 1997; L.N. 301 of 2000)

(6) A registered waste producer who contravenes subsection (3) commits an offence and is liable on conviction to a fine of \$10000.

(Enacted 1992)

Part:	III	<b>DISPOSAL OF CHEMICAL WASTE</b>		30/06/1997
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(Enacted 1992)

Section:	8	<b>Disposal of chemical waste</b>		30/06/1997
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(1) Subject to subsection (2) and any directions issued by the Director under section 17 of the Ordinance, a waste producer shall cause or arrange for any chemical waste produced by him or in his possession or custody-

- (a) to be delivered to a reception point; or
- (b) where an appropriate waste disposal licence has been granted under section 21 of the Ordinance in respect of the site or premises where the chemical waste is located or produced, to be disposed of at such site or premises.

(2) Where the nature of the chemical waste is such that a reception point, site or premises referred to in subsection (1) which is suitable for the disposal of the chemical waste is not available in Hong Kong, the waste producer shall make other arrangements for the disposal of such chemical waste and such arrangements shall be subject to the approval in writing of the Director.

(3) Where a waste producer consigns chemical waste to a waste collector under section 21 he shall be deemed to have complied with subsection (1)(a).

(4) Without prejudice to any provision in Part V, the Director may require a waste producer to produce such documents, records or any other information as the Director may consider necessary to establish to his satisfaction that subsection (1) or (2), as the case may be, has been complied with.

- (5) A waste producer who fails to comply with-
- (a) subsection (1) or (2) commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months; and
  - (b) a requirement made under subsection (4) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.
- (6) Subsection (5)(a) shall not apply where the chemical waste is stored as required under section 9.

(Enacted 1992)

Part:	IV	<b>STORAGE OF CHEMICAL WASTE</b>		30/06/1997
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(Enacted 1992)

Section:	9	<b>Chemical waste to be in containers</b>		30/06/1997
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(1) A waste producer shall ensure that any chemical waste produced or caused to be produced by him or in his possession or custody is, until such time as section 8 or any directions issued under section 17 of the Ordinance are complied with, stored in accordance with this Part in containers which shall conform to the requirements specified in subsection (2).

- (2) Any container used for the purposes of subsection (1) shall be-
- (a) designed so as to be and constructed out of material which is-
    - (i) suitable, having regard to the nature of; and
    - (ii) resistant to corrosion or any other damage that can be caused by the, chemical waste to be stored in it; and
  - (b) maintained in good condition and repair and free from corrosion, contamination or any other defect which may impair its performance.

(3) Where any container complies with such specifications or standards relating to construction, material or design of containers as may be contained in a relevant Code of Practice, subsection (2) shall be regarded as having been complied with.

(4) A waste producer who fails to comply with subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	10	<b>Proper packing of chemical waste</b>		30/06/1997
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- (1) A waste producer shall ensure that-
- (a) chemical waste is not packed or stored in a manner that may render the handling of the container in which it is packed or stored unsafe or affect the effectiveness of the container;
  - (b) any container in which chemical waste is packed or stored is properly and securely closed, sealed and no chemical waste adheres to the external surface of the container;
  - (c) chemical wastes generated from different sources or different types of chemical wastes which in the event of contact with one another are likely to produce consequences dangerous to the health or safety of any person, are not mixed, packed or stored together in a container;
  - (d) where a container is used for the storage of liquid chemical waste, sufficient ullage is allowed so that no leakage from or permanent distortion of the container occurs as a result of the expansion of the liquid due to changes of temperature or any other condition which is likely to occur in the storage, handling or transport of chemical waste.

(2) Any waste producer who fails to comply with any requirement in subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	11	<b>Storage in large containers only with the approval of the Director</b>		30/06/1997
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- (1) Chemical waste shall not be packed or stored in any container with a capacity exceeding 450 litres unless-

- (a) it is a container which conforms to specifications approved generally for the purpose by the Director;  
or
- (b) in a particular case the Director, on an application made for the purpose, has given his approval in writing for the use of such container.

(2) Where chemical waste is packed or stored in contravention of subsection (1), the waste producer and the person responsible for such packing or storing commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	12	<b>Labelling of containers</b>	30/06/1997
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(1) A waste producer shall ensure that-

- (a) there is displayed on every container of chemical waste a label in English and Chinese of such design and dimensions as specified in Parts 1 and 2 respectively of Schedule 2 containing the particulars and the appropriate symbols specified in Parts 3 and 4 respectively of that Schedule;
- (b) any information supplied pursuant to paragraph (a) is accurate and sufficient so as to enable the safe storage, handling and transport of the chemical waste;
- (c) any label referred to in paragraph (a) is securely attached to the container and kept clean and positioned so that it is clearly visible and is not obstructed.

(2) Where pursuant to subsection (1), particulars of safety precautions are required to be contained in a label, the waste producer shall ensure that they are adequate and appropriate having regard to the form or nature of the chemical waste in the relevant container.

(3) Where any label displayed pursuant to subsection (1) complies with such provisions or standards relating to labelling as may be contained in a relevant Code of Practice, subsections (1) and (2) shall be regarded as having been complied with.

(4) A waste producer who fails to comply with any requirement under subsection (1) or (2) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	13	<b>Storage area</b>	30/06/1997
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(1) A waste producer shall ensure that any area used for the storage of containers of chemical waste complies with the requirements in subsection (2).

(2) The requirements for the purposes of subsection (1) are that such area shall-

- (a) not be used for any purpose other than the storage of chemical waste;
- (b) be enclosed on at least 3 sides by a wall, partition fence or a similar device, which shall not be less than-
  - (i) 2 metres in height; or
  - (ii) the height of the tallest container or where appropriate the height of the tallest stack of containers,
 whichever is less;
- (c) have adequate ventilation to prevent the formation of any dangerous or harmful concentration of vapour in the event of spillage or leakage;
- (d) not have any connection to any surface water drains or foul sewers;
- (e) have adequate space for the handling of the containers;
- (f) where the storage area is located inside a multi-storey building, be so located as not to obstruct or in any way prejudice the use of any means of escape or exit from the building;
- (g) where the storage area is not within a building, be provided with a roof or a similar covering; and
- (h) be kept clean and dry.

(3) Where any chemical waste is stored other than on the premises in which it is produced the waste producer shall, in addition to the requirements in subsection (2), ensure that any means of access to the area in which the waste is stored is secured with a lock or such other means at all times except when access is reasonably necessary for normal operations relating to the stored chemical waste.

(4) A waste producer who fails to comply with subsection (1) or (3) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	14	<b>Storage of liquid chemical waste</b>	30/06/1997
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(1) Without prejudice to any other requirement relating to the storage of chemical waste in this Regulation, a waste producer shall ensure that any area in which containers of chemical waste in liquid form are stored-

- (a) has an impermeable floor or surface;
- (b) has a retention structure with the capacity to accommodate-
  - (i) the contents of the largest container; or
  - (ii) 20% by volume of the chemical waste, stored in that area, whichever is the greater; and
- (c) where such containers are stacked, is enclosed by walls or partitions constructed out of an impermeable material.

(2) A waste producer who fails to comply with subsection (1) commits an offence and is liable a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	15	<b>Storage of containers</b>	30/06/1997
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(1) A waste producer shall ensure that-

- (a) any container with chemical waste is not stored with other wastes, whether chemical or otherwise, if it is likely that there will be dangerous consequences to the health or safety of any person in the event of its contact with such other wastes;
- (b) any stacks of containers of chemical waste are made secure so as to prevent their falling down.

(2) A waste producer who fails to comply with any requirement in subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	16	<b>Storage in working area</b>	30/06/1997
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The requirements relating to storage specified in sections 13, 14 and 15 shall not apply where-

- (a) the chemical waste is stored in the working or processing area;
- (b) the quantity of chemical waste stored in a single working or processing area does not exceed 50 litres;
- (c) the chemical waste so stored is packed or stored in containers and labelled as required by this Regulation;
- (d) the containers referred to in paragraph (c) are kept in a cupboard, cabinet or receptacle which is safe and suitable having regard to the nature of the chemical waste; and
- (e) in the case of different chemical wastes which are likely in the event of contact with one another to produce consequences dangerous to the health or safety of any person are stored, that they are separated inside the cupboard, cabinet or receptacle, as the case may be, by an impermeable partition.

(Enacted 1992)

Section:	17	<b>Storage in large fixed containers</b>	30/06/1997
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Where chemical waste is stored in any container approved under section 11 and which is a fixed structure-

- (a) above the ground, the requirements of sections 13 and 15 shall not apply; and
- (b) below ground level, the requirements of sections 13, 14 and 15 shall not apply.

(Enacted 1992)

Section:	18	<b>Warning signs on the storage area</b>	30/06/1997
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(1) A waste producer shall ensure that-

- (a) every storage area where;
- (b) every cupboard, cabinet, storage tank or receptacle in which,

chemical waste is stored displays a warning panel, notice or marking at or near the entrance or the opening, as the case may be.

- (2) Every warning panel, notice or marking referred to in subsection (1) shall-
- (a) indicate in bold legible red English words and Chinese characters not less than 6 cm in height on a white background "CHEMICAL WASTE 化學廢物";
  - (b) be securely attached to or marked, as the case may be, on a vertical plane of the storage structure;
  - (c) be durable, weather resistant and rigid or attached so as to be rigid;
  - (d) be kept clean and free from obstruction.

(3) A waste producer who fails to comply with subsection (1) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	19	<b>Same requirements to apply to containers with residue</b>	30/06/1997
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The requirements in this Regulation in respect of containers containing chemical wastes shall apply in relation to containers containing any residues of chemical wastes.

(Enacted 1992)

Part:	V	<b>COLLECTION AND TRANSPORTATION OF CHEMICAL WASTE</b>	30/06/1997
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(Enacted 1992)

Section:	20	<b>Director to issue trip ticket</b>	30/06/1997
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The Director may issue any document (in this Part referred to as a "trip ticket"), in such form as he may determine, for the purpose of recording particulars or obtaining information in relation to the production, collection, transportation, reception, transfer, import or export of chemical waste and in such document specify-

- (a) particulars or information to be furnished by a waste producer, waste collector or reception point manager;
- (b) matters to be certified by any such person; or
- (c) any other requirement to be complied with by any such person.

(Enacted 1992)

Section:	21	<b>Waste producer to engage waste collector</b>	30/06/1997
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(1) Where chemical waste is to be removed or transported from the site or premises where it is produced, stored or located, a waste producer or any person authorized on that behalf by the waste producer shall engage the services of a waste collector.

(2) Any person who arranges or causes chemical waste to be removed or transported otherwise than by engaging the services of a waste collector as required under subsection (1) commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	22	<b>Particulars to be furnished by waste producer</b>	30/06/1997
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- (1) Any person who engages the services of a waste collector under section 21 shall-
- (a) record on a trip ticket and also on 2 copies thereof the particulars or information required by the trip ticket to be furnished by the waste producer;
  - (b) ensure that the chemical waste to be delivered is correctly classified, described, quantified and labelled, and certify accordingly on the trip ticket and the 2 copies;
  - (c) when the chemical waste is consigned to the waste collector for delivery, certify such fact on the trip ticket and the 2 copies; and
  - (d) comply with any other requirement which the trip ticket specifies.

(2) A person who fails to comply with any requirement in subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	23	<b>Particulars to be furnished by waste collector</b>		30/06/1997
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(1) A waste collector whose services are engaged for delivery of chemical waste or any person authorized on his behalf shall-

- (a) record on the trip ticket and the 2 copies thereof in which the waste producer has recorded particulars under section 22, the particulars or information required by the trip ticket to be furnished by the waste collector;
  - (b) compare the particulars displayed on the labels of the containers of chemical waste with the particulars relating to them as recorded on the trip ticket under section 22 and, if satisfied that such particulars tally, certify accordingly on the trip ticket; and
  - (c) comply with any other requirement which the trip ticket specifies.
- (2) A waste collector shall not accept for transportation or delivery any chemical waste-
- (a) which has not been packed securely or labelled as required under this Regulation; or
  - (b) if the trip ticket in respect thereof has not been completed as required under section 22.
- (3) A waste collector shall hand over one of the copies of the trip ticket completed as required under subsection (1), to the waste producer or any person authorized by the waste producer to receive such copy.
- (4) A waste collector who fails to comply with any requirement in-
- (a) subsection (1) or (2) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months; or
  - (b) subsection (3) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	24	<b>Waste collector to carry trip ticket and deliver chemical waste</b>		30/06/1997
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(1) When transporting chemical waste a waste collector shall have in his possession the original and a copy of the trip ticket in which the particulars required to be recorded by a waste producer and a waste collector under sections 22 and 23 respectively, have been recorded.

(2) A waste collector shall deliver any waste collected by him to a reception point not later than 48 hours after the collection of such waste. (L.N. 112 of 1992)

(3) Where a waste collector is unable to comply with subsection (2), he shall inform the Director as soon as practicable and by the quickest means.

- (4) A waste collector who fails to comply with any requirement in-
- (a) subsection (1) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months; or
  - (b) subsection (2) or (3) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	25	<b>Delivery of chemical waste by waste collector</b>		30/06/1997
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(1) When a waste collector delivers any chemical waste at a reception point he shall hand over to the manager of the reception point the original and one copy of the trip ticket containing the particulars furnished under sections 22(1) and 23(1).

(2) A waste collector who fails to comply with subsection (1) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)



Section:	26	<b>Duties of reception point manager</b>	30/06/1997
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- (1) A reception point manager shall not accept any chemical waste at a reception point unless-
  - (a) in the case of a place in respect of which a waste disposal licence has been issued under section 21 of the Ordinance, such licence authorizes the reception of chemical waste of that particular class or description, and in the case of any other place, its use for the disposal of such chemical waste is authorized;
  - (b) he receives with the chemical waste a duly completed trip ticket in respect thereof; and
  - (c) he satisfies himself as far as is reasonably practicable in the circumstances that the chemical waste to which the trip ticket relates corresponds with the particulars recorded on such trip ticket.
- (2) The reception point manager shall-
  - (a) on the trip ticket and the copy thereof referred to in section 25-
    - (i) record the particulars or information required by the trip ticket to be furnished by the reception point manager; and
    - (ii) certify that the waste received corresponds with the particulars recorded on the trip ticket where he is satisfied in that regard; and
  - (b) comply with any other requirement which the trip ticket specifies.
- (3) The reception point manager shall hand over to the waste collector the copy of the trip ticket completed as required under subsection (2).
- (4) A reception point manager who fails to comply with any requirement in-
  - (a) subsection (1) or (2) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months; or
  - (b) subsection (3) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	27	<b>Transfer of waste from reception point</b>	30/06/1997
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- (1) Where any chemical waste received at a reception point is to be transferred, the reception point manager shall engage the services of a waste collector for the purpose of such transfer and comply with the requirements specified in section 22 in relation to a waste producer.
- (2) A waste collector engaged pursuant to subsection (1) shall comply with the requirements specified in sections 23, 24 and 25 in relation to the transportation or delivery of chemical waste by a waste collector.
- (3) Where chemical waste is transferred from one reception point to another, the reception point manager to which the chemical waste is transferred or any person authorized to receive chemical waste at such a reception point shall comply with the requirements specified in section 26 in relation to a reception point manager.
- (4) Any-
  - (a) reception point manager referred to in subsection (1) who fails to-
    - (i) engage the services of a waste collector as required under that subsection commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months; and
    - (ii) comply with any requirement in section 22 which he is required to comply with under subsection (1) commits an offence and is liable to the fine and term of imprisonment prescribed under section 22 for the failure to comply with such requirement;
  - (b) waste collector referred to in subsection (2) who fails to comply with any requirement in section 23, 24 or 25 which he is required to comply with under subsection (2) commits an offence and is liable to the fine and term of imprisonment prescribed under sections 23, 24 or 25 for the failure to comply with such requirement; and
  - (c) reception point manager or any other person referred to in subsection (3) who fails to comply with any requirement in section 26 which he is required to comply with under subsection (3) commits an offence and is liable to the fine and term of imprisonment prescribed under section 26 for the failure to comply with such requirement.

(Enacted 1992)

Section:	28	<b>Retention of trip ticket and copies thereof</b>	30/06/1997
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- (1) Any-

- (a) person to whom a copy of the trip ticket is handed over under section 23(3);
- (b) waste collector to whom a copy of the trip ticket is handed over under section 26(3);
- (c) reception point manager who completes the trip ticket under section 26(2),

shall each retain such copy of the trip ticket and the original of the trip ticket respectively, at least for a period of 12 months from the date it is handed over or completed, as the case may be, and shall make it available to the Director if so required.

(2) Any person who fails to comply with subsection (1) commits an offence and is liable to a fine of \$50000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	29	<b>Director's power to require information</b>	30/06/1997
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(1) The Director may require a waste producer, a person who is in possession of or has the custody of chemical waste, a waste collector or a reception point manager to furnish to him in such form and within such time as determined by him, any information in respect of any chemical waste produced by such waste producer or consigned by or on his behalf to a waste collector, collected by such waste collector or received by or on behalf of such reception point manager, as the case may be.

(2) Any person who fails to comply with a requirement made under subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 6 months.

(Enacted 1992)

Part:	VI	<b>PRECAUTIONS AGAINST DANGERS TO PUBLIC HEALTH AND POLLUTION</b>	30/06/1997
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(Enacted 1992)

Section:	30	<b>Written procedures to be available</b>	30/06/1997
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(1) A waste producer shall-

- (a) prepare and make available written procedures to be observed in the event of emergencies due to spillage, leakage or accidents arising in the course of or from the handling and the storage of chemical waste; and
- (b) ensure that his employees or agents have received adequate instructions and training for implementing such procedures.

(2) A waste producer who fails to comply with subsection (1) commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	31	<b>Powers of the Director</b>	30/06/1997
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(1) Where the Director is of the opinion that any stored chemical waste is likely to threaten public health or safety or cause pollution, the Director may, by notice in writing, require the owner or occupier of the premises in which the waste is stored to remove or cause to be removed the chemical waste to a particular facility or a facility of a class or description specified by him and to establish to his satisfaction that such requirement is complied with.

(2) Any person who fails to comply with a requirement made under subsection (1) commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	32	<b>Precautions for public health and safety</b>	30/06/1997
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(1) Without prejudice to any specific duty or requirement imposed under any other provision in this Regulation a person-

- (a) shall, in the storage, collection, transportation, reception, transfer, disposal, import or export or in otherwise handling chemical waste, take all necessary precautions for preventing any hazard or danger

to public health or safety or pollution or risk of pollution to the environment;

- (b) shall not deal with or dispose of chemical waste in any manner contrary to this Regulation or so as to cause any hazard or danger to public health or safety.

(2) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1992)

Part:	VII	<b>WASTE DISPOSAL LICENCE</b>	30/06/1997
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(Enacted 1992)

Section:	33	<b>Circumstances under which waste disposal licence is to be granted</b>	30/06/1997
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The licensing authority shall not grant a waste disposal licence under section 21(4) of the Ordinance in respect of the disposal of chemical waste unless he is satisfied that the land or premises in respect of which the licence is sought has a waste disposal facility which is capable of -

- (a) disposing of an aggregate of not less than 1000 litres or kilograms of waste in a day;  
(b) reducing the harmful impact of chemical waste on the environment by serving as a facility for the disposal of chemical waste on site where it is produced and avoiding the movement of chemical waste;  
or  
(c) disposing of chemical waste in any other manner beneficial to the environment.

(Enacted 1992)

Part:	VIII	<b>MISCELLANEOUS</b>	30/06/1997
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(Enacted 1992)

Section:	34	<b>Provisions of the Dangerous Goods Ordinance not to be prejudiced</b>	30/06/1997
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The provisions of this Regulation shall be without prejudice to the Dangerous Goods Ordinance (Cap 295) and any regulation made thereunder.

(Enacted 1992)

Section:	35	<b>Exemptions</b>	30/06/1997
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- (1) Any chemical waste which is household waste is exempt as waste-
- (a) in respect of which notice is to be given under section 17 of the Ordinance; and  
(b) to which any other requirement in this Regulation applies.
- (2) The Director may, where he is satisfied that it is reasonable to do so, grant exemptions from this Regulation or any requirement thereof either on his own volition or on application.
- (3) The Director may attach such conditions as he considers reasonable to any exemption granted under subsection (2).

(Enacted 1992)

Section:	36	<b>Forms</b>	30/06/1997
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The Director may specify in such manner as he may determine any form required for the purposes of this Regulation.

(Enacted 1992)

Section:	37	<b>Offence of furnishing false information</b>	30/06/1997
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Any person who-

- (a) in furnishing any information or particulars under this Regulation in a trip ticket or any form specified for the purposes of this Regulation, in relation to arrangements for disposal of chemical waste or otherwise, makes a statement or gives an estimate which he knows to be incorrect in a material particular or recklessly makes a statement or gives an estimate which is incorrect in a material particular or knowingly or recklessly omits a material particular; or
- (b) for the purposes of this Regulation, certifies as correct anything which he knows to be incorrect or recklessly certifies as correct anything which is incorrect,

commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1992)

Section:	38	<b>Continuing offences</b>	30/06/1997
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If a person is convicted of any offence under this Regulation and that offence is a continuing offence, such person shall, in addition to any penalty which may be imposed under the relevant section, be liable to a fine of \$10000 for each day on which the offence continues.

(Enacted 1992)

Section:	39	<b>Defences</b>	30/06/1997
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(1) In any proceedings-

- (a) for an offence under-
  - (i) section 6;
  - (ii) Part III; or
  - (iii) section 21; or
- (b) against a reception point manager for failure to engage the services of a waste collector as required under section 27(1),

it shall be a defence for the person charged to prove that the failure to comply with the relevant requirement was due to an emergency and that as soon as reasonably practicable he informed the Director of such failure.

(2) Subject to subsection (3), in any proceedings-

- (a) for an offence under-
  - (i) Part IV; or
  - (ii) section 22, 23, 24, 25, 26 or 28; or
- (b) under section 27 against-
  - (i) a reception point manager for failing to comply with any requirement in section 22;
  - (ii) a waste collector for failing to comply with any requirement in section 23, 24 or 25; or
  - (iii) a reception point manager or any person authorized by him for failing to comply with any requirement in section 26,

it shall be a defence for the person charged to prove that the failure to comply with the relevant requirement was due to an emergency and that as soon as reasonably practicable he informed the Director of such failure.

(3) In any proceedings for an offence under section 24(2), it shall be a defence for the waste collector to prove that he took all reasonable measures and exercised all due diligence to deliver the chemical waste, that the failure to deliver the chemical waste was due to circumstances beyond his control and that as soon as reasonably practicable he informed the Director of such failure.

(4) In this section, "emergency" (緊急情況) means-

- (a) a fire involving any reactive or highly inflammable chemical or a chemical which releases highly toxic vapour; or
- (b) any such incident which requires the making of immediate arrangements for the removal and disposal of waste, in the interests of safety.

(Enacted 1992)

Schedule:	1	<b>SUBSTANCES AND CHEMICALS</b>	30/06/1997
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[sections 3, 4 & 5]

#### PART A

Any substance to which the Antibiotics Ordinance (Cap 137) applies

Asbestos

Dangerous drugs (as defined in the Dangerous Drugs Ordinance (Cap 134))

Dangerous goods, category 2, NES

Dangerous goods, category 6, NES

Dangerous goods, category 9, NES

Dibenzofurans

Dioxins

Pesticides (as defined in the register referred to in section 4(b) of the Pesticides Ordinance (Cap 133))

Poisons (Part I) (as defined in the Pharmacy and Poisons Ordinance (Cap 138))

Polychlorinated biphenyls

#### PART B

Antimony and its compounds

Arsenic compounds

Barium compounds

Beryllium and its compounds

Boron compounds

Cadmium and its compounds

Chromium and its compounds, NES

Chromium bearing solid tannery waste

Cobalt and its compounds

Copper compounds

Cyanides

Dangerous goods, category 3, NES

Dangerous goods, category 4, NES

Dangerous goods, category 5, NES

Dangerous goods, category 7, NES

Dangerous goods, category 8, NES

Dangerous goods, category 10, NES

Halogenated organic solvents and compounds

Lead and its compounds

Manganese and its compounds

Mercury and its compounds

Mineral oils employed for engine lubrication

Mineral oils, NES

Nickel and its compounds

Non-halogenated organic solvents and compounds

Organo lead compounds

Organo mercury compounds

Organo tin compounds

Paints

Pesticides (as defined in the register referred to in section 4(a) of the Pesticides Ordinance (Cap 133))

Pharmaceutical products and medicines, NES

Phosphorus compounds excluding phosphates

Selenium compounds

Silver compounds

Sulphides  
 Thallium and its compounds  
 Tin compounds  
 Vanadium compounds  
 Zinc compounds

Acids, alkalis and corrosive compounds

Acetic acid above 10% acetic acid by weight  
 Acids or acidic solutions, NES with acidity equivalent to above 5% nitric acid by weight  
 Ammonia solution above 10% ammonia by weight  
 Bases or alkaline solutions, NES with alkalinity equivalent to above 1% sodium hydroxide by weight  
 Chromic acid above 1% chromic acid by weight  
 Fluoboric acid above 5% fluoboric acid by weight  
 Formic acid above 10% formic acid by weight  
 Hydrochloric acid above 5% hydrochloric acid by weight  
 Hydrofluoric acid above 0.1% hydrofluoric acid by weight  
 Hydrogen peroxide solution above 8% hydrogen peroxide by weight  
 Nitric acid above 5% nitric acid by weight  
 Perchloric acid above 5% perchloric acid by weight  
 Phosphoric acid above 5% phosphoric acid by weight  
 Potassium hydroxide solution above 1% potassium hydroxide by weight  
 Potassium hypochlorite solution above 5% active chlorine  
 Sodium hydroxide solution above 1% sodium hydroxide by weight  
 Sodium hypochlorite solution above 5% active chlorine  
 Sulphuric acid above 5% sulphuric acid by weight

NES = Not elsewhere specified

(Enacted 1992)

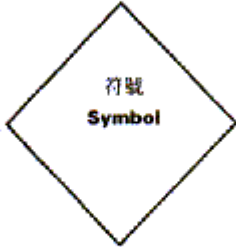
Schedule:	2	<b>PROVISIONS RELATING TO LABELS</b>	30/06/1997
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[section 12]

PROVISIONS RELATING TO LABELS

PART 1

DESIGN OF LABEL FOR CHEMICAL WASTE

<b>CHEMICAL WASTE 化學廢物</b>	
	<b>Chemical name/Common name</b> 化學名稱或普通名稱
	<b>Waste type and Code</b> 廢物種類及代號
<b>Name, Address and Telephone No of Waste producer</b> 廢物產生者姓名 / 名稱地址及電話	<b>Particular Risk</b> 危險情況 * * * *
	<b>Safety Precautions</b> 安全措施 * * * *

## PART 2

### DIMENSIONS OF LABEL

Capacity of container	Dimensions of label
Not more than 50 litres	not less than 90mm x 100mm
Between 50 and 450 litres	not less than 120 mm x 150 mm
Over 450 litres	not less than 180 mm x 200 mm

## PART 3

### PARTICULARS TO APPEAR ON LABEL

1. The name, address and contact telephone number of the relevant waste producer.
2. The chemical name/names or common name/names of the substances from which the chemical waste is derived.
3. Classification of the chemical waste (waste type and waste code).
4. The appropriate hazard symbol or symbols of the size specified in Note 1.
5. A statement of the risk (or risks) arising on contact with/exposure to or otherwise in relation to the chemical waste.
6. Safety precautions to be taken in relation to the chemical waste.
7. The words "CHEMICAL WASTE" and characters "化學廢物" of such size as specified in Note 2.








- Note:
1. The size of any symbol in this Part shall not be less than 1/10th of the area of the label and shall not in any case be less than 500 mm<sup>2</sup>.
  2. The combined size of the words "CHEMICAL WASTE" and characters "化學廢物" shall not be less than 1/20th of the area of the label.

## PART 4

### SYMBOLS IN LABEL

Classification Symbol  
 危險分類 符號

Classification Symbol  
 危險分類 符號

<p>Explosive                  爆炸性</p>  <p>Black image on Orange Background                  &lt;-----</p>	<p>Toxic                  有毒</p> 
<p>Flammable                  易燃</p>  <p>Black image on Red Background                  &lt;-----</p>	<p>Harmful                  有害</p> 
<p>Oxidizing                  助燃</p>  <p>Black image on Yellow Background                  &lt;-----</p>	<p>Corrosive                  腐蝕性</p> 
<p>Irritant                  刺激性</p> 	<p>Asbestos                  石棉</p> 