

《廢物處置條例》
(第 354 章)
Waste Disposal Ordinance
(Cap. 354)

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尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

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第 I 部
第 1 條

Part I
Section 1

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本條例旨在對任何類別或種類的廢物的產生、貯存、收集及處置(包括處理、再加工、循環再造),對任何有關該等活動的地方及人士的發牌及登記,以及對涉及任何該等活動的公眾的保護及安全,訂定條文予以管制及規管,並對由此而附帶引起的事宜訂定條文。

(由 1991 年第 86 號第 2 條代替)
(格式變更——2021 年第 5 號編輯修訂紀錄)

To provide for the control and regulation of the production, storage, collection and disposal including the treatment, reprocessing and recycling of waste of any class or description, the licensing and registration of places and persons connected with any such activity, the protection and safety of the public in relation to any such activity and to provide for matters incidental thereto.

(Replaced 86 of 1991 s. 2)
(Format changes—E.R. 5 of 2021)

[1980 年 5 月 19 日] 1980 年第 112 號法律公告

[19 May 1980] L.N. 112 of 1980

第 I 部

Part I

導言

Preliminary

(格式變更——2015 年第 1 號編輯修訂紀錄)

(Format changes—E.R. 1 of 2015)

1. 簡稱

- (1) 本條例可引稱為《廢物處置條例》。
- (2) (已失時效而略去——2015 年第 1 號編輯修訂紀錄)

1. Short title

- (1) This Ordinance may be cited as the Waste Disposal Ordinance.
- (2) (Omitted as spent—E.R. 1 of 2015)

2. 釋義

- (1) 在本條例中,除文意另有所指外——

工作守則 (Code of Practice) 指局長根據第 35 條擬備或修訂的任何工作守則;(由 1987 年第 58 號第 2 條增補。由 1989 年第 244 號法律公告修訂;由 1997 年第 362 號法律公告修訂;由 1999 年第 78 號第 7 條修訂)

2. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—
analyst (化驗師) means the Government Chemist or any person appointed by the Chief Executive under section 23E(5);
(Added 58 of 1987 s. 2. Amended 21 of 2024 s. 78)
animal waste (動物廢物) means—
 - (a) the manure or urine of any animal; or

不設壓縮裝置非政府用廢物車輛 (waste vehicle in private use (without compactor)) 指符合以下說明的車輛 (政府用廢物車輛除外) ——

- (a) 正在用於運走都市固體廢物，以及在附表設施處置該等廢物；及
- (b) 並無裝有經設計用於壓縮車上所載廢物的裝置；(由 2021 年第 25 號第 3 條增補)

化學廢物 (chemical waste) 指根據第 33 條所訂規例被界定為化學廢物的任何物質、物體或東西；(由 1991 年第 86 號第 3 條增補)

化驗師 (analyst) 指政府化驗師或行政長官根據第 23E(5) 條委任的任何人；(由 1987 年第 58 號第 2 條增補。由 2024 年第 21 號第 78 條修訂)

有關日期 (relevant date) ——

- (a) 就某一禽畜廢物禁制區而言，指附表 1 第 3 欄就該區而註明的日期；或
- (b) 就某一禽畜廢物管制區而言，指附表 2 第 3 欄就該區而註明的日期；(由 1987 年第 58 號第 2 條增補)

行業廢物 (trade waste) 指來自任何行業、製造業或商業的廢物，但不包括動物廢物、化學廢物、醫療廢物或建築廢物；(由 2004 年第 17 號第 2 條代替。由 2006 年第 6 號第 2 條修訂)

住戶廢物 (household waste) 指來自住戶的廢物，以及住宅被佔用作住宅用途時通常會產生的一類廢物；

局長 (Secretary) 指環境及生態局局長；(由 1999 年第 78 號第 7 條增補。由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂；由 2022 年第 144 號法律公告修訂)

私人地段 (private lot) 指根據政府租契而持有，並以《土地註冊規例》(第 128 章，附屬法例 A) 第 2 條所界定的地段編號作識別的一片或一幅地；(由 2013 年第 19 號第 3 條增補)

- (b) any dead animal or any part of any dead animal not fit for, or not intended for, human consumption; or
- (c) any bedding, straw or other waste contaminated by the manure or urine of any animal, (*Replaced 58 of 1987 s. 2*)

but does not include clinical waste; (*Amended 6 of 2006 s. 2*)

authorized officer (獲授權人員) means a public officer authorized under section 23A; (*Added 58 of 1987 s. 2*)

chemical waste (化學廢物) means any substance, matter or thing defined as chemical waste by regulations made under section 33; (*Added 86 of 1991 s. 3*)

clinical waste (醫療廢物) means waste consisting of any substance, matter or thing belonging to any of the groups specified in Schedule 8 that is generated in connection with—

- (a) a dental, medical, nursing or veterinary practice;
- (b) any other practice, or establishment (howsoever described), that provides medical care and services for the sick, injured, infirm or those who require medical treatment;
- (c) dental, medical, nursing, veterinary, pathological or pharmaceutical research; or
- (d) a—
 - (i) dental;
 - (ii) medical;
 - (iii) veterinary; or
 - (iv) pathological, laboratory practice,

but does not include chemical waste or radioactive waste; (*Added 6 of 2006 s. 2*)

垃圾收集站 (refuse collection point) 指符合以下說明的地方——

- (a) 食環署長或其代表，在該地方收集和運走都市固體廢物；及
- (b) 該地方以根據第 20X(1)(a) 條訂明的方式，展示根據該條訂明的標誌；(由 2021 年第 25 號第 3 條增補)

放大區 (enlarged area) 指藉附表 3 第 3 欄指出的地圖作參照而在該欄指明的——

- (a) 禽畜廢物禁制區中的部分地區；
- (b) 禽畜廢物管制區中的部分地區；或
- (c) 禽畜廢物限制區中的部分地區，(由 1994 年第 28 號第 2 條增補)

而該等地區與一個或多於一個禽畜廢物管制區或禽畜廢物限制區毗鄰或接壤，以及該等地區已由署長、一名職級不低於環境保護主任的環境保護署人員或一名總環境保護督察簽署並存放於土地註冊處；(由 1987 年第 58 號第 2 條增補。由 1994 年第 28 號第 2 條修訂)

附表設施 (scheduled facility)——見《廢物處置 (廢物轉運站) 規例》(第 354 章，附屬法例 M) 第 2 條；(由 2021 年第 25 號第 3 條增補)

建築廢物 (construction waste) 指由根據第 33 條訂立的規例界定為建築廢物的物質、物體或東西，但不包括化學廢物；(由 2004 年第 17 號第 2 條增補)

指定袋 (designated bag) 指符合以下說明的袋——

- (a) 由署長製造，或由根據第 20S(2)(a) 條獲授權製造該袋的人製造；及
- (b) 符合根據第 20T 條指明的規定；(由 2021 年第 25 號第 3 條增補)

指定廢物處置設施 (designated waste disposal facility) 的涵義與《廢物處置 (指定廢物處置設施) 規例》(第 354 章，附屬

Code of Practice (工作守則) means any Code of Practice prepared or revised by the Secretary under section 35; (Added 58 of 1987 s. 2. Amended L.N. 244 of 1989; 78 of 1999 s. 7)

collection authority (廢物收集當局) means—

- (a) in relation to chemical waste and clinical waste, the Director; (Amended 6 of 2006 s. 2)
- (b) in relation to any other waste, means the Director of FEH and the Director; (Replaced 78 of 1999 s. 7. Amended L.N. 183 of 2000; 25 of 2021 s. 3)

construction waste (建築廢物) means any substance, matter or thing defined as construction waste by regulations made under section 33, but does not include chemical waste; (Added 17 of 2004 s. 2)

container waste (容器廢物) means a container (whether damaged or not) that—

- (a) judging by its appearance, is a container specified in column 3 of Part 2 of Schedule 8 to the Product Eco-responsibility Ordinance (Cap. 603); and
- (b) has been abandoned; (Added 13 of 2016 s. 9)

designated bag (指定袋) means a bag that—

- (a) is produced by the Director or a person who is authorized to produce it under section 20S(2)(a); and
- (b) meets the requirements specified under section 20T; (Added 25 of 2021 s. 3)

designated label (指定標籤) means a label that—

- (a) is produced by the Director or a person who is authorized to produce it under section 20S(2)(a); and
- (b) meets the requirements specified under section 20T; (Added 25 of 2021 s. 3)

法例 L) 第 2 條中該詞的涵義相同；(由 2004 年第 17 號第 2 條增補)

指定標籤 (designated label) 指符合以下說明的標籤——

- (a) 由署長製造，或由根據第 20S(2)(a) 條獲授權製造該標籤的人製造；及
- (b) 符合根據第 20T 條指明的規定；(由 2021 年第 25 號第 3 條增補)

指明桶箱 (specified bin) 指以根據第 20X(1)(c) 條訂明的方式，展示根據該條訂明的標誌的容器；(由 2021 年第 25 號第 3 條增補)

政府用廢物車輛 (waste vehicle in Government service) 指正在由食環署長或其代表使用的某車輛 (不論是否裝有經設計用於壓縮車上所載廢物的裝置)，用途是運走都市固體廢物，以及在附表設施處置該等廢物；(由 2021 年第 25 號第 3 條增補)

食環署長 (Director of FEH) 指食物環境衛生署署長；(由 2021 年第 25 號第 3 條增補)

家禽 (poultry) 指雞、鴨、鵝、鵠及鸕鶿；(由 1987 年第 58 號第 2 條增補)

容器廢物 (container waste) 指符合以下說明的容器 (不論損毀與否) ——

- (a) 從其外觀判斷，屬《產品環保責任條例》(第 603 章) 附表 8 第 2 部第 3 欄指明的容器；及
- (b) 已遭扔棄；(由 2016 年第 13 號第 9 條增補)

動物廢物 (animal waste) 指 ——

- (a) 任何動物的糞便或尿液；或
- (b) 任何不適合人類食用或不擬供人類食用的死動物或其任何部分；或
- (c) 任何被動物的糞便或尿液所污染的墊草、稻草或其他廢物，(由 1987 年第 58 號第 2 條代替)

designated waste disposal facility (指定廢物處置設施) has the same meaning as in section 2 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L); (Added 17 of 2004 s. 2)

Director (署長) means the Director of Environmental Protection; (Added L.N. 74 of 1986)

Director of FEH (食環署長) means the Director of Food and Environmental Hygiene; (Added 25 of 2021 s. 3)

disposal (處置)——

- (a) in relation to chemical waste and clinical waste, includes treatment, reprocessing and recycling; (Amended 13 of 2016 s. 9)
- (b) in relation to e-waste, includes storage, treatment, reprocessing and recycling, but does not include repair; and (Amended 13 of 2016 s. 9)
- (c) in relation to container waste, includes storage, treatment, reprocessing and recycling, but does not include reuse; (Added 13 of 2016 s. 9)

enlarged area (放大區) means those parts of—

- (a) a livestock waste prohibition area;
- (b) a livestock waste control area; or (Amended 28 of 1994 s. 2)
- (c) a livestock waste restriction area, (Added 28 of 1994 s. 2) specified in the third column of the Third Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry, which abut or share a common boundary with one or more livestock waste control

但不包括醫療廢物；(由 2006 年第 6 號第 2 條修訂)

屠房 (slaughterhouse) 及 **屠場** (abattoir) 具有《公眾衛生及市政條例》(第 132 章) 給予該詞的涵義；(由 1987 年第 58 號第 2 條增補)

處置 (disposal) ——

- (a) 就化學廢物及醫療廢物而言，包括處理、再加工及循環再造；(由 2016 年第 13 號第 9 條修訂)
- (b) 就電器廢物而言，包括儲存、處理、再加工及循環再造，但不包括修理；及 (由 2016 年第 13 號第 9 條修訂)
- (c) 就容器廢物而言，包括儲存、處理、再加工及循環再造，但不包括再使用；(由 2016 年第 13 號第 9 條增補)

設有壓縮裝置非政府用廢物車輛 (waste vehicle in private use (with compactor)) 指符合以下說明的車輛 (政府用廢物車輛除外) ——

- (a) 正在用於運走都市固體廢物，以及在附表設施處置該等廢物；及
- (b) 有裝有一個裝置的封閉倉，而該裝置經設計用於壓縮倉內廢物；(由 2021 年第 25 號第 3 條增補)

都市固體廢物 (municipal solid waste) 指除以下種類廢物外的任何廢物 ——

- (a) 化學廢物；
- (b) 醫療廢物；及
- (c) 建築廢物；(由 2021 年第 25 號第 3 條增補)

圍欄 (lairage) 指屠房或屠場內用作收留或禁閉動物的部分；(由 1987 年第 58 號第 2 條增補)

街道廢物 (street waste) 指灰塵、污物、廢棄物、泥漿、路面碎屑或污穢物，但不包括人類排泄物；

areas or one or more livestock waste restriction areas; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

e-waste (電器廢物) means any electrical equipment or electronic equipment that, judging by its appearance, is an item set out in column 2 of Part 1 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603) and has been abandoned; (Added 3 of 2016 s. 12. Amended 27 of 2023 s. 13)

exempt person (獲豁免的人) means any person or any classes of person specified in the Fourth Schedule; (Added 58 of 1987 s. 2)

household waste (住戶廢物) means waste produced by a household, and of a kind that is ordinarily produced by a dwelling when occupied as such;

keep (飼養) includes breed, house, tend, look after or control and **kept** and **keeping** shall be construed accordingly; (Added 58 of 1987 s. 2)

lairage (圍欄) means that part of a slaughterhouse or abattoir used for the admission or confinement of animals; (Added 58 of 1987 s. 2)

livestock (禽畜) means pigs or poultry; (Added 58 of 1987 s. 2)

livestock keeper (禽畜飼養人) means—

- (a) an owner of livestock; or
- (b) an owner, lessee or occupier or person responsible for the management of livestock premises; or
- (c) any person keeping livestock or having the custody or possession of livestock; or
- (d) any former livestock keeper,

but does not comprise exclusively any exempt person; (Added 58 of 1987 s. 2)

livestock premises (禽畜飼養場) means—

禽畜 (livestock) 指豬或家禽；(由 1987 年第 58 號第 2 條增補)

禽畜飼養人 (livestock keeper) 指 ——

- (a) 禽畜的擁有人；或
- (b) 禽畜飼養場的擁有人、承租人或佔用人，或負責管理禽畜飼養場的人；或
- (c) 任何飼養或看管或管有禽畜的人；或
- (d) 任何曾作為禽畜飼養人的人，

但並不僅只包括獲豁免的人；(由 1987 年第 58 號第 2 條增補)

禽畜飼養場 (livestock premises) 指 ——

- (a) 由禽畜飼養人、其受養人或僱員，為飼養禽畜而擁有、承租或佔用的任何處所、建築物、土地或被水覆蓋的土地，以及與該等處所、建築物或土地有關連的任何住宅地方及附屬建築物或構築物；
- (b) 飼養有禽畜的任何其他處所，但不包括設有屠場、屠房、街市、新鮮糧食店、圍欄或飼養出生不超過 12 天的家禽的孵卵場的處所；及
- (c) 任何以前的禽畜飼養場；(由 1987 年第 58 號第 2 條增補)

禽畜廢物 (livestock waste) 指除第 2A 條另有規定外，由禽畜產生的或與禽畜有關連的動物廢物；(由 1987 年第 58 號第 2 條增補。由 1994 年第 28 號第 2 條修訂)

禽畜廢物限制區 (livestock waste restriction area) 指藉附表 5 第 2 欄指出的地圖作參照而在該欄指明的禽畜廢物限制區，該等地圖已由署長、一名職級不低於環境保護主任的環境保護署人員或一名總環境保護督察簽署並存放於土地註冊處；(由 1994 年第 28 號第 2 條增補)

禽畜廢物處理裝置 (livestock waste treatment plant) 指按照根據第 33 條而訂立的規例用生物、化學、物理或其他方法，

- (a) any premises, buildings, land or land covered by water owned, leased or occupied by a livestock keeper, his dependants or employees for the purpose of keeping livestock and any dwelling-place and ancillary buildings or structures connected therewith;
- (b) any other premises in or on which livestock are kept other than any premises comprising any abattoir, slaughterhouse, market, fresh provision shop, lairage or hatchery in which poultry of not more than 12 days old are kept; and
- (c) any former livestock premises; (Added 58 of 1987 s. 2)

livestock waste (禽畜廢物) means, subject to section 2A, animal waste produced by, or connected with, livestock; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

livestock waste control area (禽畜廢物管制區) means a livestock waste control area specified in the second column of the Second Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

livestock waste prohibition area (禽畜廢物禁制區) means a livestock waste prohibition area specified in the second column of the First Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 58 of 1987 s. 2. Amended 28 of 1994 s. 2)

livestock waste restriction area (禽畜廢物限制區) means a livestock waste restriction area specified in column 2 of

或用其中的任何混合方法，處理禽畜廢物的廢物處理裝置；(由 1987 年第 58 號第 2 條增補)

禽畜廢物禁制區 (livestock waste prohibition area) 指藉附表 1 第 2 欄指出的地圖作參照而在該欄指明的禽畜廢物禁制區，該等地圖已由署長、一名職級不低於環境保護主任的環境保護署人員或一名總環境保護督察簽署並存放於土地註冊處；(由 1987 年第 58 號第 2 條增補。由 1994 年第 28 號第 2 條修訂)

禽畜廢物管制區 (livestock waste control area) 指藉附表 2 第 2 欄指出的地圖作參照而在該欄指明的禽畜廢物管制區，該等地圖已由署長、一名職級不低於環境保護主任的環境保護署人員或一名總環境保護督察簽署並存放於土地註冊處；(由 1987 年第 58 號第 2 條增補。由 1994 年第 28 號第 2 條修訂)

署長 (Director) 指環境保護署署長；(由 1986 年第 74 號法律公告增補)

電器廢物 (e-waste) 指符合以下說明的任何電氣設備或電子設備：從其外觀判斷，屬《產品環保責任條例》(第 603 章)附表 6 第 1 部第 2 欄列出的項目，並已遭扔棄；(由 2016 年第 3 號第 12 條增補。由 2023 年第 27 號第 13 條修訂)

飼養 (keep) 包括繁育、收留、照料、照顧或管理；(由 1987 年第 58 號第 2 條增補)

廢物 (waste) 指任何扔棄的物質或物品，並且包括動物廢物、化學廢物、醫療廢物、建築廢物、電器廢物、容器廢物、住戶廢物、禽畜廢物、街道廢物及行業廢物；(由 1991 年第 86 號第 3 條修訂；由 2004 年第 17 號第 2 條修訂；由 2006 年第 6 號第 2 條修訂；由 2016 年第 3 號第 12 條修訂；由 2016 年第 13 號第 9 條修訂)

廢物收集牌照 (waste collection licence) 指根據第 10 條發出的牌照；

廢物收集當局 (collection authority) ——

the Fifth Schedule by reference to maps identified therein and signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and deposited with the Land Registry; (Added 28 of 1994 s. 2)

livestock waste treatment plant (禽畜廢物處理裝置) means a waste treatment plant at which livestock waste is treated by biological, chemical, physical or other means or any combination thereof in accordance with regulations made under section 33; (Added 58 of 1987 s. 2)

municipal solid waste (都市固體廢物) means any waste except—

- (a) chemical waste;
- (b) clinical waste; and
- (c) construction waste; (Added 25 of 2021 s. 3)

poultry (家禽) means chickens, ducks, geese, pigeons and quail; (Added 58 of 1987 s. 2)

private lot (私人地段) means a piece or parcel of ground held under a Government lease and identified by a lot number as defined by regulation 2 of the Land Registration Regulations (Cap. 128 sub. leg. A); (Added 19 of 2013 s. 3)

refuse collection point (垃圾收集站) means a place where—

- (a) municipal solid waste is collected and removed by, or on behalf of, the Director of FEH; and
- (b) the sign prescribed under section 20X(1)(a) is exhibited in the way prescribed under that section; (Added 25 of 2021 s. 3)

relevant date (有關日期) means—

- (a) 就化學廢物及醫療廢物而言，指署長；(由 2006 年第 6 號第 2 條修訂)
- (b) 就其他廢物而言，指食環署長及署長；(由 1999 年第 78 號第 7 條代替。由 2000 年第 183 號法律公告修訂；由 2021 年第 25 號第 3 條修訂)

廢物處理裝置 (waste treatment plant) 指為除去廢物所含的污染物 (全部或部分) 而對廢物進行處理的裝置；(由 1987 年第 58 號第 2 條增補)

廢物處置牌照 (waste disposal licence) 指根據第 16 條發出的牌照；

廢物處置當局 (waste disposal authority) 就一切類別的廢物而言，指署長；(由 1986 年第 74 號法律公告代替)

獲授權人員 (authorized officer) 指獲根據第 23A 條授權的公職人員；(由 1987 年第 58 號第 2 條增補)

獲豁免的人 (exempt person) 指附表 4 指明的任何人或任何類別的人；(由 1987 年第 58 號第 2 條增補。由 2006 年第 6 號第 2 條修訂)

醫療廢物 (clinical waste) 指含有屬附表 8 指明的任何組別的任何物質、物體或東西，並且是在與以下事宜有關連的情況下產生的廢物——

- (a) 牙科、醫科、護理或獸醫業務；
- (b) 對病人、傷者、身體衰弱者或需要醫療的人提供醫療護理和服務的任何其他業務或機構 (不論以何種方式稱述)；
- (c) 牙科學、醫學、護理學、獸醫學、病理學或藥物學研究；或
- (d) 在——
 - (i) 牙科；
 - (ii) 醫科；
 - (iii) 獸醫；或

- (a) in the case of a livestock waste prohibition area, the date shown in the third column of the First Schedule in respect of that area; or
- (b) in the case of a livestock waste control area, the date shown in the third column of the Second Schedule in respect of that area; (*Added 58 of 1987 s. 2*)

scheduled facility (附表設施)—see section 2 of the Waste Disposal (Refuse Transfer Station) Regulation (Cap. 354 sub. leg. M); (*Added 25 of 2021 s. 3*)

Secretary (局長) means the Secretary for Environment and Ecology; (*Added 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)

slaughterhouse (屠房) and **abattoir** (屠場) has the meaning assigned to it in the Public Health and Municipal Services Ordinance (Cap. 132); (*Added 58 of 1987 s. 2*)

specified bin (指明桶箱) means a container that, in the way prescribed under section 20X(1)(c), exhibits the sign prescribed under that section; (*Added 25 of 2021 s. 3*)

street waste (街道廢物) means dust, dirt, rubbish, mud, road scapings or filth, but does not include human excretal matter;

trade waste (行業廢物) means waste from any trade, manufacture or business, but does not include animal waste, chemical waste, clinical waste or construction waste; (*Replaced 17 of 2004 s. 2. Amended 6 of 2006 s. 2*)

waste (廢物) means any substance or article which is abandoned and includes animal waste, chemical waste, clinical waste, construction waste, e-waste, container waste, household waste, livestock waste, street waste and trade waste; (*Amended 86 of 1991 s. 3; 17 of 2004 s. 2; 6 of 2006 s. 2; 3 of 2016 s. 12; 13 of 2016 s. 9*)

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(iv) 病理，

範疇的化驗所業務，

但不包括化學廢物或放射性廢物。(由 2006 年第 6 號第 2 條增補)

(由 1999 年第 78 號第 7 條修訂)

(2) 為施行本條例，任何棄置或作為廢物處理的物質或物品，均須推定為廢物，直至相反證明成立為止。

(編輯修訂——2015 年第 1 號編輯修訂紀錄)

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waste collection licence (廢物收集牌照) means a licence under section 10;

waste disposal authority (廢物處置當局), in respect of all classes of waste, means the Director; (*Replaced L.N. 74 of 1986*)

waste disposal licence (廢物處置牌照) means a licence under section 16;

waste treatment plant (廢物處理裝置) means a plant at which waste is treated for the purpose of removing therefrom (wholly or in part) pollutants contained therein; (*Added 58 of 1987 s. 2. Amended 25 of 2021 s. 3*)

waste vehicle in Government service (政府用廢物車輛) means a vehicle (whether or not equipped with a device designed for compacting waste carried on the vehicle) that is being used by, or on behalf of, the Director of FEH for removing municipal solid waste and disposing of it at a scheduled facility; (*Added 25 of 2021 s. 3*)

waste vehicle in private use (with compactor) (設有壓縮裝置非政府用廢物車輛) means a vehicle (other than a waste vehicle in Government service) that—

- (a) is being used for removing municipal solid waste and disposing of it at a scheduled facility; and
- (b) has an enclosed compartment equipped with a device designed for compacting waste within the compartment; (*Added 25 of 2021 s. 3*)

waste vehicle in private use (without compactor) (不設壓縮裝置非政府用廢物車輛) means a vehicle (other than a waste vehicle in Government service) that—

- (a) is being used for removing municipal solid waste and disposing of it at a scheduled facility; and
- (b) is not equipped with a device designed for compacting waste carried on the vehicle; (*Added 25 of 2021 s. 3*)

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(Amended 78 of 1999 s. 7)

- (2) For the purposes of this Ordinance any substance or article which is discarded or otherwise dealt with as waste shall be presumed to be waste until the contrary is proved.

2A. 罪行

在本條例或根據第 33 條訂立的規例所訂的罪行而進行的法律程序中，禽畜廢物指禽畜飼養場生產或產生的任何廢物，或指任何處所生產或產生的任何廢物，但此等處所得為廢物自其內泄出或排出前 60 天內任何時間一直飼養有禽畜者。

(由 1994 年第 28 號第 3 條增補)

2A. Offences

In any proceeding for an offence under this Ordinance or any regulation made under section 33, livestock waste means any waste generated or produced in or on livestock premises or any premises where livestock have been kept at any time within 60 days before the waste escapes or is discharged therefrom.

(Added 28 of 1994 s. 3)

第 II 部

廢物處置計劃

(格式變更——2018 年第 2 號編輯修訂紀錄)

3. 廢物處置計劃草案的擬備

- (1) 局長經諮詢環境諮詢委員會並顧及該委員會的意見後，須擬備計劃草案，說明——(由 1984 年第 165 號法律公告修訂；由 1986 年第 8 號第 8 條修訂；由 1994 年第 57 號法律公告修訂；由 1997 年第 631 號法律公告修訂)
 - (a) 在收集與處置以下廢物方面所作出或擬作出的安排——
 - (i) 一切固體及半固體廢物，但不包括排入大氣層的微粒廢物或排入水中的懸浮固體物廢物；及
 - (ii) 其他訂明的廢物或其他訂明類別的廢物；及
 - (b) 一切現有的或擬設置的廢物處置地點及每一地點所採用或擬採用的廢物處置方法。
- (2) 凡局長已擬備第 (1) 款所指的計劃草案，必須在憲報刊登中英文公告——
 - (a) 說明公眾可查閱該計劃草案文本的地點及時間的詳情；及
 - (b) 指明對該計劃草案提出申述的時限及方式。
- (3) 凡局長刊登第 (1) 款所指的公告，須在該公告刊登後不遲於 7 天內，在 1 份英文報章及 2 份中文報章刊登該公告，並須分別刊登 3 期。
- (4) 該計劃草案的文本須放置在局長認為合適的政府辦事處內，供公眾在辦事處的通常開放時間免費查閱，為期 45 天，由根據第 (1) 款刊登該公告的日期起計。
- (5) 局長在收取訂明的費用後，須提供該計劃草案副本一份。

Part II

Waste Disposal Plan

(Format changes—E.R. 2 of 2018)

3. Preparation of draft waste disposal plans

- (1) The Secretary shall, after consultation with the Advisory Council on the Environment, and having regard to that Council's views, prepare draft plans showing— (Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994)
 - (a) the arrangements made or proposed to be made for the collection and disposal of—
 - (i) all solid and semi-solid wastes other than those which may be discharged into the atmosphere as particulates or discharged into water as solids suspended in effluents; and
 - (ii) such other wastes, or classes of waste, as may be prescribed; and
 - (b) all existing and proposed waste disposal sites and the methods of waste disposal used or to be used at each site.
- (2) Where the Secretary has prepared a draft waste disposal plan under subsection (1) he shall publish in the Gazette a notice in English and in Chinese—
 - (a) giving particulars of the places and times at which a copy of the draft plan may be inspected by the public; and
 - (b) specifying the time within which and the manner in which representations concerning the draft plan may be made.

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(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1989 年第 244 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)

4. 就廢物處置計劃草案而提出的申述

- (1) 任何人如欲就某廢物處置計劃草案提出申述，可在根據第 3(2) 條刊登公告的日期起計 45 天內，將書面申述提交局長。
- (2) 局長須考慮該等申述，並可鑑於該等申述而對計劃草案作出其認為適當的更改。

(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1989 年第 244 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)

5. 向行政長官會同行政會議提交廢物處置計劃草案

(由 2024 年第 21 號第 78 條修訂)

局長須在提出申述期限最後一天起計的 12 個月內，將廢物處置計劃草案提交行政長官會同行政會議批准，並須同時提交——(由 2024 年第 21 號第 78 條修訂)

- (a) 根據第 4 條所提出申述的一覽表；及

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- (3) Where the Secretary publishes a notice under subsection (1) he shall not later than 7 days thereafter publish a copy of the notice in 3 issues of 1 English language and of 2 Chinese language newspapers.
- (4) A copy of the draft plan shall be available for inspection by the public free of charge at such offices of the Government as the Secretary thinks fit for a period of 45 days from the date of publication of a notice under subsection (1) and during the hours when those offices are normally open to the public.
- (5) The Secretary shall supply a copy of the draft plan upon payment of such fee as may be prescribed.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

4. Representations concerning draft waste disposal plan

- (1) Any person wishing to make representations concerning a draft waste disposal plan may, within a period of 45 days from the date of publication of a notice under section 3(2), submit to the Secretary his written representations.
- (2) The Secretary shall consider such representations and may make any change to the draft plan which he considers appropriate in consequence of the representations.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

5. Submission of draft waste disposal plan to Chief Executive in Council

(Amended 21 of 2024 s. 78)

The Secretary shall, within 12 months from the last day of the period during which representations may be made, submit the draft waste disposal plan to the Chief Executive in Council for approval

(b) 局長鑑於該等申述而對廢物處置計劃草案作出的更改的一覽表。

(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1989 年第 244 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)

6. 行政長官會同行政會議在廢物處置計劃草案提交後的權力

(由 2024 年第 21 號第 78 條修訂)

- (1) 廢物處置計劃草案根據第 5 條提交後，行政長官會同行政會議須——(由 2024 年第 21 號第 78 條修訂)
 - (a) 批准該計劃草案；
 - (b) 拒絕批准該計劃草案；或
 - (c) 將該計劃草案發回局長作進一步考慮及修訂。
- (2) 凡行政長官會同行政會議已批准或拒絕批准某廢物處置計劃草案，局長須在該計劃草案獲批准或被拒絕批准後，盡快將該項批准或拒絕批准在憲報刊登公告；如該計劃草案已獲批准，則他亦須在憲報刊登公告宣布該計劃為廢物處置計劃。(由 2024 年第 21 號第 78 條修訂)
- (3) 廢物處置計劃的文本須放置在局長認為合適的政府辦事處內，供公眾在辦事處的通常開放時間免費查閱。
- (4) 局長在收取訂明的費用後，須提供廢物處置計劃副本一份。

(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1989 年第 244 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)

and shall at the same time submit— (*Amended 78 of 1999 s. 7; 21 of 2024 s. 78*)

- (a) a schedule of representations made under section 4; and
- (b) a schedule of the changes made by him to the draft waste disposal plan in consequence of the representations.

(*Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989*)

6. Power of Chief Executive in Council upon submission of draft waste disposal plan

(*Amended 21 of 2024 s. 78*)

- (1) Upon submission of a draft waste disposal plan under section 5, the Chief Executive in Council shall— (*Amended 21 of 2024 s. 78*)
 - (a) approve the draft plan;
 - (b) refuse to approve it; or
 - (c) refer it back to the Secretary for further consideration and amendment.
- (2) Where the Chief Executive in Council has either approved or refused to approve a draft waste disposal plan, the Secretary shall as soon as possible after such approval or refusal give notice thereof in the Gazette of such approval or refusal; and where the draft plan has been approved he shall also publish in the Gazette a notice declaring the plan to be a waste disposal plan. (*Amended 21 of 2024 s. 78*)
- (3) A copy of any waste disposal plan shall be available for inspection by the public free of charge at such offices of the Government as the Secretary thinks fit during the hours when the offices are normally open to the public.

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7. 廢物處置計劃的修訂

局長可不時修訂任何廢物處置計劃，而第 3、4、5 及 6 條則適用於任何修訂，適用的形式與其適用於廢物處置計劃一樣。

(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1989 年第 244 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)

8. 廢物收集當局及廢物處置當局須顧及廢物處置計劃

廢物收集當局及廢物處置當局根據本條例履行其職責及職能時，須顧及各廢物處置計劃。

(4) The Secretary shall supply a copy of any waste disposal plan upon payment of such fee as may be prescribed.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

7. Revision of waste disposal plans

The Secretary may from time to time revise any waste disposal plan and sections 3, 4, 5 and 6 shall apply to any revision in like manner as they apply to a waste disposal plan.

(Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 244 of 1989; 78 of 1999 s. 7)

8. Collection authorities and waste disposal authorities to have regard to waste disposal plans

In discharging their duties and functions under this Ordinance, the collection authorities and the waste disposal authorities shall have regard to the waste disposal plans.

第 III 部

廢物收集

(格式變更——2018 年第 2 號編輯修訂紀錄)

9. 收集及清掃服務的提供

在符合本部的規定下，廢物收集當局可為以下事項提供服務——

- (a) 移去及處置住戶廢物、街道廢物、行業廢物、禽畜廢物及動物廢物；(由 1987 年第 58 號第 3 條修訂)
- (b) 清洗及清倒糞桶；
- (c) 清除水廁及化糞池的沉積物；及
- (d) 移去及處置在該等糞桶、水廁及化糞池內的排泄物。

9A. 在特殊情況下收集化學廢物或醫療廢物

廢物收集當局可——

- (a) 因應涉及化學廢物或醫療廢物的意外或緊急情況；或
- (b) 在該當局認為安排由——
 - (i) 根據第 10(5) 條就提供收集或移去該等廢物的服務所發出的牌照的持有人；或
 - (ii) 依據任何根據第 33(1)(ca) 條訂立的規例獲授權提供收集或移去該等廢物的服務的人，

收集或移去該等廢物並非合理地切實可行的情況下，提供收集和移去該等廢物的服務。

(由 2006 年第 6 號第 3 條增補)

Part III

Collection of Waste

(Format changes—E.R. 2 of 2018)

9. Provision of collection and scavenging services

Subject to this Part, the collection authority may provide services for—

- (a) the removal and disposal of household waste, street waste, trade waste, livestock waste and animal waste; (Amended 58 of 1987 s. 3)
- (b) the cleansing and emptying of pail latrines;
- (c) the desludging of aqua privies and septic tanks; and
- (d) the removal and disposal of excretal matter from such latrines, privies and tanks.

9A. Collection of chemical waste or clinical waste in special circumstances

The collection authority may provide services for the collection and removal of chemical waste or clinical waste—

- (a) in response to an accident or emergency involving such waste; or
- (b) in circumstances where the authority thinks that it would not be reasonably practicable to arrange for such waste to be collected or removed by—
 - (i) the holder of a licence under section 10(5) for providing services for the collection or removal of such waste; or

- (ii) a person authorized pursuant to any regulation made under section 33(1)(ca) to provide services for the collection or removal of such waste.

(Added 6 of 2006 s. 3)

10. 廢物收集及清掃服務方面的發牌

- (1) 儘管第 9 條已有規定，廢物收集當局可發出牌照，准許任何人就該條提述的全部或任何事項提供服務。
- (2) *(由 2006 年第 6 號第 4 條廢除)*
- (3)-(4) *(由 1999 年第 78 號第 7 條廢除)*
- (5) 署長在作為廢物收集當局時，可發出牌照，准許任何人就收集或移去化學廢物或醫療廢物提供服務。*(由 1991 年第 86 號第 4 條增補。由 2006 年第 6 號第 4 條修訂)*
- (6) 第 (1) 或 (5) 款所提述的牌照費用 (該項費用是由署長作為廢物收集當局而收取的)，乃為訂明的費用。*(由 1991 年第 86 號第 4 條增補)*

11. 除非領有牌照或獲授權，否則禁止收集廢物

- (1) 除第 12 條另有規定外，如 ——
 - (a) 廢物收集當局根據第 9 條提供任何服務；或
 - (b) 任何人依據第 10(1) 條所指的牌照獲准提供第 9 條指明的任何服務，
 則任何其他人士如不屬根據第 10(1) 條就提供該等服務所發出的牌照的持有人而提供該等服務，即屬犯罪，可處第 6 級罰款。
- (2) 任何人如提供收集或移去化學廢物或醫療廢物的服務，但該人 ——

10. Licensing of collection and scavenging services

- (1) Notwithstanding section 9, the collection authority may, by licence, permit any person to provide services for all or any of the matters referred to in that section.
- (2) *(Repealed 6 of 2006 s. 4)*
- (3)-(4) *(Repealed 78 of 1999 s. 7)*
- (5) The Director as collection authority may by licence permit any person to provide services for the collection or removal of chemical waste or clinical waste. *(Added 86 of 1991 s. 4. Amended 6 of 2006 s. 4)*
- (6) The fee for a licence referred to in subsection (1) or (5) and in respect of which the Director is the collection authority shall be the prescribed fee. *(Added 86 of 1991 s. 4)*

11. Prohibition of collection of waste unless licensed or authorized

- (1) Subject to section 12, where—
 - (a) the collection authority provides any services under section 9; or
 - (b) any person is permitted to provide any services specified in section 9 pursuant to a licence under section 10(1),
 any other person (other than the holder of a licence under section 10(1) for provision of the services) who provides the services commits an offence and is liable to a fine at level 6.
- (2) A person who provides services for the collection or removal of chemical waste or clinical waste, other than—

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- (a) 不屬根據第 10(5) 條就提供該等服務所發出的牌照的持有人；或
 - (b) 並非依據任何根據第 33(1)(ca) 條訂立的規例獲授權提供該等服務的人，
- 即屬犯罪，可處第 6 級罰款。

(由 2006 年第 6 號第 5 條代替)

12. 在若干情況下建築物佔用人可移去住戶廢物

- (1) 儘管第 11 條已有規定，但任何建築物的佔用人，或任何負責管理建築物的人，如在下列情況下從建築物移去住戶廢物，並不屬於犯該條所訂的罪行——
 - (a) 廢物收集當局或持有廢物收集牌照的人疏忽或沒有將任何建築物的住戶廢物移去達 48 小時，而該項服務是當局或該人根據第 9 或 10 條須為該建築物提供的；或
 - (b) 廢物收集當局或持有廢物收集牌照的人沒有提供移去住戶廢物的服務。
- (2) 任何根據第 (1) 款移去的廢物，可按法律准許的任何方法處置。
- (3) 本條並不減損根據《公眾衛生及市政條例》(第 132 章) 第 15 條所訂的任何規例。(由 1986 年第 10 號第 32(1) 條修訂)

13. 行業廢物、禽畜廢物或動物廢物的收集及禽畜廢物和動物廢物的移去

- (1) 如任何建築物或土地的擁有人或佔用人或負責管理人要

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- (a) the holder of a licence under section 10(5) for provision of the services; or
 - (b) a person authorized to provide the services pursuant to any regulation made under section 33(1)(ca),
- commits an offence and is liable to a fine at level 6.

(Replaced 6 of 2006 s. 5)

12. Occupier of building may remove household waste in certain circumstances

- (1) Notwithstanding section 11, it shall not be an offence under that section for an occupier of any building, or any person responsible for the management of any building, to remove household waste from any building if—
 - (a) the collection authority or any person holding a waste collection licence neglects or fails for a period of 48 hours to remove household waste for any building in respect of which the authority or person provides that service under section 9 or 10; or
 - (b) no such service for the removal of household waste is provided by a collection authority or a person holding a waste collection licence.
- (2) Any waste removed under subsection (1) may be disposed of in any way permitted by law.
- (3) Nothing in this section shall derogate from any regulations made under section 15 of the Public Health and Municipal Services Ordinance (Cap. 132). (Amended 10 of 1986 s. 32(1))

13. Collection of trade waste, livestock waste or animal waste and removal of livestock waste and animal waste

- (1) If the collection authority is requested by the owner or

求廢物收集當局移去任何行業廢物、禽畜廢物或動物廢物，則廢物收集當局可將該等廢物移去，並可向要求移去廢物的人徵收為數不超過移去和處置該等廢物所需的費用。

- (2) 廢物收集當局可向馬廐、牛舍、豬欄、狗房、家禽農場或類似場所的擁有人或佔用人或負責管理人送達通知書，規定將該等處所內的禽畜廢物、動物廢物、墊草、稻草或其他廢物移去。
- (3) 如根據第 (2) 款送達的通知書規定任何人將禽畜廢物、動物廢物、墊草、稻草或其他廢物從該通知書所指明的處所移去，但該人沒有按規定辦理，即屬犯罪，可處第 5 級罰款；此外，如該項罪行屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$10,000。 (由 1994 年第 28 號第 4 條修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄)

(由 1987 年第 58 號第 4 條修訂)

occupier or person responsible for the management of any building or land to remove any trade waste, livestock waste or animal waste, the collection authority may remove it, and may recover from the person requesting the removal a fee not exceeding the cost of removal and disposal.

- (2) The collection authority may by notice served on the owner or occupier or person responsible for the management of any stable, cow-house, pigsty, kennel, poultry farm or similar establishment require the removal from the premises of livestock waste, animal waste, bedding, straw or other waste.
- (3) If, where a notice has been served under subsection (2), any person, who is required by the notice to remove any livestock waste, animal waste, bedding, straw or other waste from any premises specified in the notice, fails to comply with that requirement, he commits an offence and is liable to a fine at level 5 and, in addition, if the offence is a continuing offence to a fine of \$10,000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Amended 28 of 1994 s. 4; E.R. 5 of 2021)

(Amended 58 of 1987 s. 4)

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14. 收集的廢物等的財產權

住戶廢物、街道廢物、行業廢物、禽畜廢物、動物廢物，以及任何來自清洗及清倒糞桶及清除水廁及化糞池的沉積物而得到的物體，如是由廢物收集當局在根據第 9 條或第 13 條所提供的服務的運作中收集的，或是由領有廢物收集當局根據第 10 條發出的牌照的人收集的，即屬政府財產，並可由廢物收集當局以其認為適當的方式出售或處置。

(由 1985 年第 67 號法律公告修訂；由 1986 年第 8 號第 8 條修訂；由 1987 年第 58 號第 5 條修訂；由 1999 年第 78 號第 7 條修訂)

14. Property in collected waste, etc.

All household waste, street waste, trade waste, livestock waste, animal waste and any matter obtained from the cleansing and emptying of pail latrines and the desludging of aqua privies and septic tanks, collected by the collection authority in the operation of any service provided under section 9 or section 13 or collected by a person licensed by a collection authority under section 10 shall be the property of the Government and may be sold or disposed of by the collection authority in a manner that authority thinks fit.

(Amended L.N. 67 of 1985; 8 of 1986 s. 8; 58 of 1987 s. 5; 78 of 1999 s. 7)

第 IIIA 部**禽畜廢物的管制**

(第 IIIA 部由 1987 年第 58 號第 7 條增補)
(格式變更——2018 年第 2 號編輯修訂紀錄)

15. 禁止禽畜

- (1) 任何人(獲豁免的人除外)不得在附表 1 第 3 欄所指明的有關日期後,在該附表第 2 欄與該日期相對的所指明的禽畜廢物禁制區內任何處所飼養禽畜。
- (2) 任何人違反第(1)款的規定,即屬犯罪——
 - (a) 如屬第一次定罪,可處第 6 級罰款;或(編輯修訂——2021 年第 5 號編輯修訂紀錄)
 - (b) 如屬第二次定罪或其後定罪,可處罰款 \$200,000; 及
 - (c) 如屬持續的罪行,則在向法庭證明該罪行是持續的,並使法庭信納後,按持續犯罪期間每天另處罰款 \$5,000。(由 1994 年第 28 號第 5 條修訂)

15A. 禽畜廢物管制

- (1) 任何人(獲豁免的人除外)不得在附表 2 第 3 欄指明的有關日期後,在該附表第 2 欄與該日期相對的所指明的禽畜廢物管制區內任何處所飼養禽畜,除非該人遵從根據第 33 條訂立的關於收集、貯存、處理及處置禽畜飼養場生產或產生的禽畜廢物的規例。

Part IIIA**Control of Livestock Waste**

(Part IIIA added 58 of 1987 s. 7)
(Format changes—E.R. 2 of 2018)

15. Prohibiting livestock

- (1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste prohibition area specified in the second column of the First Schedule after the relevant date specified opposite thereto in the third column thereof.
- (2) Any person who contravenes subsection (1) commits an offence and is liable—
 - (a) for a first offence, to a fine at level 6; or (*Amended E.R. 5 of 2021*)
 - (b) for a second or subsequent offence, to a fine of \$200,000; and
 - (c) in addition, if the offence is a continuing one, to a fine of \$5,000 for each day on which it is proved to the satisfaction of the court that the offence has continued. (*Amended 28 of 1994 s. 5*)

15A. Livestock waste controls

- (1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste control area specified in the second column of the Second Schedule after the relevant date specified opposite thereto in the third column thereof unless that person complies with regulations made under section 33 in relation to the collection, storage,

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- (2) 任何人違反第(1)款的規定，即屬犯罪，可處第5級罰款；此外，如該項罪行屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$5,000。 (由 1994 年第 28 號第 6 條修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄)

15AA. 禽畜廢物限制區

- (1) 任何人 (獲豁免的人除外) 不得在附表 5 第 3 欄所指明的有關日期後，在該附表第 2 欄與該日期相對的所指明的禽畜廢物限制區內任何處所飼養禽畜，除非——
- 他獲署長書面授權如此飼養；或
 - 他持有漁農自然護理署署長根據《公眾衛生 (動物及禽鳥) 條例》(第 139 章) 所發的有效牌照而如此飼養，(由 1997 年第 193 號法律公告修訂；由 1999 年第 331 號法律公告修訂)
- 且他遵從根據第 33 條訂立的關於收集、貯存、處理及處置禽畜飼養場生產或產生的禽畜廢物的規例。
- (2) 任何人違反第(1)款的規定，即屬犯罪，可處第6級罰款；此外，如該項罪行屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$5,000。 (編輯修訂——2021 年第 5 號編輯修訂紀錄)

(由 1994 年第 28 號第 7 條增補)

15B. 檢取禽畜的補償

- (1) 如任何禽畜——

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treatment and disposal of livestock waste generated or produced in or on livestock premises.

- (2) Any person who contravenes subsection (1) commits an offence and is liable to a fine at level 5 and, in addition, if the offence is a continuing offence to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Amended 28 of 1994 s. 6; E.R. 5 of 2021)

15AA. Livestock waste restriction area

- (1) No person (other than an exempt person) shall keep livestock in or on any premises in a livestock waste restriction area specified in column 2 of the Fifth Schedule after the relevant date specified opposite thereto in column 3 thereof unless—
- he is authorized in writing so to do by the Director; or
 - he holds a valid licence so to do issued by the Director of Agriculture, Fisheries and Conservation under the Public Health (Animals and Birds) Ordinance (Cap. 139), (Amended L.N. 331 of 1999)
- and he complies with regulations made under section 33 in relation to the collection, storage, treatment and disposal of livestock waste generated or produced in or on livestock premises.
- (2) Any person who contravenes subsection (1) commits an offence and is liable to a fine at level 6 and, in addition, if the offence is a continuing offence to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (Amended E.R. 5 of 2021)

(Added 28 of 1994 s. 7)

15B. Compensation for seizure of livestock

- (1) Where any livestock is seized—

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- (a) 因與指稱違反第 15A(1) 或 15AA 條的規定有關而被檢取，其後卻無任何人因該等禽畜而就該條的罪行被定罪；或 (由 1994 年第 28 號第 8 條修訂；由 1997 年第 80 號第 102 條修訂)
- (b) 在違反第 15E(1) 條的情況下而被檢取，
則不論該等禽畜其後是否在裁判官的命令下或在其他情況下交還其擁有人或禽畜飼養人 (並非擁有人)，該擁有人或合法管有該等禽畜的人均可在禽畜被檢取起計的 6 個月內或在以後的刑事訴訟程序中 (如有的話)，就因該項檢取而出現的損失向區域法院或原訟法庭申請補償；該等損失可作為政府欠下的民事債項而追討，而該項申請則可以動議方式展開。 (由 1998 年第 25 號第 2 條修訂)
- (2) 根據第 (1) 款裁定的補償，其款額 (如有的話) 須為考慮案件的全部情況後，包括考慮下列的人的行為及各相對的應受責備程度後，屬於公正及公平的 ——
- (a) 禽畜的擁有人；
 - (b) 禽畜飼養人 (並非擁有人)；
 - (c) 禽畜被檢取時，飼養該等禽畜的禽畜飼養場的負責人；及
 - (d) 署長及任何有關的獲授權人員。

15C. 禽畜的沒收

- (1) 如法庭裁定任何人犯有第 15、15A 或 15AA 條所訂的罪行，法庭除可作出任何其他命令外，亦可命令沒收與犯有該罪行有關的任何禽畜。
- (2) 凡任何人被判犯有第 15、15A 或 15AA 條所訂的罪行，而與該罪行有關的禽畜已根據第 15D(2) 條或以其他方式

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- (a) in respect of an alleged contravention of section 15A(1) or 15AA and no person is subsequently convicted of an offence under that section in relation to that livestock; or (Amended 28 of 1994 s. 8; 80 of 1997 s. 102)
- (b) in contravention of section 15E(1),
and whether or not such livestock is subsequently released to the owner of the livestock or the livestock keeper (other than the owner) on the order of a magistrate or otherwise, the owner or person in lawful possession of that livestock may within 6 months of such seizure or later criminal proceedings (if any) apply to the District Court or the Court of First Instance for compensation for any loss arising out of the seizure, which loss shall be recoverable as a civil debt due from the Government, and such application may be begun by motion. (Amended 25 of 1998 s. 2)
- (2) An award of compensation under subsection (1) shall be an award of such sum, if any, as is just and equitable in all the circumstances of the case, including the conduct and comparative blameworthiness of—
- (a) the owner of the livestock;
 - (b) the livestock keeper (other than the owner);
 - (c) the person in charge of the livestock premises in or on which the livestock was kept at the time of seizure; and
 - (d) the Director and any authorized officers concerned.

15C. Forfeiture of livestock

- (1) A court which convicts any person of an offence under section 15, 15A or 15AA may, in addition to any other order that it makes, order the forfeiture of any livestock in respect of which the offence is committed.

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出售或處置，則法庭若於其後裁定任何該等禽畜的擁有人犯有第 15、15A 或 15AA 條所訂的罪行——

- (a) (在已根據第 15D(2) 條出售禽畜的情況下) 法庭可命令沒收一筆相等於第 15D(3) 條所提述餘款的款項；及
- (b) (在任何其他情況下) 法庭可命令沒收一筆相等於處置該等禽畜時該等禽畜的價值的款項。

(由 1994 年第 28 號第 9 條修訂)

15D. 禽畜的檢取

- (1) 除第 15E 條另有規定外，署長如有合理理由懷疑任何禽畜正在違反第 15、15A 或 15AA 條的情況下被飼養，即可檢取、扣留和處置該等禽畜。(由 1994 年第 28 號第 10 條修訂)
- (2) 除第 (4) 款另有規定外，如有禽畜根據第 (1) 款被檢取，則不論是否有人被檢控或被判犯有第 15、15A 或 15AA 條所訂的罪行，署長均可將該等禽畜出售，而出售的得益可根據第 (3) 款處理。(由 1994 年第 28 號第 10 條修訂)
- (3) 凡根據第 (2) 款出售任何禽畜，出售的得益須用於支付因檢取、扣留和出售所招致的任何費用，而餘款(如有的話)——
 - (a) 則須付予符合下列條件的人——
 - (i) 在禽畜出售後 28 天內就該等禽畜而以書面向署長提出申索；及
 - (ii) 向署長證明至信納其在該等禽畜被檢取時是該等禽畜的擁有人；或

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- (2) Where livestock in respect of which a person is convicted of an offence under section 15, 15A or 15AA is sold or otherwise disposed of, whether under section 15D(2) or otherwise, a court which subsequently convicts any person who is the owner of the livestock of an offence under section 15, 15A or 15AA may order—
 - (a) in the case of a sale under section 15D(2), the forfeiture of a sum of money equal to the balance referred to in section 15D(3); and
 - (b) in any other case, the forfeiture of a sum of money equal to the value of the livestock at the time of its disposal.

(Amended 28 of 1994 s. 9)

15D. Seizure of livestock

- (1) Subject to section 15E, the Director may seize, detain and dispose of any livestock that he has reasonable cause to suspect is being kept in contravention of section 15, 15A or 15AA. (Amended 28 of 1994 s. 10)
- (2) Subject to subsection (4), where livestock is seized under subsection (1) the livestock may be sold by the Director, whether or not any person is prosecuted for, or convicted of, an offence under section 15, 15A or 15AA, and the proceeds of sale dealt with under subsection (3). (Amended 28 of 1994 s. 10)
- (3) Where livestock is sold under subsection (2) the proceeds of sale shall be used to pay any costs incurred in the seizure, detention and sale and the balance (if any)—
 - (a) shall be paid to the person who—
 - (i) submits in writing to the Director within 28 days of the sale a claim to such livestock; and

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- (b) 若無根據 (a) 段支付，則須予沒收；但如在該等禽畜出售後 2 個月內，法庭因應署長或因應對該等禽畜享有權益的人的申請而發出其他命令，則不在此限。
- (4) 如根據第 (1) 款檢取的禽畜並無商業價值，或因任何理由署長認為出售該等禽畜並不切實可行，則署長可命令以其認為合適的方式將該等禽畜毀滅或以其他方式處置。

15E. 檢取禽畜的限制

- (1) 署長如有合理理由懷疑禽畜正在違反第 15A(1) 或 15AA 條的情況下被飼養，則除非他首先向該等禽畜的擁有人或禽畜飼養人（並非擁有人）送達擬檢取禽畜通知書（通知書的格式由署長指明），並取得裁判官根據第 (2) 款為檢取禽畜而簽發的手令，否則不得根據第 15D(1) 條檢取該等禽畜。（由 1994 年第 28 號第 11 條修訂）
- (2) 對於署長有合理理由懷疑禽畜正在違反第 15A(1) 或 15AA 條的情況下被飼養，裁判官如根據一項經宣誓而作的告發信納有合理理由檢取該等禽畜，則可簽發手令予署長以檢取該等禽畜。（由 1994 年第 28 號第 11 條修訂）
- (3) 凡署長按照根據第 (2) 款所簽發的手令檢取任何禽畜，當其被要求出示手令時，他須出示該手令。
- (4) 根據第 (1) 款發出的擬檢取禽畜的通知書，須述明——
- (a) 署長合理地懷疑禽畜正在違反第 15A(1) 或 15AA 條的情況下被飼養所基於的理由；及（由 1994 年第 28 號第 11 條修訂）

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- (ii) proves to the satisfaction of the Director that he was the owner of the livestock at the time it was seized; or
- (b) where it is not paid under paragraph (a), shall be forfeited unless, within 2 months of the sale, a court otherwise orders upon an application made by the Director or any person who has an interest in the livestock.
- (4) Where livestock seized under subsection (1) is of no commercial value or the sale of the livestock is for any reason not considered by the Director to be practicable the Director may order the livestock to be destroyed or otherwise disposed of in such manner as he thinks fit.

15E. Restriction on seizure of livestock

- (1) The Director shall not under section 15D(1) seize any livestock that he has reasonable cause to suspect is being kept in contravention of section 15A(1) or 15AA unless he has first served on the owner of the livestock or the livestock keeper (other than the owner) notice of intended seizure in a form which the Director may specify and obtained a warrant issued by a magistrate under subsection (2) for that purpose. *(Amended 28 of 1994 s. 11)*
- (2) A magistrate may issue a warrant to the Director to seize livestock that the Director has reasonable cause to suspect is being kept in contravention of section 15A(1) or 15AA if the magistrate is satisfied by information on oath that there are reasonable grounds for seizing that livestock. *(Amended 28 of 1994 s. 11)*
- (3) Where the Director seizes any livestock in accordance with a warrant issued under subsection (2) he shall, if required, produce that warrant.

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- (b) 署長擬向裁判官申請手令以檢取禽畜的日期(不少於送達該通知書之後的 7 整天)。
- (5) 根據第 (1) 款發出的擬檢取禽畜的通知書，如——
- (a) 送交禽畜擁有人或禽畜飼養人，或送交署長相信是禽畜擁有人或禽畜飼養人的人；或
- (b) 以記錄派遞方式送至正飼養擬檢取的禽畜的禽畜飼養場，
- 則須當作已妥善送達禽畜的擁有人或禽畜飼養人(並非擁有人)。
- (6) 裁判官在根據第 (2) 款簽發手令之前，須給予出庭的禽畜擁有人或禽畜飼養人(並非擁有人)機會，使其可以陳詞說明署長根據第 (4)(a) 款所基於的理由是否合理。

15F. 署長可批予授權書

- (1) 署長可以書面授權任何人在任何禽畜廢物限制區內的任何處所飼養禽畜，如署長信納——
- (a) 在《1994 年廢物處置(修訂)條例》*(1994 年第 28 號)第 2 條的生效日期前，該處所已連續用於飼養禽畜最少 12 個月；及

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- (4) A notice under subsection (1) of intended seizure of any livestock shall state—
- (a) the grounds upon which the Director seeks to rely in reasonably suspecting that that livestock is being kept in contravention of section 15A(1) or 15AA; and (*Amended 28 of 1994 s. 11*)
- (b) the date on which the Director intends to apply to a magistrate for a warrant to seize that livestock being a date not less than 7 clear days following service of the notice.
- (5) A notice under subsection (1) of intended seizure of any livestock shall be deemed to have been duly served on the owner of the livestock or the livestock keeper (other than the owner) if it—
- (a) is delivered to him, or to the person whom the Director believes to be the owner or the livestock keeper; or
- (b) is sent by recorded delivery to the livestock premises in or on which the livestock the subject of the intended seizure is kept.
- (6) The magistrate shall, before issuing a warrant under subsection (2), give the owner of the livestock or the livestock keeper (other than the owner) if present before him the opportunity of addressing him on the reasonableness or otherwise of the grounds relied upon by the Director under subsection (4)(a).

15F. Director may grant written authorization

- (1) The Director may authorize in writing any person to keep livestock in or on any premises in a livestock waste restriction area if he is satisfied that—
- (a) the premises have been continuously used for livestock keeping for at least 12 months before the

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- (b) 政府沒有就該處所停止飼養禽畜而付出特惠津貼金。
- (2) 任何人均可向署長申請批予第 (1) 款所指的授權。
- (3) 署長決定是否批予該項授權前，可規定提出申請的人提供任何類別或種類的有關資料及文件。
- (4) 署長可在接獲任何根據第 (2) 款提出的書面申請及任何其根據第 (3) 款規定提供的有關資料及文件後——
- (a) 將授權書批予申請人；或
- (b) 向申請人送達通知，使其知悉署長已決定拒絕將授權書批予他。
- (5) 署長如信納任何根據第 (1) 款獲授權的人不再在其獲授權飼養禽畜的處所飼養禽畜，可藉向該人送達撤銷通知而撤銷該授權書。
- (6) 為施行本條——
- (a) 第 (4)(b) 款所指的通知如屬面交送達該申請人或以掛號郵遞方式送達其最後為人所知的地址，即屬妥為送達；

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- commencement of section 2 of the Waste Disposal (Amendment) Ordinance 1994 (28 of 1994); and
- (b) no ex gratia payment for cessation of livestock keeping in or on the premises has been made by the Government.
- (2) Any person may apply to the Director for a grant to him of an authorization under subsection (1).
- (3) The Director may require the person making the application to furnish any relevant information and documents of any class or description before deciding whether or not to grant the authorization.
- (4) The Director may, after he has received a written application made under subsection (2) and any relevant information and documents he had required under subsection (3)—
- (a) grant a written authorization to the applicant; or
- (b) serve a notice on the applicant notifying him that the Director has decided to refuse to grant a written authorization to him.
- (5) If the Director is satisfied that a person authorized under subsection (1) is no longer keeping livestock in or on the premises on which he is authorized to keep livestock, he may revoke the written authorization by serving a notice of revocation on that person.
- (6) For the purposes of this section—
- (a) a notice under subsection (4)(b) is duly served if it is served personally on the applicant or sent by registered post to his last known address;

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- (b) 第 (5) 款所指的通知如屬面交送達該獲授權的人或其僱員，或以掛號郵遞方式送達其最後為人所知的地址，或留給有關處所內超過 18 歲的佔用人，即屬妥為送達。

(由 1994 年第 28 號第 12 條增補)

編輯附註：

* “《1994 年廢物處置(修訂)條例》”乃“Waste Disposal (Amendment) Ordinance 1994”之譯名。

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- (b) a notice under subsection (5) is duly served if it is served personally on the authorized person or his employee, or is sent by registered post to the authorized person's last known address, or is left with any occupier over the age of 18 years of the relevant premises.

(Added 28 of 1994 s. 12)

第 IIIB 部**禽畜廢物引起污染的通知**

(第 IIIB 部由 1994 年第 28 號第 13 條增補)
(格式變更——2018 年第 2 號編輯修訂紀錄)

15G. 禽畜廢物污染通知

- (1) 凡署長認為禽畜飼養場生產或產生的禽畜廢物已對或將對環境造成污染，署長可將此項已對或將對環境造成污染的事情以書面通知該禽畜飼養場的禽畜飼養人。
- (2) 署長可在第 (1) 款所指的通知中指示禽畜飼養人在某段指明期間內——
 - (a) 遵從任何有關工作守則所載的任何標準或限制；
 - (b) 停止使用或移去任何被署長認為是以不適當方式使用的裝置、機械、車輛或設備，或任何被署長認為是對於收集、貯存、處理、運輸或處置廢物並非適當的裝置、機械、車輛或設備，並且實行該通知所指明的任何補救措施；
 - (c) 使任何裝置、機械、車輛、設備或工序按通知所指明的適當方式，恢復在收集、貯存、處理、運輸或處置廢物方面的適當操作，或按通知所指明的適當方式保養此等裝置、機械、車輛或設備；
 - (d) 取得並使用通知內指明用於收集、貯存、處理、運輸或處置廢物的適當及足夠裝置、機械、車輛或設備；
 - (e) 停止通知內任何指明用於收集、貯存、處理、運輸或處置廢物的程序；及
 - (f) 採取通知內為防止或減輕污染而指明的其他適當措施。

Part IIIB**Notification of Pollution Arising from Livestock Waste**

(Part IIIB added 28 of 1994 s. 13)
(Format changes—E.R. 2 of 2018)

15G. Notification of livestock waste pollution

- (1) Where in the opinion of the Director pollution to the environment by livestock waste generated or produced in or on livestock premises exists or is imminent, the Director may notify in writing the livestock keeper of the livestock premises of the existence or imminence of such pollution.
- (2) The Director may, in a notice under subsection (1), direct the livestock keeper to—
 - (a) comply with any standard or limit contained in any relevant Code of Practice;
 - (b) cease the use of or remove any plant, machinery, vehicle, or equipment which in the opinion of the Director is used in an improper manner or improper for the collection, storage, treatment, transportation or disposal of waste, and to implement any remedial measures as may be specified in the notice;
 - (c) restore the proper operation of any plant, machinery, vehicle, equipment or process for the collection, storage, treatment, transportation or disposal of waste, or maintain such plant, machinery, vehicle or equipment, in a proper manner as specified in the notice;
 - (d) acquire and use proper and sufficient plant, machinery, vehicles or equipment for the collection, storage,

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- (3) 根據第 (1) 款發出的通知須指明一段合理期間，以便禽畜飼養人遵從該通知的指示。
- (4) 署長可發出任何必需的補充通知，以更改或補充上次通知的指示。
- (5) 通知如屬面交送達禽畜飼養人或其僱員，或以掛號郵遞方式送達該禽畜飼養人最後為人所知的地址，或留給禽畜飼養場內超過 18 歲的佔用人，即屬妥為送達。
- (6) 任何人無合理辯解而沒有遵從根據本條發出的通知內的指示，即屬犯罪；如屬第一次定罪，可處第 5 級罰款，如屬第二次定罪或其後定罪，可處第 6 級罰款；此外，如該項罪行屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天或每不足一天另處罰款 \$10,000。 (編輯修訂——2021 年第 5 號編輯修訂紀錄)

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- treatment, transportation or disposal of waste as specified in the notice;
- (e) cease any procedure used for the collection, storage, treatment, transportation or disposal of waste as specified in the notice; and
 - (f) take such other appropriate measures for the purpose of preventing or mitigating pollution as are specified in the notice,
- within a specified period.
- (3) A notice issued under subsection (1) shall specify a reasonable period of time for the livestock keeper to comply with its directions.
 - (4) The Director may issue any such supplementary notice as may be necessary to vary or add to the directions of a previous notice.
 - (5) A notice is duly served if it is served personally on the livestock keeper or his employee, or is sent by registered post to the livestock keeper's last known address, or is left with any occupier over the age of 18 years of the livestock premises.
 - (6) Any person who without reasonable excuse fails to comply with the directions of a notice issued under this section commits an offence and is liable to a fine at level 5 in the case of a first offence and a fine at level 6 in the case of a second or subsequent offence and, in addition, if the offence is a continuing offence to a fine of \$10,000 for each day or part of a day on which it is proved to the satisfaction of the court that the offence has continued. (Amended E.R. 5 of 2021)

第 IV 部**廢物處置***(格式變更——2015 年第 1 號編輯修訂紀錄)***16. 禁止擅自處置廢物**

- (1) 除第 (2) 款另有規定外，任何人不得使用或准許他人使用任何土地或處所處置廢物，除非他已獲署長簽發牌照准許他使用該土地或處所作該用途。*(由 1982 年第 76 號法律公告修訂；由 1986 年第 74 號法律公告修訂；由 1991 年第 86 號第 6 條修訂)*
- (2) 第 (1) 款對使用土地或處所作以下用途並不適用——*(由 2006 年第 6 號第 6 條修訂)*
 - (a) 用於處置來自某私人住宅的住戶廢物，而該項處置是在該住宅的園地內進行的；
 - (b) 用於處置廢物，而有關土地是土木工程拓展署用作傾倒廢物的，或此項用途是署長所批准的；*(由 1982 年第 76 號法律公告修訂；由 1986 年第 127 號法律公告修訂；由 1991 年第 364 號法律公告修訂；由 2004 年第 104 號法律公告修訂)*
 - (c) 用作擺放作為堆填物的任何惰性物體（並非《危險品條例》(第 295 章)所適用的或有毒的物體)；*(由 2004 年第 17 號第 12 條修訂)*
 - (d) 用作擺放任何正用於農業或園藝操作的物質（但不包括化學廢物或醫療廢物）；*(由 1991 年第 86 號第 6 條修訂；由 2004 年第 17 號第 12 條修訂；由 2006 年第 6 號第 6 條修訂)*
 - (e) 由依據任何根據第 33(1)(da) 條訂立的規例獲授權使用有關土地或處所作處置化學廢物或醫療廢物用途的人，用作該用途；*(由 2006 年第 6 號第 6 條代替)*

Part IV**Disposal of Waste***(Format changes—E.R. 1 of 2015)***16. Prohibition of unauthorized disposal of waste**

- (1) Subject to subsection (2), a person shall not use, or permit to be used, any land or premises for the disposal of waste unless he has a licence from the Director to use the land or premises for that purpose. *(Amended L.N. 76 of 1982; L.N. 74 of 1986; 86 of 1991 s. 6)*
- (2) Subsection (1) shall not apply to the use of land or premises for— *(Amended 6 of 2006 s. 6)*
 - (a) the disposal of household waste from a private dwelling if the disposal takes place within the curtilage of that dwelling;
 - (b) the disposal of waste if the land is used for tipping by the Civil Engineering and Development Department or such use is authorized by the Director; *(Amended L.N. 76 of 1982; L.N. 127 of 1986; L.N. 364 of 1991; L.N. 104 of 2004)*
 - (c) the deposit of any inert matter used as landfill (other than any matter to which the Dangerous Goods Ordinance (Cap. 295) applies or that is toxic);
 - (d) the deposit of any substance (other than chemical waste or clinical waste) which is being used in the course of agricultural or horticultural operations; *(Amended 86 of 1991 s. 6; 6 of 2006 s. 6)*
 - (e) the disposal of chemical waste or clinical waste by a person who is authorized, pursuant to any regulation

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- (ea) 用於處置並非化學廢物的電器廢物，而該項處置，是在面積不超過 100 平方米的土地或處所上進行的；*(由 2016 年第 3 號第 13 條增補)*
- (eb) 用作貯存總體積不超過 50 立方米（以最大闊度乘以最大高度乘以最大長度計）的電器廢物；*(由 2016 年第 3 號第 13 條增補)*
- (ec) 在某處所上貯存電器廢物，而該處所是位於多層建築物內的；*(由 2016 年第 3 號第 13 條增補)*
- (ed) 用於處理、再加工或循環再造容器廢物，而進行該項處理、再加工或循環再造之處，是備有每日可處理、再加工或循環再造不多於一公噸容器廢物的廢物處置設施的土地或處所；*(由 2016 年第 13 號第 10 條增補)*
- (ee) 用作儲存總體積不超過 50 立方米（以最大闊度乘以最大高度乘以最大長度計）的容器廢物；*(由 2016 年第 13 號第 10 條增補)*
- (ef) 在某處所儲存容器廢物，而該處所是位於多層建築物內的；*(由 2016 年第 13 號第 10 條增補)*
- (f) 在訂明的情況下用作處置訂明廢物或訂明類別的廢物。*(由 2006 年第 6 號第 6 條增補)*
- (2A) 儘管有第 (2)(ea)、(eb) 及 (ec) 款的規定，任何人可向署長申請牌照，以將某土地或處所，用於處置電器廢物。*(由 2016 年第 3 號第 13 條增補)*
- (2B) 局長可在諮詢環境諮詢委員會後，在須經立法會批准的規限下，藉於憲報刊登的公告——
 - (a) 藉修改第 (2)(ea) 款所述的面積，修訂該款；或
 - (b) 藉修改第 (2)(eb) 款所述的總體積，修訂該款。*(由 2016 年第 3 號第 13 條增補)*
- (2C) 儘管有第 (2)(ed)、(ee) 及 (ef) 款的規定，任何人可向署長申請牌照，以將某土地或處所，用於處置容器廢物。*(由 2016 年第 13 號第 10 條增補)*

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- made under section 33(1)(da), to use the land or premises for that purpose; *(Replaced 6 of 2006 s. 6)*
- (ea) the disposal of e-waste that is not chemical waste on land or premises with an area of not more than 100 m²; *(Added 3 of 2016 s. 13)*
- (eb) the storage of e-waste with a total volume of not more than 50 m³ (measured by the maximum width by the maximum height and the maximum length); *(Added 3 of 2016 s. 13)*
- (ec) the storage of e-waste on premises located inside a multi-storey building; *(Added 3 of 2016 s. 13)*
- (ed) the treatment, reprocessing or recycling of container waste on land or premises with a waste disposal facility that is capable of treating, reprocessing or recycling not more than one tonne of container waste per day; *(Added 13 of 2016 s. 10)*
- (ee) the storage of container waste the total volume of which does not exceed 50 m³ (measured by the maximum width by the maximum height by the maximum length); *(Added 13 of 2016 s. 10)*
- (ef) the storage of container waste on premises located inside a multi-storey building; *(Added 13 of 2016 s. 10)*
- (f) the disposal of such wastes or classes of wastes in such circumstances as may be prescribed. *(Added 6 of 2006 s. 6)*
- (2A) Despite subsection (2)(ea), (eb) and (ec), a person may apply to the Director for a licence to use any land or premises for the disposal of e-waste. *(Added 3 of 2016 s. 13)*
- (2B) The Secretary may, after consulting the Advisory Council on the Environment and subject to the approval of the Legislative Council, by notice published in the Gazette, amend—

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- (2D) 局長可在諮詢環境諮詢委員會後，在須經立法會批准的規限下，藉於憲報刊登的公告——
- (a) 藉更改第 (2)(ed) 款所述的重量，修訂該款；或
 - (b) 藉更改第 (2)(ee) 款所述的總體積，修訂該款。(由 2016 年第 13 號第 10 條增補)
- (3) 任何人違反第 (1) 款的規定，即屬犯罪。
- (4) 凡依據《土地(雜項條文)條例》(第 28 章)第 5 條發出的牌照，在該條例所界定的未批租土地上處置化學廢物或醫療廢物以外的廢物，無須持有第 (1) 款所指的牌照。(由 1991 年第 86 號第 6 條修訂；由 1998 年第 29 號第 68 條修訂；由 2006 年第 6 號第 6 條修訂)

16A. 禁止非法擺放廢物

- (1) 如任何人在任何地方擺放廢物，或促使或准許廢物被擺放於任何地方，則除非該人有合法權限或辯解，或有該地方的任何擁有人或合法佔用人的許可，否則該人即屬犯罪。
- (2) 就第 (1) 款而言，如有廢物從一部並非用作公共交通工具的車輛卸下擺放，則下述人士即視為促使該廢物被擺放——

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- (a) subsection (2)(ea) by varying the area mentioned in that subsection; or
 - (b) subsection (2)(eb) by varying the total volume mentioned in that subsection. (*Added 3 of 2016 s. 13*)
- (2C) Despite subsection (2)(ed), (ee) and (ef), a person may apply to the Director for a licence to use any land or premises for the disposal of container waste. (*Added 13 of 2016 s. 10*)
- (2D) The Secretary may, after consulting the Advisory Council on the Environment and subject to the approval of the Legislative Council, by notice published in the Gazette, amend—
- (a) subsection (2)(ed) by varying the weight mentioned in that subsection; or
 - (b) subsection (2)(ee) by varying the total volume mentioned in that subsection. (*Added 13 of 2016 s. 10*)
- (3) Any person who contravenes subsection (1) commits an offence.
- (4) Where waste other than chemical waste or clinical waste is disposed of on unleased land, as defined in the Land (Miscellaneous Provisions) Ordinance (Cap. 28), pursuant to a licence issued under section 5 of that Ordinance, no licence under subsection (1) shall be required. (*Amended 86 of 1991 s. 6; 29 of 1998 s. 68; 6 of 2006 s. 6*)

16A. Prohibition of unlawful depositing of waste

- (1) 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.
- (2) For the purposes of subsection (1), if waste is deposited from a vehicle that is not being used as a public transport carrier,

- (a) 在有關廢物從該車輛卸下擺放時該車輛的駕駛者；及
- (b) 僱用該名駕駛者在當時駕駛該車輛的人。
- (3) 被控犯第 (1) 款所訂罪行的人，如證明他已採取一切合理的預防措施並已作出一切應盡的努力以避免犯該罪行，即可以此作為免責辯護。
- (4) 在不局限第 (3) 款的概括性原則下，任何人如證明——
- (a) 他是根據其僱主的指示行事的；或
- (b) 他是依賴另一人提供的資料，並且沒有理由相信該等資料是虛假或有誤導性的，
- 而在上述任何一種情況下，他並無理由相信會觸犯罪行，則該人在第 (3) 款之下的免責辯護即屬成立。
- (5) 任何人如欲援引涉及下述指稱的免責辯護——
- (a) 犯該罪行並非因他是根據其僱主的指示行事所致，而是因另一人的作為或不作為所致；或
- (b) 他是依賴另一人提供的資料的，
- 則除非他在聆訊前 7 整天之前已向檢控人送達通知，提供他當時所擁有的可供識別或協助識別該另一人身分的全部資料，否則他無權在沒有法庭許可的情況下，援引該項免責辯護。
- (6) 就第 (2) 款而言，**公共交通工具** (public transport carrier) 指任何公共巴士、公共小巴、的士、鐵路列車、輕便鐵路車輛、電車或纜車。

(由 2004 年第 17 號第 3 條代替)

the following persons are regarded as causing the waste to be deposited—

- (a) the driver of the vehicle at the time when the waste is deposited from it; and
- (b) any person employing that driver to drive the vehicle at that time.
- (3) A person charged with an offence under subsection (1) has a defence if he proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (4) Without limiting the general nature of subsection (3), a person establishes the defence under that subsection if he proves—
- (a) that he acted under instructions from his employer; or
- (b) that he relied on information supplied by another person and had no reason to believe that the information was false or misleading,
- and in either case that he had no reason to believe that an offence would be committed.
- (5) If a person wishes to rely on a defence involving an allegation—
- (a) that the commission of the offence was not due to his acting under the instructions of his employer but was due to an act or omission of another person; or
- (b) that he relied on information supplied by another person, he is not entitled, without leave of the court, to rely on the defence unless he has served on the prosecutor, at least 7 clear days before the hearing, a notice giving all information he then had that identifies or assists in identifying the other person.

16B. 禁止無有效許可而在私人地段擺放建築廢物

- (1) 本條就在私人地段擺放建築廢物而適用，但在以下情況下除外——
 - (a) 在該地段內，已擺放（不論是由何人擺放）建築廢物的總面積，不超逾 20 平方米；或
 - (b) 在該地段，有按照附表 13 所指明的任何成文法則展開的建築工程進行，而有關建築廢物的擺放屬該工程的一部分。
- (2) 計算第 (1)(a) 款所指的總面積時，須將含有建築廢物及其他廢物兩者的廢物，視為純屬建築廢物。
- (3) 除第 (5) 款另有規定外，任何人如沒有私人地段的唯一或全體擁有人給予的有效許可，而在該地段擺放建築廢物，或促使將建築廢物擺放在該地段，該人即屬犯罪。
- (4) 就第 (3) 款而言，只有符合以下條件，有關許可方屬有效——
 - (a) 該許可是以署長根據第 16C(2)(a) 條指明的表格給予的；及
 - (b) 給予該許可的表格上，註有署長按照第 16C(3) 條加上的認收標記。
- (5) 如私人地段只有一名擁有人，則就該地段而言，第 (3) 款提述的“任何人”不包括該擁有人。
- (6) 第 16A(2)、(3)、(4)、(5) 及 (6) 條就第 (3) 款所訂的罪行而適用，適用的方式一如該條就第 16A(1) 條所訂的罪行而適用一樣。為此目的，第 16A(2) 及 (3) 條提述“第(1)款”之處，須視為提述第 (3) 款。

- (6) For the purpose of subsection (2), **public transport carrier** (公共交通工具) means a public bus, public light bus, taxi, train, light rail vehicle or tramcar.

(Replaced 17 of 2004 s. 3)

16B. Prohibition of depositing of construction waste on private lot without valid permission

- (1) This section applies in relation to the depositing of construction waste on a private lot except when—
 - (a) the total area on which construction waste has been deposited within the lot, regardless of who deposited the waste, does not exceed 20 m²; or
 - (b) the depositing forms part of any building works carried out on the lot that commenced in accordance with an enactment specified in Schedule 13.
- (2) In calculating the total area for subsection (1)(a), waste containing both construction waste and other waste is regarded as consisting entirely of construction waste.
- (3) Subject to subsection (5), 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.
- (4) For subsection (3), the permission is valid only if—
 - (a) it is given in a form specified by the Director under section 16C(2)(a); and
 - (b) the form giving the permission bears an acknowledgement affixed by the Director in accordance with section 16C(3).
- (5) For a private lot owned by a sole owner, the reference to “a person” in subsection (3) does not include the owner.

(由 2013 年第 19 號第 4 條增補)

16C. 在私人地段擺放建築廢物的許可的指明表格及署長認收

(1) 在本條中 ——

指明表格 (specified form) 指根據第 (2)(a) 款指明的表格；**許可** (permission) 就擺放活動而言，指進行該擺放活動所在的地段的唯一或全體擁有人的許可；**經認收表格** (acknowledged form) 就擺放活動而言，指符合以下說明的指明表格 ——

- (a) 對該擺放活動的許可，是以該表格給予的；及
- (b) 該表格上註有按照第 (3) 款加上的認收標記；

擁有人 (owners) 在第 (3)(b)(i) 及 (ii) 款中，包括唯一擁有人；**擺放活動** (depositing activity) 指在私人地段擺放建築廢物。

(2) 署長可 ——

- (a) 指明任何表格，作為給予擺放活動的許可須採用的表格；及
- (b) 在該表格中，指明署長就該許可而規定的任何資料或文件。

(3) 只有以下條件獲符合，署長方可在關於某擺放活動的指明表格上，加上認收標記 ——

- (a) 該表格已連同其所指明的資料及文件，在擬開始該擺放活動的日期的最少 21 天前，提交署長；及
- (b) 署長信納 ——

- (6) Section 16A(2), (3), (4), (5) and (6) applies in relation to an offence under subsection (3) in the same way as it applies in relation to an offence under section 16A(1). For this purpose, the reference to “subsection (1)” in section 16A(2) and (3) is taken to be a reference to subsection (3).

(Added 19 of 2013 s. 4)

16C. Specified form for permission for depositing construction waste on private lot and Director's acknowledgement

(1) In this section—

acknowledged form (經認收表格), in relation to a depositing activity, means a specified form—

- (a) in which the permission for the depositing activity is given; and
- (b) on which an acknowledgement is affixed in accordance with subsection (3);

depositing activity (擺放活動) means the depositing of construction waste on a private lot;**owners** (擁有人), in subsection (3)(b)(i) and (ii), includes a sole owner;**permission** (許可), in relation to a depositing activity, means the permission of the sole owner or all of the owners of the lot on which the depositing activity is carried out;**specified form** (指明表格) means a form specified under subsection (2)(a).

(2) The Director may—

- (a) specify a form in which the permission for a depositing activity is to be given; and
- (b) specify in the form any information or document that the Director requires in relation to the permission.

- (i) 該表格所示明的擁有人，是根據《土地註冊條例》(第 128 章) 備存的登記冊所顯示的有關地段的擁有人 (**紀錄所示擁有人**)；及
 - (ii) 該表格是由全體紀錄所示擁有人簽署，或由他人代他們簽署的。
- (4) 任何人在私人地段擺放建築廢物，須於有關擺放活動期間，時刻在該地段的一個顯眼位置，展示關於該擺放活動的經認收表格的複本。
- (5) 然而 ——
- (a) 第 (4) 款只規定展示經認收表格中指明供展示的部分；及
 - (b) 如有關擺放活動，可在沒有以經認收表格給予的許可的情況下，合法地進行，則第 (4) 款不適用。
- (6) 任何人如在下述情況下，根據第 (3)(a) 款提交指明表格，或指明表格中所指明的資料或文件，即屬犯罪 ——
- (a) 該人知道該表格、資料或文件在某要項上屬不正確或不準確；或
 - (b) 該人不相信該表格、資料或文件在某要項上屬正確及準確。
- (7) 任何人如沒有遵守第 (4) 款，即屬犯罪。

(由 2013 年第 19 號第 4 條增補)

- (3) The Director may affix an acknowledgement on a specified form concerning a depositing activity only if—
- (a) the form is submitted to the Director, together with the information and documents specified in it, at least 21 days before the intended date on which the depositing activity is to commence; and
 - (b) the Director is satisfied that—
 - (i) the owners identified in the form are the persons who appear from the register kept under the Land Registration Ordinance (Cap. 128) to be the owners of the lot (**owners on record**); and
 - (ii) the form is signed by or on behalf of all owners on record.
- (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.
- (5) However, subsection (4)—
- (a) only requires the display of the part of an acknowledged form which is specified in the form to be for display; and
 - (b) does not apply if the depositing activity may be lawfully carried out without the permission given in an acknowledged form.
- (6) A person commits an offence if the person submits under subsection (3)(a) a specified form, or any information or document specified in it, which the person—
- (a) knows to be incorrect or inaccurate in a material particular; or
 - (b) does not believe to be correct and accurate in a material particular.

17. 就訂明的廢物而發出的通知

- (1) 任何人如管有任何訂明類別、訂明數量或其他訂明種類的廢物 ——
- (a) 在遵從根據第 33(1)(ha) 條所訂規例施加的規定之前；及
 - (b) 除非該等廢物已根據第 33(1) 條所訂規例獲豁免，否則
- 須就該等廢物通知署長，而通知的格式為署長在憲報刊登的公告所指明者。
- (2) 對於須就任何廢物而根據第 (1) 款發出通知的人，署長可就該等廢物的處置以書面向該人發出指示。
- (3) 根據第 (2) 款發出的指示，可 ——
- (a) 附加於；
 - (b) 取代；或
 - (c) 更改，
- 根據第 33(1)(ha) 條所訂規例而施加的任何規定；而在任何個別的個案中，該等規例須在不抵觸就該個案而發出的指示下適用。
- (4) 任何人沒有 ——
- (a) 根據本條的規定向署長發出通知；或
 - (b) 遵從根據本條所發出的指示，
- 即屬犯罪。

(由 1991 年第 86 號第 7 條代替)

- (7) A person commits an offence if the person fails to comply with subsection (4).

(Added 19 of 2013 s. 4)

17. Notice to be given of prescribed wastes

- (1) Any person having in his possession waste of a class, quantity or other description as may be prescribed, shall—
- (a) before complying with any requirement imposed by regulations made under section 33(1)(ha); and
 - (b) unless such waste has been exempted by regulations made under section 33(1),
- give notice to the Director regarding such waste in such form as may be specified by the Director by notice published in the Gazette.
- (2) The Director may give directions in writing to any person who is required to give notice under subsection (1), regarding the disposal of any waste in respect of which he is required to give such notice.
- (3) Directions under subsection (2) may be—
- (a) in addition to;
 - (b) in substitution for; or
 - (c) in variation of,
- any requirement imposed by regulations made under section 33(1)(ha) and in any particular case those regulations shall apply subject to any directions given in respect of such case.
- (4) Any person who fails to—
- (a) give notice to the Director as required under this section; or
 - (b) comply with any direction given under this section,

commits an offence.

(Replaced 86 of 1991 s. 7)

18. 第 16、16A、16B、16C 及 17 條所訂罪行的罰則及免責辯護

(由 2013 年第 19 號第 5 條修訂)

- (1) 任何人犯第 16、16A 或 16B 條所訂的罪行 —— *(由 2013 年第 19 號第 5 條修訂)*
 - (a) 如屬第一次定罪，可處罰款 \$200,000 及監禁 6 個月；
 - (b) 如屬第二次定罪或其後定罪，可處罰款 \$500,000 及監禁 6 個月；及
 - (c) 如屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$10,000。
- (1AA) 任何人犯第 16C(6) 或 (7) 條所訂的罪行，可處第 6 級罰款。 *(由 2013 年第 19 號第 5 條增補)*
- (1A) 任何人犯有第 17 條所訂的罪行 ——
 - (a) 如屬第一次定罪，可處第 6 級罰款； *(編輯修訂 —— 2021 年第 5 號編輯修訂紀錄)*
 - (b) 如屬第二次定罪或其後定罪，可處罰款 \$200,000 及監禁 6 個月；及
 - (c) 如屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$10,000。 *(由 1994 年第 28 號第 15 條增補)*
- (2) 任何人如證明是在緊急情況下為避免危害公眾安全而處置廢物，並證明已在合理切實可行範圍內盡快將該項處置以書面告知署長，則該人並不屬犯第 16、16A、16B 或 17 條所訂的罪行。 *(由 1982 年第 76 號法律公告修訂；由 1986 年第 74 號法律公告修訂；由 2013 年第 19 號第 5 條修訂)*

18. Penalties for offences under sections 16, 16A, 16B, 16C and 17 and defences

(Amended 19 of 2013 s. 5)

- (1) Any person who commits an offence under section 16, 16A or 16B is liable— *(Amended 19 of 2013 s. 5)*
 - (a) for the first offence, to a fine of \$200,000 and to imprisonment for 6 months;
 - (b) for a second or subsequent offence, to a fine of \$500,000 and to imprisonment for 6 months; and
 - (c) in addition, if the offence is a continuing offence to a fine of \$10,000 for each day during which it is proved to the satisfaction of the court that the offence has continued.
- (1AA) A person who commits an offence under section 16C(6) or (7) is liable to a fine at level 6. *(Added 19 of 2013 s. 5)*
- (1A) Any person who commits an offence under section 17 is liable—
 - (a) for the first offence, to a fine at level 6; *(Amended E.R. 5 of 2021)*
 - (b) for a second or subsequent offence, to a fine of \$200,000 and to imprisonment for 6 months; and
 - (c) in addition, if the offence is a continuing offence to a fine of \$10,000 for each day during which it is proved to the satisfaction of the court that the offence has continued. *(Added 28 of 1994 s. 15)*
- (2) A person does not commit an offence under section 16, 16A, 16B or 17 if he proves that the waste was disposed of in an

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- (3) 如某人就貯存、處理、再加工或循環再造任何並非化學廢物的電器廢物而被控犯第 16 條所訂罪行，則第 (4) 款適用於該人。*(由 2016 年第 3 號第 14 條增補)*
- (4) 如上述的人證明，有關電氣設備或電子設備並不符合《產品環保責任條例》(第 603 章)附表 6 第 1 部第 3 欄中該項設備的定義，即為對上述控罪的免責辯護。*(由 2016 年第 3 號第 14 條增補。由 2023 年第 27 號第 14 條修訂)*
- (5) 在以下情況下，上述的人視為已證明需要就上述免責辯護而證明的事實——
- (a) 有足夠證據就有關事實帶出爭論點；及
- (b) 控方沒有提出足以排除合理疑點的相反證明。*(由 2016 年第 3 號第 14 條增補)*
- (由 1994 年第 28 號第 15 條修訂)*

18A. 裁判官命令從政府土地移去廢物或命令繳付署長的開支的權力

- (1) 如任何人就在政府土地上擺放廢物而被裁定犯第 16A 條所訂罪行，則裁判官可應署長的申請或主動作出命令，飭令——
- (a) 該人在該命令所指明的限期內將該廢物從該土地上移去；或
- (b) 該人在署長已移去該廢物的情況下，向署長繳付署長為移去該廢物而合理地招致的任何開支。

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- emergency to avoid danger to the public and as soon as was reasonably practicable he informed the Director thereof in writing. *(Amended L.N. 76 of 1982; L.N. 74 of 1986; 19 of 2013 s. 5)*
- (3) Subsection (4) applies to a person charged with an offence under section 16 for the storage, treatment, reprocessing or recycling of any e-waste that is not chemical waste. *(Added 3 of 2016 s. 14)*
- (4) It is a defence to the charge for the person to establish that the electrical equipment or electronic equipment concerned did not fall within the definition of that equipment in column 3 of Part 1 of Schedule 6 to the Product Eco-responsibility Ordinance (Cap. 603). *(Added 3 of 2016 s. 14. Amended 27 of 2023 s. 14)*
- (5) The person is taken to have established a fact that needs to be established for the defence if—
- (a) there is sufficient evidence to raise an issue with respect to the fact; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt. *(Added 3 of 2016 s. 14)*
- (Amended 28 of 1994 s. 15)*

18A. Power of magistrate to order removal of waste from Government land or payment of Director's expenses

- (1) If a person is convicted of an offence under section 16A in respect of waste deposited on Government land, the magistrate may, either on application by the Director or on the magistrate's own initiative, order the person to—
- (a) remove the waste from that land within the period specified in the order; or

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- (2) 根據第 (1) 款作出的命令，是另加於就第 16A 條所訂罪行而根據第 18 條判處的刑罰之上的。
- (3) 根據第 (1)(a) 款作出的命令所針對的人須在移去有關廢物事成後，立即以書面通知署長，該通知可由專人交付署長的辦事處，或以掛號郵遞寄往署長的辦事處地址。
- (4) 任何人無合理辯解而沒有遵從根據第 (1)(a) 款針對他作出的命令，即屬犯罪——
 - (a) 首次定罪，可處罰款 \$200,000 及監禁 6 個月；
 - (b) 其後每次定罪，可處罰款 \$500,000 及監禁 6 個月；及
 - (c) 就經證明並獲裁判官信納有關罪行持續的每一日，可另處每日罰款 \$10,000。
- (5) 任何人無合理辯解而沒有遵守第 (3) 款，即屬犯罪，可處第 3 級罰款。
- (6) 就本條而言，凡提述政府土地，即提述《土地 (雜項條文) 條例》(第 28 章) 所界定的未批租土地。

(由 2004 年第 17 號第 4 條增補)

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- (b) if the Director has already removed the waste, pay the Director any expenses reasonably incurred by him in carrying out the removal.
- (2) An order under subsection (1) is in addition to any penalty imposed under section 18 in respect of an offence under section 16A.
- (3) A person who is subject to an order under subsection (1)(a) shall inform the Director immediately upon completion of the removal of the waste concerned by delivering by hand a written notice at his office or sending a written notice by registered post to his office address.
- (4) A person who, without reasonable excuse, fails to comply with an order made against him under subsection (1)(a) commits an offence and is liable—
 - (a) to a fine of \$200,000 and to imprisonment for 6 months on the first occasion on which he is convicted of the offence;
 - (b) to a fine of \$500,000 and to imprisonment for 6 months on each subsequent occasion on which he is convicted of the offence; and
 - (c) to an additional daily penalty of \$10,000 for each day on which the offence is proved, to the satisfaction of the magistrate, to have continued.
- (5) A person who, without reasonable excuse, fails to comply with subsection (3) commits an offence and is liable to a fine at level 3.
- (6) For the purposes of this section, a reference to Government land is a reference to unleased land as defined in the Land (Miscellaneous Provisions) Ordinance (Cap. 28).

(Added 17 of 2004 s. 4)

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19. 關於送交處置的廢物的資料

- (1) 署長可規定任何將廢物（並非住戶廢物）送交其處置的人述明該等廢物的性質，以及提供署長規定的與該等廢物有關的其他資料。（由 1982 年第 76 號法律公告修訂；由 1986 年第 74 號法律公告修訂）
- (2) 任何人在遵從第 (1) 款的規定時，作出或提供其知道在要項上是不正確的陳述或資料，或罔顧後果地在要項上作出不正確的陳述或提供不正確的資料，或明知而在該陳述或資料中遺漏任何要項，即屬犯罪，可處第 6 級罰款。（由 2006 年第 6 號第 7 條修訂）

20. （由 1995 年第 14 號第 2 條廢除）

19. Information as to waste delivered for disposal

- (1) The Director may require any person who delivers to him for disposal any waste (other than household waste) to state the nature of the waste and to give such other information relating to the waste as the Director may require. (*Amended L.N. 76 of 1982; L.N. 74 of 1986*)
- (2) Any person who, in complying with a requirement under subsection (1) makes any statement or gives any information which he knows to be incorrect in a material particular or who recklessly makes a statement or gives information which is incorrect in a material particular or knowingly omits any material particular therefrom commits an offence and is liable to a fine at level 6. (*Amended 6 of 2006 s. 7*)

20. (*Repealed 14 of 1995 s. 2*)

第 IVA 部**廢物運入或運出香港的管制**

(第 IVA 部由 1995 年第 14 號第 3 條增補)
(格式變更——2018 年第 2 號編輯修訂紀錄)

20A. 將廢物輸入香港須有許可證

- (1) 將下列廢物輸入香港須有廢物處置當局根據本條發出的許可證——
 - (a) 附表 6 指明的任何種類的廢物，除非該等廢物未受污染，且輸入的目的是為再加工，循環再造或回收或是為再使用該等廢物，則不在此限；(由 2016 年第 3 號第 15 條修訂)
 - (b) 附表 7 指明的或附表 7A 第 2 部第 2 欄指明的任何種類的廢物，或附表 6 沒有指明的任何種類的廢物；或 (由 2016 年第 3 號第 15 條修訂；由 2016 年第 13 號第 11 條修訂；由 2024 年第 29 號第 3 條修訂)
 - (c) (由 2024 年第 29 號第 3 條廢除)
 - (d) 任何不符合 (a) 或 (b) 段的描述的容器廢物。(由 2016 年第 13 號第 11 條增補)
- (2) 根據本條申請許可證——
 - (a) 須以廢物處置當局指示的格式，指明——
 - (i) 擬輸入廢物的理由；
 - (ii) 廢物輸入者的姓名或名稱及地址；
 - (iii) 廢物產生者的姓名或名稱及地址；
 - (iv) 廢物處置者的姓名或名稱及地址；
 - (v) 將予使用的廢物處置或再使用設施的地址；

Part IVA**Control of Movement of Waste Into and Out of Hong Kong**

(Part IVA added 14 of 1995 s. 3)
(Format changes—E.R. 2 of 2018)

20A. Permit required for the import of waste into Hong Kong

- (1) The import into Hong Kong of—
 - (a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is imported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; (Amended 3 of 2016 s. 15)
 - (b) any waste of a kind specified in the Seventh Schedule or column 2 of Part 2 of Schedule 7A, or not specified in the Sixth Schedule; or (Amended 3 of 2016 s. 15; 13 of 2016 s. 11; 29 of 2024 s. 3)
 - (c) (Repealed 29 of 2024 s. 3)
 - (d) any container waste that does not fall within the description of paragraph (a) or (b), (Added 13 of 2016 s. 11)requires a permit issued by the waste disposal authority under this section.
- (2) An application for a permit under this section—
 - (a) shall be in the form that the waste disposal authority directs specifying—
 - (i) the reason for the proposed waste import;
 - (ii) the name and address of the importer of the waste;

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- (vi) 所有擬用的廢物承運人或其代理人的姓名或名稱及地址；
- (vii) 輸出國及過境國和其主管當局的姓名或名稱；
- (viii) 許可證是為一次裝運或為多次裝運；
- (ix) 每次裝運的預定日期及輸入廢物的期間；
- (x) 預期的運輸模式；
- (xi) 廢物及其成份的具體說明，以及任何特殊處理規定的資料；
- (xii) 預期的包裝類型；
- (xiii) 將予輸入的廢物按重量或體積估計的分量；
- (xiv) 過去或現在生產廢物的程序及地方的詳情；
- (xv) 處置或再使用廢物的方法的說明；及
- (xvi) 廢物處置當局可為決定是否發出許可證而合理規定的任何其他資料；及
- (b) 須附有——
 - (i) 確認處置或再使用廢物的合約安排（如有的話）的文件；
 - (ii) 表明意外發生時須遵循的程序的應急計劃；
 - (iii) 確認存有第 (4)(b) 款所述的責任保險及付款保證書或其他財務擔保的文件；及（由 1996 年第 139 號法律公告修訂）
 - (iv) 訂明費用。
- (3) 廢物處置當局可有條件或無條件地發出，或拒絕發出，廢物輸入許可證，並須將其決定通知申請人；如拒絕發出許可證，則須將拒絕理由通知申請人。
- (4) 廢物處置當局不得根據本條發出任何廢物輸入許可證，除非——

- (iii) the name and address of the waste producer;
- (iv) the name and address of the disposer of the waste;
- (v) the address of the waste disposal or reuse facility to be used;
- (vi) the name and address of every intended carrier of the waste or his agent;
- (vii) the names of the states of export and transit and their competent authorities;
- (viii) whether the permit is for a single shipment or multiple shipments;
- (ix) the projected date of each shipment and the period of time over which waste is to be imported;
- (x) the mode of transportation envisaged;
- (xi) a physical description of the waste and its composition and information on any special handling requirements;
- (xii) the type of packaging envisaged;
- (xiii) the estimated quantity by weight or volume of waste to be imported;
- (xiv) details of the process by which and place at which the waste was or is being generated;
- (xv) a description of the method of disposal or reuse; and
- (xvi) such other information as the waste disposal authority may reasonably require to determine whether or not to issue a permit; and
- (b) shall be accompanied by—

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- (a) 該當局信納該等廢物將按照香港法律並以合乎環境衛生的方式管理；
- (b) 該當局信納——
 - (i) 承保下述索償的責任保險在輸入該等廢物時正在或即將有效：由於輸入該等廢物而可能導致對人類健康、財產及環境的損害所引起的索償；及
 - (ii) 付款保證書或獲廢物處置當局接受的其他財務擔保在輸入該等廢物時正在或即將有效，而該證明書或保證是為向廢物處置當局提供付款，以便預留用作支付廢物處置當局根據第 20F 條可能作出檢取或處置廢物的費用；(由 2006 年第 6 號第 8 條修訂)
- (c) 如屬並非為再使用或並非為再加工、循環再造或回收而輸入廢物——
 - (i) 該當局信納輸出國並無設施、能力或處置地點可讓廢物按合乎環境衛生的方式處置；或
 - (ii) 該當局信納輸入廢物的目的，是廢物處置當局認為，為了合乎環境衛生和為了香港的廢物處置系統的有效率管理，乃屬於必需或適宜者；(由 2006 年第 6 號第 8 條修訂)
- (d) 如是為再使用或為進行再加工、循環再造或回收的運作而輸入廢物，該當局信納該等廢物是為了在香港作如此再使用或運作而屬必需的原料；及 (由 2006 年第 6 號第 8 條修訂)
- (e) 如屬附表 7 指明的任何種類的廢物，該當局信納該等廢物並非自附表 9 所提述的任何國家或締約方輸出的。(由 2006 年第 6 號第 8 條增補)

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- (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) a contingency plan showing the procedures to be followed in case of accident;
 - (iii) documents confirming the existence of the liability insurance and bond or other financial guarantee mentioned in subsection (4)(b); and
 - (iv) the prescribed fee.
- (3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the import of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (4) The waste disposal authority shall not issue a permit under this section for the import of any waste unless he is satisfied—
- (a) that the waste will be managed in Hong Kong in accordance with the laws of Hong Kong and in an environmentally sound manner;
 - (b) that there is in force, or there will be in force at the time of the import of the waste—
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the import operation; and
 - (ii) a bond, or other financial guarantee acceptable to the waste disposal authority, providing for payment to the waste disposal authority of the cost of any seizure or disposal of the waste under section 20F that may occur; (Amended 6 of 2006 s. 8)

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- (c) in the case of waste to be imported other than for the purpose of reuse or a reprocessing, recycling or recovery operation, that—
 - (i) the state of export does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or
 - (ii) the import of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; (*Amended 6 of 2006 s. 8*)
- (d) in the case of waste to be imported for reuse or for a reprocessing, recycling or recovery operation, that the waste is required as a raw material for such reuse or operation in Hong Kong; and (*Amended 6 of 2006 s. 8*)
- (e) in the case of waste of a kind specified in the Seventh Schedule, that the waste is not exported from a state or party that is referred to in Schedule 9. (*Added 6 of 2006 s. 8*)

20B. 將廢物輸出香港須有許可證

- (1) 將下列廢物輸出香港須有廢物處置當局根據本條發出的許可證——
 - (a) 附表 6 指明的任何種類的廢物，除非該等廢物未受污染，且輸出的目的是為再加工、循環再造或回收，或是為再使用該等廢物，則不在此限；(*由 2016 年第 3 號第 16 條修訂*)
 - (b) 附表 7 指明的或附表 7A 第 2 部第 2 欄指明的任何種類的廢物，或附表 6 沒有指明的任何種類的廢物；

20B. Permit required for the export of waste from Hong Kong

- (1) The export from Hong Kong of—
 - (a) any waste of a kind specified in the Sixth Schedule, unless the waste is uncontaminated and is exported for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste; (*Amended 3 of 2016 s. 16*)
 - (b) any waste of a kind specified in the Seventh Schedule or column 2 of Part 2 of Schedule 7A, or not specified in

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或 (由 2016 年第 3 號第 16 條修訂；由 2016 年第 13 號第 12 條修訂；由 2024 年第 29 號第 4 條修訂)

- (c) (由 2024 年第 29 號第 4 條廢除)
- (d) 任何不符合 (a) 或 (b) 段的描述的容器廢物。(由 2016 年第 13 號第 12 條增補)
- (2) 根據本條申請許可證 ——
- (a) 須以廢物處置當局指示的格式，指明 ——
- (i) 擬輸出廢物的理由；
 - (ii) 廢物輸出者的姓名或名稱及地址；
 - (iii) 廢物產生者的姓名或名稱及地址；
 - (iv) 廢物處置者的姓名或名稱及地址；
 - (v) 將予使用的廢物處置或再使用設施的地址；
 - (vi) 所有擬用的廢物承運人或其代理人的姓名或名稱及地址；
 - (vii) 輸入國及過境國和其主管當局的姓名或名稱；
 - (viii) 許可證是為一次裝運或為多次裝運；
 - (ix) 每次裝運的預定日期及輸出廢物的期間；
 - (x) 預期的運輸模式；
 - (xi) 廢物及其成分的具體說明，以及任何特殊處理規定的資料；
 - (xii) 預期的包裝類型；
 - (xiii) 將予輸出的廢物按重量或體積估計的分量；
 - (xiv) 過去或現在生產廢物的程序及地方的詳情；
 - (xv) 處置或再使用廢物的方法的說明；及
 - (xvi) 廢物處置當局可為決定是否發出許可證而合理規定的任何其他資料；及
- (b) 須附有 ——

the Sixth Schedule; or (*Amended 3 of 2016 s. 16; 13 of 2016 s. 12; 29 of 2024 s. 4*)

- (c) (*Repealed 29 of 2024 s. 4*)
- (d) any container waste that does not fall within the description of paragraph (a) or (b), (*Added 13 of 2016 s. 12*)
- requires a permit issued by the waste disposal authority under this section.
- (2) An application for a permit under this section—
- (a) shall be in the form that the waste disposal authority directs specifying—
- (i) the reason for the proposed waste export;
 - (ii) the name and address of the exporter of the waste;
 - (iii) the name and address of the waste producer;
 - (iv) the name and address of the disposer of the waste;
 - (v) the address of the waste disposal or reuse facility to be used;
 - (vi) the name and address of every intended carrier of the waste or his agent;
 - (vii) the names of the states of import and transit and their competent authorities;
 - (viii) whether the permit is for a single shipment or multiple shipments;
 - (ix) the projected date of each shipment and the period of time over which waste is to be exported;
 - (x) the mode of transportation envisaged;
 - (xi) a physical description of the waste and its composition and information on any special handling requirements;

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- (i) 確認處置或再使用廢物的合約安排 (如有的話) 的文件；
 - (ii) 確認存有第 (4)(b) 款所述的責任保險及付款保證書或其他財務擔保的文件；及
 - (iii) 訂明費用。
- (3) 廢物處置當局可有條件或無條件地發出，或拒絕發出，廢物輸出許可證，並須將其決定通知申請人；如拒絕發出許可證，則須將拒絕理由通知申請人。
- (4) 廢物處置當局不得根據本條發出任何廢物輸出許可證，除非——
- (a) 該當局信納輸入國及各過境國的主管當局已同意廢物輸入或過境 (視屬何情況而定)；
 - (b) 該當局信納輸入國及各過境國的主管當局已確認其法律中關於下列存有的責任保險、付款保證書或財務擔保的法律 (如有的話)，就擬輸出廢物而言已獲遵從——
 - (i) 承保下述索償的責任保險：由於輸出該等廢物而可能導致對人類健康、財產及環境的損害所引起的索償；及
 - (ii) 向輸入國及各過境國的主管當局提供付款，以便支付該主管當局用於檢取或處置該等廢物的費用的付款保證書或財務擔保；
 - (c) 該當局信納該等廢物將以合乎環境衛生的方式管理或處置；
 - (d) 該當局信納該等廢物將不會在南緯 60° 以南的地區處置； (由 2006 年第 6 號第 9 條修訂)
 - (e) 如屬並非為再使用或並非為再加工、循環再造或回收而輸出廢物——
 - (i) 該當局信納香港並無設施、能力或處置地地點可讓廢物以合乎環境衛生的方式處置；或

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- (xii) the type of packaging envisaged;
 - (xiii) the estimated quantity by weight or volume of waste to be exported;
 - (xiv) details of the process by which and place at which the waste was or is being generated;
 - (xv) a description of the method of disposal or reuse; and
 - (xvi) such other information as the waste disposal authority may reasonably require to determine whether or not to issue a permit; and
- (b) shall be accompanied by—
- (i) documents confirming the contractual arrangements, if any, for the disposal or reuse of the waste;
 - (ii) documents confirming the existence of the liability insurance and the bond or other financial guarantee mentioned in subsection (4)(b); and
 - (iii) the prescribed fee.
- (3) The waste disposal authority may either issue, with or without conditions, or refuse to issue a permit for the export of the waste, and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (4) The waste disposal authority shall not issue a permit under this section for the export of any waste unless he is satisfied—
- (a) that the competent authority of the state of import and of each state of transit has consented to the import or transit, as the case may be, of the waste;

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- (ii) 該當局信納輸出廢物的目的，是廢物處理當局認為為了合乎環境衛生和為了香港的廢物處置系統的有效率管理，乃屬於必需或適宜者；及（由 2006 年第 6 號第 9 條修訂）
- (f) 如是為再使用或為再加工、循環再造或回收的運作而輸出廢物，該當局信納該等廢物是為了在輸入國作如此運作或再使用而屬必需的原料。

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- (b) that the competent authority of the state of import and of each state of transit has confirmed that its laws, if any, as regards the existence of—
 - (i) liability insurance to cover claims arising out of damage to human health, property and the environment which may result from the export operation; and
 - (ii) a bond, or other financial guarantee, providing for payment to the competent authority of the state of import and each state of transit of the cost of any seizure or disposal of the waste by such competent authority,have been complied with in respect of the proposed export;
- (c) that the waste will be managed or disposed of in an environmentally sound manner;
- (d) that the waste will not be disposed of within the area south of the parallel of 60° south; (*Amended 6 of 2006 s. 9*)
- (e) in the case of waste to be exported other than for the purpose of a reprocessing, recycling or recovery operation or the reuse of the waste, that—
 - (i) Hong Kong does not have the facilities, capacity or disposal sites that would allow disposal of the waste in an environmentally sound manner; or
 - (ii) the export of the waste is for a purpose which the waste disposal authority considers necessary or desirable in the interests of the environmentally sound and efficient management of the waste disposal system in Hong Kong; and (*Amended 6 of 2006 s. 9*)

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20C. 許可證的更改、暫時吊銷或撤銷

- (1) 廢物處置當局如 ——
 - (a) 覺得許可證的規定遭違反，可更改、暫時吊銷或撤銷該許可證；
 - (b) 信納下列事項，可撤銷對任何許可證的暫時吊銷 ——
 - (i) 許可證持有人沒有違反許可證規定；
 - (ii) 許可證持有人已就違反許可證規定作出糾正；或
 - (iii) 引致暫時吊銷許可證的情況已不存在。
- (2) 廢物處置當局暫時吊銷或撤銷的每張許可證，以及所有由許可證持有人或任何其他人士管有的該許可證副本，須由許可證持有人立即交還廢物處置當局。
- (3) 任何人違反第 (2) 款的規定，即屬犯罪，可處第 2 級罰款及監禁 3 個月。

20D. 廢物處置當局可就廢物的輸入及輸出發出指示

- (1) 廢物處置當局可就根據本部須有許可證方可輸入或輸出的廢物 ——
 - (a) 不時發出關於廢物的包裝、加標識、料理、運輸及處置的指示；

- (f) in the case of waste to be exported for the purpose of a reprocessing, recycling or recovery operation or for reuse, that the waste is required as a raw material for such operation or reuse in the state of import.

20C. Variation, suspension or revocation of permit

- (1) The waste disposal authority may—
 - (a) vary, suspend or revoke a permit if it appears to him that there has been a breach of the permit;
 - (b) revoke a suspension of a permit if he is satisfied that—
 - (i) the permit holder has not breached a permit provision;
 - (ii) the permit holder has rectified a breach of a permit provision; or
 - (iii) the circumstances that gave rise to the suspension no longer exist.
- (2) Every permit suspended or revoked by the waste disposal authority and all copies of such permit in the possession of the permit holder or any other person shall be surrendered immediately to the waste disposal authority by the permit holder.
- (3) Any person who contravenes subsection (2) commits an offence and is liable to a fine at level 2 and to imprisonment for 3 months.

20D. Authority may issue directions regarding import and export of waste

- (1) The waste disposal authority may from time to time in respect of the import or export of waste for which a permit is required under this Part issue directions—

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- (b) 不時發出指示，規定該等廢物由托運開始至處置地點，須附有列載該等由廢物處置當局規定的資料或詳情的移運文件；
- (c) 不時發出指示，規定申請任何廢物輸出許可證的申請人在托運不能完成時取回廢物；及
- (d) 不時發出指示，規定申請任何廢物輸入許可證的申請人確保廢物處置者以書面通知輸出者及輸出國的主管當局下述事項，並且規定該申請人在指示指明的期間如此辦理——
 - (i) 該等廢物在廢物處置地點或再使用地點由廢物處置者接收；及
 - (ii) 該等廢物一如許可證申請所建議般完成處置或再使用。
- (2) 根據本條發出的指示，就本部而言，須當作為組成在該指示生效後根據本部發出的每張許可證的部分條件，和當作為是該許可證的一項條件。

20DA. 處置若干進口廢物的授權

- (1) 本條只適用於在無須領有第 20A 條所指的許可證下可輸入香港的廢物，而在本條中對**進口廢物** (imported waste) 的提述，須解釋為對已輸入香港的屬上述類別的廢物的提述。
- (2) 於指定廢物處置設施處置任何進口廢物須獲廢物處置當局根據本條批予的授權。

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- (a) as to the packaging, labelling, handling, transport and disposal of the waste;
- (b) requiring the waste to be accompanied, from the commencement of the consignment to the point of disposal, by a movement document containing such information or particulars as the waste disposal authority may require;
- (c) requiring an applicant for a permit for the export of any waste to take back the waste when the consignment cannot be completed; and
- (d) requiring an applicant for a permit for the import of any waste to ensure that the disposer of the waste notifies in writing the exporter and the competent authority of the state of export of—
 - (i) receipt by the disposer of the waste at the point of disposal or reuse of the waste; and
 - (ii) the completion of disposal or reuse of the waste as proposed in the application for the permit, and to do so within a period specified in the direction.
- (2) A direction issued under this section shall for the purposes of this Part be deemed to form part of and be a condition of every permit issued under this Part subsequent to the coming into effect of the direction.

20DA. Authorization for disposal of certain imported waste

- (1) This section applies only to waste the import of which into Hong Kong does not require a permit under section 20A, and the reference to **imported waste** (進口廢物) in this section shall be construed as a reference to waste of this category that has been imported into Hong Kong.

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- (3) 上述授權的申請 ——
- (a) 須採用廢物處置當局指明的格式以書面提出；及
 - (b) 須附同根據第 33 條訂立的規例訂明的申請費用。
- (4) 於接獲任何人 (**申請人**) 提出的上述授權的申請後，廢物處置當局在符合第 (5) 款的條文下，可 ——
- (a) 在附帶或不附帶條件的情況下，批予上述授權；或
 - (b) 拒絕批予上述授權，
- 並須將其決定通知申請人；該當局如拒絕批予上述授權，則亦須將拒絕理由通知申請人。
- (5) 除非申請人證明並令廢物處置當局信納 ——
- (a) 將有關廢物輸入香港是無須領有第 20A 條所指的許可證的；
 - (b) 以廢物處置當局可接受的方式作出替代的安排，安排在香港或其他地方將該等進口廢物用於再使用或再加工、循環再造或回收的用途 (**指明用途**)，並非切實可行；及
 - (c) 申請人將該等進口廢物交回輸出國，或安排該等進口廢物的輸入者將該等進口廢物交回輸出國，均非切實可行，
- 否則該當局不得根據第 (4)(a) 款批予授權，而在決定 (b) 及 (c) 段指明的事宜的切實可行性時，缺乏經濟能力進行替代的安排或將該等進口廢物交回輸出國 (視屬何情況而定) 並非相干的考慮事項。
- (6) 在不損害第 (4)(a) 款的一般性的原則下，附加於授權的條件可 ——
- (a) 規定申請人繳付廢物處置當局為收回處置有關進口廢物的費用而釐定的收費；
 - (b) 指明該項處置的方式、地點及時間；
 - (c) 指明須就該項處置作出的安排和遵循的程序。

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- (2) The disposal of any imported waste at a designated waste disposal facility requires an authorization granted by the waste disposal authority under this section.
- (3) An application for the authorization shall be—
- (a) made in writing in such form as the waste disposal authority may specify; and
 - (b) accompanied by such application fee as may be prescribed by regulations made under section 33.
- (4) On receipt of an application made by any person (***the applicant***) for the authorization, the waste disposal authority may, subject to subsection (5)—
- (a) grant the authorization, with or without conditions; or
 - (b) refuse to grant the authorization,
- and shall notify the applicant of his decision and, in the case of refusal, the reasons for such refusal.
- (5) The waste disposal authority shall not grant an authorization under subsection (4)(a) unless the applicant proves to the satisfaction of the authority that—
- (a) the import of the waste concerned into Hong Kong did not require a permit under section 20A;
 - (b) it is not practicable to make alternative arrangement for the imported waste to be used (whether in Hong Kong or elsewhere) for the purpose of reuse, or a reprocessing, recycling or recovery operation (***the specified purpose***), in a manner acceptable to the authority; and
 - (c) it is not practicable for the applicant to return, or cause the importer of the imported waste to return, the imported waste to the state of export,
- and in determining the practicability of the matters specified in paragraphs (b) and (c), the lack of financial means to carry

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- (7) 廢物處置當局可規定申請人向該當局提供該當局認為對決定是否批予授權屬必需的資料，尤其是關乎以下事宜的資料——
- (a) 為在輸入進口廢物後將該等廢物用於指明用途而作出的原來的安排的細節；
 - (b) 該項原來的安排不能落實的理由；
 - (c) 為——
 - (i) 在香港或其他地方將該等進口廢物用於該指明用途；
 - (ii) 將該等進口廢物交回輸出國，而試圖作出替代的安排的證明。
- (8) 本條條文增補而非減損本條例任何其他條文。

(由 2006 年第 6 號第 10 條增補)

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- out an alternative arrangement or return the imported waste to the state of export (as the case may be) shall not be a relevant consideration.
- (6) Without prejudice to the generality of subsection (4)(a), a condition attached to an authorization may—
- (a) require the applicant to pay such charge as the waste disposal authority may determine for recovery of the cost of disposal of the imported waste;
 - (b) specify the manner, place and time of the disposal;
 - (c) specify the arrangements to be made and the procedures to be observed in relation to the disposal.
- (7) The waste disposal authority may require an applicant to furnish him with such information as he considers necessary for determining whether or not to grant the authorization, and in particular, such information may relate to—
- (a) the details of the original arrangement made for the imported waste to be used for the specified purpose after the import;
 - (b) the reasons why the original arrangement cannot be carried out;
 - (c) proof of any attempt made in making alternative arrangement for the imported waste—
 - (i) to be used (whether in Hong Kong or elsewhere) for the specified purpose;
 - (ii) to be returned to the state of export.
- (8) The provisions in this section shall be in addition to and shall not derogate from any other provision of this Ordinance.

(Added 6 of 2006 s. 10)

20E. Offences under this Part

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- (1) 任何人——
- (a) 除非是根據及按照根據本部發出的許可證或批予的授權而作出須有該等許可證或授權方可作出的任何事情，否則該人如作出該事情；或（由 2006 年第 6 號第 11 條代替）
 - (b) 除非是根據及按照根據本部發出的許可證或批予的授權而導致或容許另一人作出須有該等許可證或授權方可作出的任何事情，否則該人如導致或容許另一人作出該事情，（由 2006 年第 6 號第 11 條代替）
- 即屬犯罪——
- (i) 如屬第一次犯罪，可處罰款 \$200,000 及監禁 6 個月；及
 - (ii) 如屬第二次犯罪或其後犯罪，可處罰款 \$500,000 及監禁 2 年。
- (2) 任何人為促致根據本部發出許可證或批予授權而——（由 2006 年第 6 號第 11 條修訂）
- (a) 在要項上作出其知道是虛假的陳述；或
 - (b) 在要項上罔顧後果地作出虛假的陳述，
- 即屬犯罪，可處罰款 \$200,000 及監禁 6 個月。

20F. 定罪後對廢物的檢取及處置

- (1) 任何人就輸入或輸出任何廢物或就第 20DA(2) 條提述的任何進口廢物的處置而被定犯有第 20E 條所訂的任何罪行，廢物處置當局可——（由 2006 年第 6 號第 12 條修訂）
- (a) 檢取及處置該等廢物；或

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- (1) A person who—
- (a) except under and in accordance with a permit issued or an authorization granted under this Part, does anything for which such a permit or authorization is required; or (*Amended 6 of 2006 s. 11*)
 - (b) except under and in accordance with a permit issued or an authorization granted under this Part, causes or allows another person to do anything for which such a permit or authorization is required, (*Amended 6 of 2006 s. 11*)
- commits an offence and is liable—
- (i) for the first offence to a fine of \$200,000 and to imprisonment for 6 months; and
 - (ii) for a second or subsequent offence to a fine of \$500,000 and to imprisonment for 2 years.
- (2) A person who, to procure the issue of a permit or the grant of an authorization under this Part— (*Amended 6 of 2006 s. 11*)
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- commits an offence and is liable to a fine of \$200,000 and to imprisonment for 6 months.

20F. Seizure and disposal of waste following conviction

- (1) Where a person is convicted of an offence under section 20E in respect of the import or export of any waste, or the disposal of any imported waste referred to in section 20DA(2), the waste disposal authority may— (*Amended 6 of 2006 s. 12*)
- (a) seize and dispose of the waste; or

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- (b) 藉書面通知，規定該被定罪的人在指明的期間內——
- (i) 如屬於就輸入廢物的定罪或就第 20DA(2) 條提述的任何進口廢物的處置的定罪，將該等廢物交回輸出國，或在香港處置該等廢物至廢物處置當局滿意的程度；或
 - (ii) 如屬於就輸出廢物的定罪，將該等廢物取回香港，或在合理情況下此做法並不切實可行，則以合乎環境衛生的方式處置該等廢物，
- 並可藉同一通知或另一書面通知，規定該被定罪的人在指明的期間內向廢物處置當局提供文件證據，以證明根據第 (i) 或 (ii) 節作出的規定已獲遵從。
- (2) 任何人沒有遵從根據第 (1)(b) 款給予的通知，即屬犯罪，可處罰款 \$200,000 及監禁 6 個月；如任何人被定犯有本款所訂的任何罪行，則廢物處置當局可無須再作出通知而檢取及處置該等廢物。
- (3) 如廢物處置當局根據第 (1)(a) 或 (2) 款檢取或處置任何廢物——(由 2006 年第 6 號第 12 條修訂)
- (a) (如有關罪行是就輸入或輸出任何廢物而犯的) 該等廢物的輸入者或輸出者(視屬何情況而定)；或
 - (b) (如有關罪行是就第 20DA(2) 條提述的任何進口廢物的處置而犯的) 該被定罪的人，
- 有法律責任支付廢物處置當局該項檢取及處置的費用，包括任何運輸和貯存的費用，而該等費用可作為欠廢物處置當局的民事債項而予以追討。
- (由 2006 年第 6 號第 12 條修訂)

- (b) by notice in writing require the convicted person, within a specified time—
- (i) in the case of a conviction in respect of the import of waste or the disposal of any imported waste referred to in section 20DA(2), to return the waste to the state of export, or to dispose of the waste in Hong Kong to the satisfaction of the waste disposal authority; or
 - (ii) in the case of a conviction in respect of the export of waste, to take back the waste into Hong Kong, or, if that is not reasonably practicable, to dispose of the waste in an environmentally sound manner,
- and may, by such notice or by any other notice in writing, require the convicted person to furnish the waste disposal authority within a specified time with documentary evidence to show that the requirements made under subparagraph (i) or (ii) have been complied with.
- (2) If any person fails to comply with a notice given under subsection (1)(b) he commits an offence and is liable to a fine of \$200,000 and to imprisonment for 6 months; and where a person is convicted of an offence under this subsection the waste disposal authority may, without further notice, seize and dispose of the waste.
- (3) Where the waste disposal authority seizes or disposes of any waste under subsection (1)(a) or (2)—(Amended 6 of 2006 s. 12)
- (a) (where the offence is in respect of the import or export of any waste) the importer or exporter of the waste, as the case may be; or

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20G. 以應盡的努力作為免責辯護等

- (1) 任何被控犯有本部所訂罪行的人，如證明其已採取一切合理的預防措施和已作出一切應盡的努力以避免犯該罪行，該人即可以此作為免責辯護。
- (2) 在不局限第 (1) 款的概括性原則下，任何人如證明——
 - (a) 他曾根據其僱主的指示行事；或
 - (b) 他曾依賴另一人提供的資料，而在依賴該等資料時並沒有理由相信該等資料是虛假或誤導的，且在上述任何一種情況下，他已採取在合理情況下其可能採取的一切步驟以確保不會觸犯任何罪行，則該人即可確立根據第 (1) 款的免責辯護。
- (3) 任何人如欲依賴一項涉及任何下述指稱的免責辯護——
 - (a) 觸犯該項罪行是由於另一人（並非根據其僱主的指示行事的人）的任何作為或不作為；或
 - (b) 他曾依賴另一人提供的資料，則除非他在聆訊前 7 整天已向檢控官送達通知，其內提供當其時他所得到的可供識別或協助識別該另一人的全部資料，否則他無權在沒有法庭許可的情況下，依賴該項免責辯護。

(4)-(6) (由 2024 年第 29 號第 5 條廢除)

- (b) (where the offence is in respect of the disposal of any imported waste referred to in section 20DA(2)) the convicted person,

shall be liable to the waste disposal authority for the cost of such seizure and disposal, including the cost of any transportation and storage, and such cost shall be recoverable as a civil debt due to the waste disposal authority.

(Amended 6 of 2006 s. 12)

20G. Defence of due diligence, etc.

- (1) A person charged with an offence under this Part has a defence if he proves that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) Without limiting the general nature of subsection (1), a person establishes the defence under that subsection if he proves—
 - (a) he acted under instructions from his employer; or
 - (b) he relied on information supplied by another person without reason to believe that the information was false or misleading,and in either case that he took all steps reasonably open to him to ensure that an offence would not be committed.
(Amended L.N. 29 of 2004)
- (3) If a person wishes to rely on a defence involving an allegation—
 - (a) that the commission of the offence was due to an act by or omission of another person (other than acting on the instructions of his employer); or
 - (b) that he relied on information supplied by another person,he is not entitled, without leave of the court, to rely on the defence unless 7 clear days before the hearing, he has served

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20H. 附表 6、7 及 7A 的修訂

(由 2024 年第 29 號第 6 條修訂)

廢物處置當局可藉憲報刊登公告修訂附表 6、7 或 7A。

(由 2024 年第 29 號第 6 條修訂)

20I. 釋義及適用範圍

(1) 在本部中，除文意另有所指外——

主管當局 (competent authority) 指主權國政府所指定的任何當局，該當局為負責在其政府所認為的地域內接收廢物越境移運的公告和接收與該等移運有關的資料，並負責就該等公告作出回應；

處置 (disposal, dispose of) 就廢物而言，指任何移交運作、貯存、再加工、循環再造、物料回收、擺放、毀滅、排放（不論是排放入水中或排放入下水道或排水渠或其他地方）或埋藏（不論是埋藏在地下或其他地方）；（由 2004 年第 17 號第 12 條修訂）

處置者 (disposer) 就輸入香港的廢物而言，指按輸入廢物許可證的申請所預期的方式，對廢物進行處置或再使用的人；

越境移運 (transboundary movement) 指廢物從一個國家或領土的司法管轄權下的地區移運到另一個國家或領土的司法管轄權下的地區，或移運到一個不在任何國家的司法管轄權下的地區，或指廢物從一個國家或領土的司法管轄權下的地區透過另一個國家或領土的司法管轄權下的地區，或透過一個不在任何國家的司法管轄權下的地區，

on the prosecutor a notice giving all information he then had that identifies or assists in identifying the other person.

(4)-(6) (*Repealed 29 of 2024 s. 5*)

20H. Amendment of Sixth Schedule, Seventh Schedule and Schedule 7A

(*Amended 29 of 2024 s. 6*)

The waste disposal authority may by notice published in the Gazette amend the Sixth Schedule, the Seventh Schedule or Schedule 7A.

(*Amended 29 of 2024 s. 6*)

20I. Interpretation and application

(1) In this Part, unless the context otherwise requires—

competent authority (主管當局) means such authority as may be designated by the government of a sovereign state to be responsible, within such geographical areas as that government deems, for receiving the notification of transboundary movement of waste, and any such information related to such movement, and for responding to such notification;

disposal (處置), in relation to waste, means any transfer operation, storage, reprocessing, recycling, material recovery, deposit, destruction, discharge (whether into water or into a sewer or drain or otherwise) or burial (whether underground or otherwise), and **dispose of** shall be construed accordingly;

disposer (處置者), in relation to waste imported into Hong Kong, means the person who carries out the disposal of the waste, or reuses the waste, in the manner contemplated in the application for a permit for the import of the waste;

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作出移運，而在以上的移運中均至少涉及 2 個該等國家或領土；

過境國 (state of transit) 指香港或輸出國或輸入國以外的任何國家、領土或地域，而越境移運廢物正透過該國家、領土或地域計劃進行或進行；

管理 (management) 就廢物而言，指對廢物的料理、運輸、處置或再使用；

輸入者 (importer) 就廢物而言，指任何安排將廢物輸入的人；

輸入香港 (import into Hong Kong) 就廢物而言，指將廢物或安排將廢物帶入香港，以在香港處置或再使用，或在並非任何國家的司法管轄權下的地區處置或再使用該等廢物之前進行裝載；

輸入國 (state of import) 就將廢物輸出香港而言，指計劃承受該項廢物輸出的國家、領土或地域，而該項廢物輸出的目的是在該國家、領土或地域內處置或再使用，或在並非任何國家的司法管轄權下的地區處置或再使用該等廢物之前進行裝載；

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export from Hong Kong (輸出香港), in relation to waste, means to take, or cause to be taken, out of Hong Kong any waste, but does not include a reference to waste which—

- (a) was brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remained at all times in or on the vessel, aircraft, train or vehicle in or on which it was brought into Hong Kong;

exporter (輸出者), in relation to waste, means any person who arranges for waste to be exported;

import into Hong Kong (輸入香港), in relation to waste, means to bring, or cause to be brought, into Hong Kong any waste for the purpose of disposal or reuse in Hong Kong or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;

importer (輸入者), in relation to waste, means any person who arranges for waste to be imported;

management (管理), in relation to waste, means the handling, transportation, disposal or reuse of the waste;

state of export (輸出國), in relation to the import of waste into Hong Kong, means a state, territory or geographical area from which such import is planned to be initiated or is initiated;

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輸出者 (exporter) 就廢物而言，指任何安排將廢物輸出的人；

輸出香港 (export from Hong Kong) 就廢物而言，指將廢物或安排將廢物從香港帶出，但不包括對於下列廢物的提述——

- (a) 該廢物被帶入香港僅為將其從香港帶出；及
- (b) 該廢物不論何時均留在將其帶入香港的船隻、飛機、火車或車輛之內或之上；

輸出國 (state of export)，就向香港輸入廢物而言，指計劃着手或正着手將該等廢物輸入香港的國家、領土或地域。

(2) 就本部而言，如廢物受某物質污染的程度——

- (a) 極大地提高該等廢物對人類健康、財產或環境的危害；或
- (b) 足以妨礙該等廢物以合乎環境衛生的方式再加工、循環再造、回收或再使用，

則該等廢物即屬受污染，而**未受污染** (uncontaminated) 就廢物而言，須據此解釋。

(3) 就本部而言，如任何廢物被管理或處置的方式，在切實可行的範圍內足以保護人類健康及環境免受任何可能由該等廢物而導致的不良影響，則該等廢物即為以合乎環境衛生的方式予以管理或處置。

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state of import (輸入國), in relation to the export of waste from Hong Kong, means a state, territory or geographical area to which such export is planned to take place for the purpose of disposal or reuse in that state, territory or geographical area or for the purpose of loading prior to disposal or reuse in an area not under the jurisdiction of any state;

state of transit (過境國) means any state, territory or geographical area, other than Hong Kong or the state of export or the state of import, through which a transboundary movement of waste is planned or takes place;

transboundary movement (越境移運) means any movement of waste from an area under the jurisdiction of one state or territory to or through an area under the jurisdiction of another state or territory, or to or through an area not under the jurisdiction of any state, where at least 2 such states or territories are involved in the movement.

(2) For the purposes of this Part, waste is contaminated if it is contaminated by a substance to an extent which—

- (a) significantly increases the risk to human health, property or the environment associated with the waste; or
- (b) prevents the reprocessing, recycling, recovery or reuse of the waste in an environmentally sound manner,

and **uncontaminated** (未受污染) in relation to waste shall be construed accordingly.

(3) For the purposes of this Part, waste is managed or disposed of in an environmentally sound manner if it is managed or disposed of in a manner which will, as far as is practicable, protect human health and the environment against any adverse effects which may result from such waste.

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- (4) 本部不適用於 ——
- (a) 由船隻、飛機、火車或車輛或其設備在其正常運作中衍生的廢物；及
 - (b) 在船隻、飛機、火車或車輛之內或之上帶入或帶出香港的廢物。
-

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- (4) This Part does not apply to waste that is—
- (a) derived from the normal operations of a vessel, aircraft, train or vehicle or its equipment; and
 - (b) brought into or taken out of Hong Kong in or on the vessel, aircraft, train or vehicle.
-

第 IVB 部**都市固體廢物收費***(第 IVB 部由 2021 年第 25 號第 4 條增補)***第 1 分部 —— 第 IVB 部的目的****20J. 第 IVB 部的目的**

- (1) 本部的目的，是為處置都市固體廢物設立一個按量收費計劃，以達致減少廢物。
- (2) 第 2 分部為強制於處置都市固體廢物時使用指定袋或指定標籤，訂定條文。
- (3) 第 3 分部規管指定袋及指定標籤的製造、出售及供應。
- (4) 第 4 分部載有雜項條文。

第 2 分部 —— 強制使用指定袋或指定標籤**20Q. 署長應申請批予第 20K、20L 或 20M 條的豁免**

- (1) 署長如信納批予豁免是合理的，可應某人 (**申請人**) 的申請，就擺放或運送符合以下說明的都市固體廢物向任何人批予豁免，使其無需受第 20K(1)、20L(1) 或 20M(1) 條規管 ——
 - (a) 為政府或代表政府收集的；或
 - (b) 在提供收集按理是適合循環再造的物料的服務的過程中，收集所得的。
- (2) 根據第 (1) 款提出的申請，須以署長指明的格式提出。

Part IVB**Charging for Municipal Solid Waste***(Part IVB added 25 of 2021 s. 4)***Division 1—Purpose of Part IVB****20J. Purpose of Part IVB**

- (1) The purpose of this Part is to establish a quantity-based charging scheme for the disposal of municipal solid waste to achieve waste reduction.
- (2) Division 2 provides for the mandatory use of designated bags or designated labels when disposing of municipal solid waste.
- (3) Division 3 regulates the production, sale and supply of designated bags and designated labels.
- (4) Division 4 contains miscellaneous provisions.

Division 2—Mandatory Use of Designated Bags or Designated Labels**20Q. Exemption from section 20K, 20L or 20M granted on application**

- (1) If satisfied that it is reasonable to do so, the Director may, on application by a person (**applicant**), exempt any person from section 20K(1), 20L(1) or 20M(1) in relation to any deposit or delivery of municipal solid waste that is collected—
 - (a) for or on behalf of the Government; or
 - (b) in the course of providing service for collecting material that is reasonably suitable for recycling.

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- (3) 署長須藉書面通知，將以下事宜告知申請人 ——
 - (a) 署長批予或拒絕批予豁免的決定；及
 - (b) 如署長拒絕批予豁免 —— 拒絕的理由。
- (4) 根據第 (1) 款批予的豁免，可受署長指明的條件規限。
- (5) 根據第 (1) 款批予的豁免，在署長指明的期間內有效，並可由署長續期。
- (6) 如有以下情況，署長可撤銷根據第 (1) 款批予的豁免 ——
 - (a) 申請人在該項豁免的申請中，提供任何在要項上屬虛假或具誤導性的資料；
 - (b) 根據第 (4) 款就該項豁免指明的條件遭違反；或
 - (c) 署長信納支持批予該項豁免的理據，已不復存在。
- (7) 署長如根據第 (6) 款撤銷某項豁免，須藉書面通知，將撤銷豁免一事及其理由，告知申請人。

20R. 署長主動批予第 20K、20L 或 20M 條的豁免

- (1) 在第 (2) 款的規限下，署長可主動豁免任何人或任何類別的人 (**獲豁免的人**)，使其無需受第 20K(1)、20L(1) 或 20M(1) 條規管。

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- (2) An application under subsection (1) must be made in the form specified by the Director.
- (3) The Director must, by written notice, inform the applicant of—
 - (a) the Director's decision to grant, or refuse to grant, the exemption; and
 - (b) if the Director refuses to grant the exemption—the reason for the refusal.
- (4) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (5) An exemption granted under subsection (1) is valid for a period specified by the Director and may be renewed by the Director.
- (6) The Director may revoke an exemption granted under subsection (1) if—
 - (a) in the application for the exemption, the applicant provided any information that was false or misleading in a material particular;
 - (b) any condition specified under subsection (4) for the exemption is contravened; or
 - (c) the Director is satisfied that there is no longer any justification for the exemption.
- (7) If an exemption is revoked under subsection (6), the Director must, by written notice, inform the applicant of the revocation and the reason for it.

20R. Exemption from section 20K, 20L or 20M granted on Director's own initiative

- (1) Subject to subsection (2), the Director may, on the Director's own initiative, exempt any person or class of persons (**exempted person**) from section 20K(1), 20L(1) or 20M(1).

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- (2) 署長除非信納以下任何一項條件獲符合，否則不得根據第 (1) 款批予豁免 ——
 - (a) 為公眾安全、環境衛生或保護環境，有必要批予該項豁免；或
 - (b) 由於有極為特殊的情況 ——
 - (i) 有關的人或有關類別的人遵守第 20K(1)、20L(1) 或 20M(1) 條並非切實可行；或
 - (ii) 期望有關的人或有關類別的人遵守第 20K(1)、20L(1) 或 20M(1) 條，實屬不合情理。
- (3) 署長須藉以下方式，將批予豁免的決定，告知獲豁免的人 ——
 - (a) 書面通知；或
 - (b) 如在有關情況下，發出書面通知並非切實可行 —— 署長認為適當的方式。
- (4) 根據第 (1) 款批予的豁免，可受署長指明的條件規限。
- (5) 根據第 (1) 款批予的豁免，在署長指明的期間內有效，並可由署長續期。
- (6) 如有以下情況，署長可撤銷根據第 (1) 款批予的豁免 ——
 - (a) 根據第 (4) 款就該項豁免指明的條件遭違反；或
 - (b) 署長信納支持批予該項豁免的理據，已不復存在。
- (7) 署長如根據第 (6) 款撤銷某項豁免，須藉以下方式，將撤銷豁免一事及其理由，告知獲豁免的人 ——
 - (a) 書面通知；或
 - (b) 如在有關情況下，發出書面通知並非切實可行 —— 署長認為適當的方式。

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- (2) The Director must not grant an exemption under subsection (1) unless the Director is satisfied that—
 - (a) the exemption is necessary for public safety, environmental hygiene or environmental protection; or
 - (b) due to exceptional circumstances—
 - (i) it is impracticable for the person or the class of persons to comply with section 20K(1), 20L(1) or 20M(1); or
 - (ii) it is unreasonable to expect such compliance.
- (3) The Director must inform the exempted person of the Director's decision to grant the exemption—
 - (a) by written notice; or
 - (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.
- (4) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (5) An exemption granted under subsection (1) is valid for a period specified by the Director and may be renewed by the Director.
- (6) The Director may revoke an exemption granted under subsection (1) if—
 - (a) any condition specified under subsection (4) for the exemption is contravened; or
 - (b) the Director is satisfied that there is no longer any justification for the exemption.
- (7) If an exemption is revoked under subsection (6), the Director must inform the exempted person of the revocation and the reason for it—
 - (a) by written notice; or

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第 3 分部 —— 指定袋及指定標籤

20S. 誰可製造、出售或免費供應

- (1) 署長可 ——
 - (a) 製造指定袋或指定標籤；
 - (b) 出售指定袋或指定標籤；及
 - (c) 免費供應指定袋或指定標籤。
- (2) 署長可按其指明的條款及條件，授權任何人 ——
 - (a) 製造指定袋或指定標籤；
 - (b) 出售指定袋或指定標籤；或
 - (c) 在牟利業務過程中，免費供應指定袋或指定標籤。
- (3) 凡署長就根據第 (2) 款批予的授權，指明條款或條件，如該等條款或條件遭違反，署長可撤銷該項授權。

20T. 署長可指明規定

署長可藉憲報公告，指明對指定袋及指定標籤的規定，包括它們的大小、形狀、設計及用料。

20U. 禁止未獲授權的人出售

- (1) 任何沒有根據第 20S(2)(b) 條獲授權的人，如出售任何指定袋或指定標籤，或要約出售任何指定袋或指定標籤，或為出售而展示任何指定袋或指定標籤，即屬犯罪。

- (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.

Division 3—Designated Bags and Designated Labels

20S. Who may produce, sell or supply for free

- (1) The Director may—
 - (a) produce designated bags or designated labels;
 - (b) sell designated bags or designated labels; and
 - (c) supply designated bags or designated labels for free.
- (2) The Director may, on the terms and conditions specified by the Director, authorize any person to—
 - (a) produce designated bags or designated labels;
 - (b) sell designated bags or designated labels; or
 - (c) supply, in the course of a profit-seeking business, designated bags or designated labels for free.
- (3) The Director may revoke an authorization granted under subsection (2) if any term or condition specified for the authorization is contravened.

20T. Director may specify requirements

The Director may, by notice published in the Gazette, specify requirements for designated bags and designated labels, including their sizes, shapes, designs and materials.

20U. Sale by unauthorized person prohibited

- (1) A person who is not authorized under section 20S(2)(b) commits an offence if the person sells, offers to sell or exhibits for the purpose of sale any designated bag or designated label.

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- (2) 然而，在以下情況下，第 (1) 款不適用 ——
- (a) 有關的人在業務過程中，提供或安排提供廢物收集服務；及
 - (b) 該人向上述服務的使用者，按附表 14 就有關指定袋或指定標籤而訂明的售價，出售該袋或標籤，或要約按該售價向該使用者出售該袋或標籤，或為按該售價向該使用者出售而展示該袋或標籤。
- (3) 任何人犯第 (1) 款所訂罪行 ——
- (a) 如屬首次定罪 —— 可處第 6 級罰款；
 - (b) 如屬再次定罪 —— 可處罰款 \$200,000。

20V. 禁止不按訂明售價出售

- (1) 任何根據第 20S(2)(b) 條獲授權的人，如按某一售價出售任何指定袋或指定標籤，或要約按某一售價出售任何指定袋或指定標籤，或為按某一售價出售而展示任何指定袋或指定標籤，而該某一售價，並非附表 14 就該袋或標籤而訂明的售價，該人即屬犯罪。
- (2) 任何根據第 20S(2)(b) 條獲授權的人，如向顧客提供符合以下說明的回贈或折扣，即屬犯罪 ——
- (a) 該項回贈或折扣的效果，是直接或間接抵銷某指定袋或指定標籤的售價或部分售價；及
 - (b) 該項回贈或折扣，並非普遍適用於該人要約出售的其他貨品。
- (3) 為免生疑問，如 ——
- (a) 任何人向任何賣方，購買任何指定袋或指定標籤；
 - (b) 該人由於該項購買，獲得某項優惠（不論可否轉讓），而該項優惠的實際效果，是在其後向該賣方購買任何貨品（不論是否指定袋或指定標籤）時，減低該貨品的售價；及

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- (2) However, subsection (1) does not apply if the person—
- (a) in the course of business, provides or arranges for the provision of a waste collection service; and
 - (b) sells, offers to sell or exhibits for the purpose of sale to a user of the service the designated bag or designated label at the price prescribed for the bag or label in Schedule 14.
- (3) A person who commits an offence under subsection (1) is liable—
- (a) on the first conviction—to a fine at level 6;
 - (b) on a subsequent conviction—to a fine of \$200,000.

20V. Sale at other than prescribed price prohibited

- (1) A person who is authorized under section 20S(2)(b) commits an offence if the person sells, offers to sell or exhibits for the purpose of sale any designated bag or designated label at a price other than the price prescribed for the bag or label in Schedule 14.
- (2) A person who is authorized under section 20S(2)(b) commits an offence if the person offers to a customer any rebate or discount that—
- (a) has the effect of directly or indirectly offsetting the price, or any part of the price, of a designated bag or designated label; and
 - (b) is not generally applicable to other goods offered for sale by the person.
- (3) To avoid doubt, if—
- (a) a person purchases any designated bag or designated label from a seller;

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- (c) 該項優惠是根據一項安排而提供的，而該項安排普遍適用於向該賣方購買貨品（不論是否指定袋或指定標籤），
則該項優惠不屬符合第 (2) 款所指的回贈或折扣。
- (4) 任何人犯第 (1) 或 (2) 款所訂罪行 ——
- (a) 如屬首次定罪 —— 可處第 6 級罰款；
- (b) 如屬再次定罪 —— 可處罰款 \$200,000。

20W. 禁止某些免費供應

- (1) 任何人在牟利業務過程中，免費供應任何指定袋或指定標籤，即屬犯罪。
- (2) 然而，在以下情況下，第 (1) 款不適用 ——
- (a) 有關的人根據第 20S(2)(c) 條獲授權；或
- (b) 該人提供或安排提供廢物收集服務，而有關指定袋或指定標籤，是為了就該項服務使用該袋或標籤而供應的。
- (3) 任何人犯第 (1) 款所訂罪行 ——
- (a) 如屬首次定罪 —— 可處第 6 級罰款；
- (b) 如屬再次定罪 —— 可處罰款 \$200,000。

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- (b) because of the purchase, the person receives a favour (whether or not transferable) that in effect reduces the price of an item (whether or not a designated bag or designated label) in a subsequent purchase from the seller; and
- (c) the favour is offered under an arrangement that is generally applicable to the purchase of goods (whether or not a designated bag or designated label) from the seller,
- the favour is not a rebate or discount that falls within subsection (2).
- (4) A person who commits an offence under subsection (1) or (2) is liable—
- (a) on the first conviction—to a fine at level 6;
- (b) on a subsequent conviction—to a fine of \$200,000.

20W. Certain free supply prohibited

- (1) A person commits an offence if the person supplies, in the course of a profit-seeking business, any designated bag or designated label for free.
- (2) However, subsection (1) does not apply if the person—
- (a) is authorized under section 20S(2)(c); or
- (b) provides or arranges for the provision of a waste collection service and supplies the designated bag or designated label for use in relation to the service.
- (3) A person who commits an offence under subsection (1) is liable—
- (a) on the first conviction—to a fine at level 6;
- (b) on a subsequent conviction—to a fine of \$200,000.

第 4 分部 —— 雜項條文

20X. 訂明標誌

- (1) 食環署長可藉憲報公告，訂明 ——
 - (a) 須在垃圾收集站展示的標誌，以及展示方式；
 - (b) 須在政府用廢物車輛上展示的標誌，以及展示方式；及
 - (c) 須在指明桶箱上展示的標誌，以及展示方式。
- (2) 署長可藉憲報公告，訂明須在設有壓縮裝置非政府用廢物車輛上展示的標誌，以及展示方式。

20ZA. 指定袋不受《產品環保責任條例》規限

為免生疑問，指定袋不屬《產品環保責任條例》(第 603 章)適用的塑膠購物袋。

Division 4—Miscellaneous Provisions

20X. Prescribed signs

- (1) The Director of FEH may, by notice published in the Gazette, prescribe—
 - (a) the sign to be exhibited at refuse collection points and the way of exhibition;
 - (b) the sign to be exhibited on waste vehicles in Government service and the way of exhibition; and
 - (c) the sign to be exhibited on specified bins and the way of exhibition.
- (2) The Director may, by notice published in the Gazette, prescribe the sign to be exhibited on waste vehicles in private use (with compactor) and the way of exhibition.

20ZA. Designated bag not subject to Product Eco-responsibility Ordinance

To avoid doubt, a designated bag is not a plastic shopping bag to which the Product Eco-responsibility Ordinance (Cap. 603) applies.

第 V 部**牌照***(格式變更——2018 年第 2 號編輯修訂紀錄)***21. 牌照的申請及批予**

- (1) 任何人如欲申請廢物收集牌照，須以廢物收集當局指明的表格向廢物收集當局申請。*(由 2006 年第 6 號第 13 條修訂)*
- (2) 任何人如欲申請廢物處置牌照，須以廢物處置當局指明的表格向廢物處置當局申請。*(由 2006 年第 6 號第 13 條修訂)*
- (3) 根據第 (1) 或 (2) 款提出的申請，須一併附交訂明的費用。*(由 1986 年第 8 號第 8 條修訂；由 1999 年第 78 號第 7 條修訂)*
- (4) 除第 21A 條另有規定外，有關的發牌當局可批予或拒絕批予牌照。*(由 1991 年第 86 號第 8 條修訂)*
- (5) 發牌當局如拒絕批予牌照，須在作出該項拒絕起計的 30 天內以書面通知申請人拒絕其申請，並告知其拒絕的理由。
- (6) 發牌當局如認為儘管有依據第 22 條授予或施加的任何授權或規定——
 - (a) 廢物收集或處置的運作不會達到下列條例所訂明的全部限度、規定、質素標準及質素目標——
 - (i) 《空氣污染管制條例》(第 311 章)；
 - (ii) 《水污染管制條例》(第 358 章)；及
 - (iii) 《噪音管制條例》(第 400 章)；或
 - (b) 由廢物收集或處置的運作產生的任何泄出物或排出物將會或相當可能會危害公眾衛生，或將會成為或

Part V**Licences***(Format changes—E.R. 2 of 2018)***21. Applications for and grant of licences**

- (1) A person who wishes to apply for a waste collection licence shall apply to the collection authority in such form as the collection authority may specify. *(Amended 6 of 2006 s. 13)*
- (2) A person who wishes to apply for a waste disposal licence shall apply to the waste disposal authority in such form as the waste disposal authority may specify. *(Amended 6 of 2006 s. 13)*
- (3) An application under subsection (1) or (2) shall be accompanied by the prescribed fee. *(Amended 8 of 1986 s. 8; 78 of 1999 s. 7)*
- (4) Subject to section 21A, the appropriate licensing authority may either grant or refuse to grant a licence. *(Amended 86 of 1991 s. 8)*
- (5) If he refuses to grant a licence, the licensing authority shall within 30 days of such refusal notify the applicant in writing of his refusal and shall inform him of his reasons therefor.
- (6) The licensing authority shall not grant a licence under this section where he considers that, notwithstanding any authorization or requirement conferred or imposed pursuant to section 22—
 - (a) the waste collection or disposal operation will not be able to achieve all the limits, and requirements, and quality standards and quality objectives prescribed in—
 - (i) the Air Pollution Control Ordinance (Cap. 311);

相當可能會成為污染環境的根源，或對鄰近地區的滋擾根源，

則不得根據本條批予牌照。(由 1995 年第 14 號第 4 條增補)

- (7) 廢物處置當局無須根據第 (2) 款考慮任何申請，除非該申請是由用作進行有關的廢物處置運作的土地或處所的業主或合法佔用人提出的，則屬例外。(由 1995 年第 14 號第 4 條增補。由 2006 年第 6 號第 13 條修訂)
- (8) 任何人在本條所指的申請中，或在與該等申請有關連的情況下，作出任何陳述(不論是口頭或書面陳述)，或提供任何資料，而——
- (a) 該等陳述或資料在要項上屬虛假或具誤導性；及
 - (b) 他知道或理應知道該等陳述或資料在該要項上屬虛假或具誤導性，
- 即屬犯罪，可處第 6 級罰款。(由 2006 年第 6 號第 13 條增補)

21A. 就化學廢物、醫療廢物、電器廢物或容器廢物批予廢物處置牌照的情況

(由 2016 年第 13 號第 13 條修訂)

在不局限第 21(4) 條的原則下，如有人就任何土地或處所申請廢物處置牌照，則除非發牌當局信納，該土地或處所備有廢物處置設施，而該設施——

- (a) 能在訂明的期間內，處置訂明的最低數量的化學廢物、醫療廢物、電器廢物或容器廢物(視情況所需而定)；或

- (ii) the Water Pollution Control Ordinance (Cap. 358); and
 - (iii) the Noise Control Ordinance (Cap. 400); or
- (b) any emission or discharge arising from the waste collection or disposal operation would be or would be likely to be a danger to public health, a source of pollution to the environment or a source of nuisance to the neighbouring area. (Added 14 of 1995 s. 4)
- (7) The waste disposal authority is not required to consider an application under subsection (2) unless it is made by the owner or lawful occupier of the land or premises used for the conduct of the waste disposal operation in question. (Added 14 of 1995 s. 4. Amended 6 of 2006 s. 13)
- (8) A person who, in or in connection with an application under this section, makes any statement (whether such statement be oral or written), or furnishes any information—
- (a) which is false or misleading in a material particular; and
 - (b) which he knows or reasonably ought to know is false or misleading in such particular,
- commits an offence, and is liable to a fine at level 6. (Added 6 of 2006 s. 13)

21A. Circumstances under which waste disposal licence for chemical waste, clinical waste, e-waste or container waste is to be granted

(Amended 13 of 2016 s. 13)

Without limiting section 21(4), if a person applies for a waste disposal licence in respect of any land or premises, the licensing authority must not grant the licence in respect of chemical waste, clinical waste, e-waste or container waste under that section unless

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(b) 能以訂明的其他方式，處置化學廢物、醫療廢物、電器廢物或容器廢物（視情況所需而定），

否則發牌當局不得根據該條，就化學廢物、醫療廢物、電器廢物或容器廢物批予該牌照。

(由 2016 年第 3 號第 18 條代替。由 2016 年第 13 號第 13 條修訂)

22. 牌照的效力

(1) 廢物收集牌照得在符合其條款及條件下和在其所指明的期間內，批准及規定以下全部或任何項目——（由 2006 年第 6 號第 15 條修訂）

- (a) 移去及處置住戶廢物、街道廢物、行業廢物、禽畜廢物或動物廢物；（由 1987 年第 58 號第 8 條修訂）
- (b) 清洗及清倒糞桶；
- (c) 清除水廁及化糞池的沉積物；
- (d) 移去和處置在該等糞桶、水廁及化糞池內的排泄物；
- (e) 收集或移去化學廢物或醫療廢物（視屬何情況而定）。（由 1991 年第 86 號第 10 條增補）

(2) 廢物處置牌照得在符合其條款及條件下和在其所指明的期間內，批准將有關土地或處所用作處置廢物。

(由 1991 年第 86 號第 10 條修訂；由 2006 年第 6 號第 15 條修訂)

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the licensing authority is satisfied that the land or premises has a waste disposal facility that— (*Amended 13 of 2016 s. 13*)

- (a) has the capacity to dispose of such minimum quantity of chemical waste, clinical waste, e-waste or container waste (as the case requires) and within such period as may be prescribed; or
- (b) is capable of disposing of chemical waste, clinical waste, e-waste or container waste (as the case requires) in such other manner as may be prescribed.

(*Replaced 3 of 2016 s. 18. Amended 13 of 2016 s. 13*)

22. Effect of licences

(1) A waste collection licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize and require all or any of the following— (*Amended 6 of 2006 s. 15*)

- (a) the removal and disposal of household waste, street waste, trade waste, livestock waste or animal waste; (*Amended 58 of 1987 s. 8*)
- (b) the cleansing and emptying of pail latrines;
- (c) the desludging of aqua privies and septic tanks;
- (d) the removal and disposal of excretal matter from such latrines, privies and tanks;
- (e) the collection or removal of chemical waste or clinical waste (as the case may be). (*Added 86 of 1991 s. 10*)

(2) A waste disposal licence shall, subject to the terms and conditions thereof and during the period specified therein, authorize the use of land or premises for the disposal of waste.

(*Amended 86 of 1991 s. 10; 6 of 2006 s. 15*)

23. 關於牌照的一般規定

- (1) 根據本條例發出的牌照，其有效期得為發牌的當局認為合適者，並且得受發牌的當局認為合適的條款及條件限制。
- (1A) 在不限制發牌的當局可在廢物收集牌照內載列的條款及條件的概括性質下，該當局可載列關乎附表 10 列出的事宜的條款及條件。（由 2006 年第 6 號第 16 條增補）
- (1B) 在不限制發牌的當局可在廢物處置牌照內載列的條款及條件的概括性質下，該當局可載列關乎附表 11 列出的事宜的條款及條件。（由 2006 年第 6 號第 16 條增補）
- (2) 根據本條例發出的牌照於期限屆滿時，可在提出申請及繳付訂明的收費後予以續期。
- (3) 凡根據本條例發出的牌照正在有效，而發牌的當局認為因公眾的利益乃屬於必要，則該當局可藉書面通知牌照持有人而作出以下事項——
 - (a) (i) 施加新的或修訂的條款或條件，並自指明的日期起，牌照須在遵從該等條款及條件的情況下，方繼續有效；
 - (ii) 如持牌人沒有遵從任何該等條款或條件，則自指明的日期起取消該牌照；
- (b) 自指明的日期起取消該牌照；
- (c) 撤銷或修訂或增補任何先前根據本款所發出的通知或其任何部分。
- (4) 除第 (5) 款另有規定外，為根據第 (3) 款 (a)(i) 或 (c) 段對任何條款或條件作出增補或修訂，或為根據第 (3)(b) 款將牌照取消，而在通知指明的日期，須由向該持牌人發出通知之日的翌日起計至少 90 天之後。
- (5) 凡發牌的當局認為如因為與某牌照有關的活動繼續進行，可能會危害公眾衛生，或可能會嚴重地損害受該等活動影響的範圍的市容，故此不應准許該等活動繼續而致有

23. General provisions as to licences

- (1) A licence issued under this Ordinance shall be for such period and may be subject to such terms and conditions as the authority issuing the same thinks fit.
- (1A) Without limiting the general nature of the terms and conditions which the authority may include in a waste collection licence, he may include terms and conditions relating to the matters set out in Schedule 10. (*Added 6 of 2006 s. 16*)
- (1B) Without limiting the general nature of the terms and conditions which the authority may include in a waste disposal licence, he may include terms and conditions relating to the matters set out in Schedule 11. (*Added 6 of 2006 s. 16*)
- (2) Any licence issued under this Ordinance may, upon its expiry, be renewed upon application and upon payment of the prescribed fee.
- (3) Where a licence issued under this Ordinance is in force and the authority by whom it was issued considers it necessary in the public interest, the authority may, by notice in writing, to the holder of the licence—
 - (a) (i) impose new or amended terms or conditions subject to the observance of which, as from a specified date, the licence shall continue in force;
 - (ii) cancel the licence as from a specified date if the holder fails to observe any such term or condition;
- (b) cancel the licence as from a specified date;
- (c) revoke or amend or add to any notice previously given under this subsection, or any part of such notice.
- (4) Subject to subsection (5), the date specified in a notice for the addition or amendment of any term or condition under

必要根據第 (3) 款 (a)(i) 或 (c) 段修訂或增補某項條款或條件，或根據第 (3)(b) 款取消牌照，則當局可行使上述任何權力，自情況需要之任何日期起生效，而無須遵從第 (4) 款的規定。 (由 2006 年第 6 號第 16 條修訂)

- (6) 凡根據第 (3) 款發出通知，獲發該通知的人可在通知發出後 30 天內，就為何不應施加任何新的或修訂的條款或條件，或就為何不應取消有關牌照，向發出該通知的當局提出書面意見。 (由 2006 年第 6 號第 16 條修訂)
- (7) 根據第 (3) 款發出通知並接獲任何人根據第 (6) 款提出的書面意見的當局，在考慮過該等意見後，可在該通知生效前的任何時間藉向該人發出進一步的通知而撤回該通知。 (由 2006 年第 6 號第 16 條修訂)
- (8) 任何獲批予廢物收集牌照或廢物處置牌照 (視屬何情況而定) 的人，如違反任何其在獲批予牌照方面所須符合的條款或條件，即屬犯罪 —— (由 2006 年第 6 號第 16 條修訂)
 - (a) 就廢物收集牌照而言 ——
 - (i) 如屬第一次定罪，可處第 6 級罰款； (編輯修訂 —— 2021 年第 5 號編輯修訂紀錄)
 - (ii) 如屬第二次定罪或其後定罪，可處罰款 \$200,000；及
 - (iii) 如屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天另處罰款 \$5,000；或
 - (b) 就廢物處置牌照而言 ——
 - (i) 如屬第一次定罪，可處罰款 \$200,000 及監禁 6 個月；
 - (ii) 如屬第二次定罪或其後定罪，可處罰款 \$500,000 及監禁 6 個月；及
 - (iii) 如屬持續的罪行，則在向法庭證明該罪行是持續的，並使法庭信納後，按持續犯罪期間每天

paragraph (a)(i) or (c) of subsection (3) or the cancellation of a licence under paragraph (b) thereof shall be not less than 90 days after the day on which the notice is given to the holder of the licence.

- (5) Where in the opinion of the authority by whom a licence is issued it is necessary to amend or add a term or condition under paragraph (a)(i) or (c) of subsection (3) or cancel a licence under paragraph (b) thereof because the continuation of the activities to which the licence relates would cause a danger to public health or would be so seriously detrimental to the amenities of the area affected by the activities that the continuation of them ought not to be permitted, he may exercise any of the said powers with effect from such date as the circumstances may require and shall not be bound to comply with subsection (4). (Amended 6 of 2006 s. 16)
- (6) Where a notice is given under subsection (3), the person to whom the notice is given may, within the period of 30 days after such notice is given, make written submissions to the authority by whom the notice was issued as to why any new or amended terms and conditions should not be imposed or as to why the licence should not be cancelled. (Amended 6 of 2006 s. 16)
- (7) The authority by whom a notice under subsection (3) is issued and to whom written submissions are made by any person under subsection (6) may, after considering such submissions, by further notice to the said person withdraw the notice at any time before it comes into effect. (Amended 6 of 2006 s. 16)
- (8) If any person who has been granted a waste collection licence or waste disposal licence (as the case may be) contravenes any term or condition subject to which the licence was granted to him, he commits an offence and is liable — (Amended 6 of 2006 s. 16)
 - (a) in the case of a waste collection licence —

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另處罰款 \$10,000。(由 1994 年第 28 號第 16 條增補)

- (i) for the first offence, to a fine at level 6; (*Amended E.R. 5 of 2021*)
 - (ii) for a second or subsequent offence, to a fine of \$200,000; and
 - (iii) in addition, if the offence is a continuing offence to a fine of \$5,000 for each day during which it is proved to the satisfaction of the court that the offence has continued; or
- (b) in the case of a waste disposal licence—
- (i) for the first offence, to a fine of \$200,000 and to imprisonment for 6 months;
 - (ii) for a second or subsequent offence, to a fine of \$500,000 and to imprisonment for 6 months; and
 - (iii) in addition, if the offence is a continuing offence to a fine of \$10,000 for each day during which it is proved to the satisfaction of the court that the offence has continued. (*Added 28 of 1994 s. 16*)
-

第 VA 部**執行**

(第 VA 部由 1987 年第 58 號第 9 條增補)
(格式變更——2018 年第 2 號編輯修訂紀錄)

23A. 獲授權人員

任何公職人員，均可由——

- (a) 署長；或
- (b) 廢物收集當局；或
- (c) 廢物處置當局，

以書面授權執行或行使本條例所委予或授予署長、廢物收集當局或廢物處置當局（視屬何情況而定）的全部或任何職能、職責或權力，或執行或行使憑藉本條例而可由獲授權人員行使的全部或任何職能、職責或權力。

23B. 當局獲得資料的權力

(1) 下列的當局，即——

- (a) 廢物收集當局；或
- (b) 廢物處置當局，

可藉向任何人送達書面通知而規定該人在通知書指明的時間內，按通知書所指明的格式，向作出該規定的當局提供通知書所指明的任何資料，而該等資料是當局為根據本條例行使其權力或執行其職能或職責而可合理規定者。

(2) 任何人——

Part VA**Enforcement**

(Part VA added 58 of 1987 s. 9)
(Format changes—E.R. 2 of 2018)

23A. Authorized officers

Any public officer may be authorized in writing by—

- (a) the Director; or
- (b) the collection authority; or
- (c) the waste disposal authority,

to perform or exercise all or any of the functions, duties or powers which are imposed or conferred by this Ordinance upon the Director, the collection authority or the waste disposal authority, as the case may be, by which the public officer is so authorized, or which by virtue of this Ordinance may be exercised by an authorized officer.

23B. Power of authority to obtain information

(1) By notice in writing served on any person—

- (a) the collection authority; or
- (b) the waste disposal authority,

may require that person to furnish to the authority so requiring, within such time and in such form as is specified in the notice, any information specified in the notice which that authority may reasonably require for the purpose of exercising and performing its functions, duties and powers under this Ordinance.

(2) A person who—

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- (a) 無合理辯解而沒有遵從根據第 (1) 款向其送達的通知書的任何規定；或
- (b) 在看來是遵從該通知書的規定時，向當局作出其知道是屬於關鍵性的不正確陳述，或罔顧後果地作出屬於關鍵性的不正確陳述，或明知而遺漏任何要項，即屬犯罪，可處第 6 級罰款。*(由 1994 年第 28 號第 17 條修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄)*

23C. 獲授權人員進入處所等的權力

- (1) 在不抵觸第 (2) 款的規定下，任何獲授權人員如有理由懷疑——
 - (a) 任何地方、處所、車輛或船隻正用作產生、收集、貯存、處理、運輸或處置任何廢物，或正用作與此有關連的用途；或
 - (b) 在任何地方、處所、車輛或船隻內，有任何物件相當可能是或相當可能含有犯本條例所訂罪行的證據，則為施行本條例，該獲授權人員可在未備手令的情況下進入該地方或處所，或截停該車輛，或截停和登上該船隻。
- (2) 任何獲授權人員，不得根據第 (1) 款進入任何住用處所 (不包括該等處所內設有廢物處理裝置或廢物貯存設施的部分) 或登上全部或主要作住宅用途的任何船隻，除非他已取得裁判官根據第 (3) 款為此目的而簽發的手令，則屬例外。
- (3) 裁判官如根據經宣誓而作的告發信納有合理理由懷疑——

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- (a) fails without reasonable excuse to comply with any of the requirements of a notice served on him under subsection (1); or
- (b) in purported compliance with such a notice, makes any statement to the authority which he knows to be incorrect in a material respect or recklessly makes any statement to the authority which is incorrect in a material respect or knowingly omits any material particular,

commits an offence and is liable to a fine at level 6. *(Amended 28 of 1994 s. 17; E.R. 5 of 2021)*

23C. Powers of authorized officers to enter premises, etc.

- (1) Subject to subsection (2), an authorized officer may, for the purposes of this Ordinance, without a warrant enter any place or premises, stop any vehicle, or stop and board any vessel if he has reason to suspect that—
 - (a) the place, premises, vehicle or vessel is being used for, or in connection with, the production, collection, storage, treatment, transportation or disposal of any waste; or
 - (b) there is in the place, premises, vehicle or vessel any thing likely to be, or to contain, evidence of an offence against this Ordinance.
- (2) An authorized officer shall not under subsection (1) enter any domestic premises (other than that part of such premises in or on which there is a waste treatment plant or facilities for the storage of any waste) or board any vessel used wholly or principally for dwelling purposes unless he has first obtained a warrant issued by a magistrate under subsection (3) for that purpose.

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- (a) 在任何住用處所或在全部或主要作住宅用途的船隻上有人正犯有或已犯有本條例所訂的罪行；及
- (b) 在任何住用處所或在全部或主要作住宅用途的船隻上有任何物件相當可能是或相當可能含有犯本條例所訂罪行的證據，
則可簽發手令予任何獲授權人員以進入該住用處所或登上該船隻。
- (4) 任何獲授權人員在進入任何地方或處所，以及在截停任何車輛或登上任何船隻時——
 - (a) 如被要求出示身分證明及出示其根據第 23A 條獲得授權的證明，須出示該等證明；及
 - (b) 在根據本條需有手令才可進入的情況下，如被要求出示手令，須出示該手令。

23D. 獲授權人員的其他權力

任何獲授權人員如已依據第 23C 條或依據按該條而簽發的任何手令，進入任何地方或處所，截停任何車輛或登上任何船隻，或該獲授權人員在其執行職責的過程中已獲容許進入任何地方、處所、車輛或船隻，則可——

- (a) 視察其內的任何廢物處理裝置或其他裝置或設備，或觀察他有理由懷疑正用於或曾用於或擬用於與任何廢物的收集、貯存、處理、運輸或處置有關連的任何工序或程序；
- (b) 規定他覺得是該地方、處所、車輛或船隻的負責人，作出該獲授權人員合理地認為為方便其根據 (a) 段視察或觀察而必須作出的任何事情；(由 1994 年第 28 號第 18 條修訂)

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- (3) A magistrate may issue a warrant to any authorized officer to enter domestic premises or to board any vessel used wholly or principally for dwelling purposes if the magistrate is satisfied by information on oath that there are reasonable grounds for suspecting that—
 - (a) an offence against this Ordinance is being or has been committed in or on those premises or on that vessel; and
 - (b) there is in or on those premises or on that vessel any thing likely to be, or to contain, evidence of an offence against this Ordinance.
- (4) An authorized officer who enters any place or premises, stops any vehicle or boards any vessel shall, if required—
 - (a) produce evidence of his identity and of his authorization under section 23A; and
 - (b) if a warrant is under this section required for entry, produce that warrant.

23D. Other powers of authorized officers

An authorized officer who has, pursuant to section 23C or any warrant issued thereunder, entered any place or premises, stopped any vehicle or boarded any vessel, or who has been allowed access to any place, premises, vehicle or vessel in the course of his duties, may—

- (a) inspect therein any waste treatment plant or other plant or equipment or observe any process or procedure which he has reason to suspect is being, has been, or is intended to be, used in connection with the collection, storage, treatment, transportation or disposal of any waste;
- (b) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to do anything which the authorized officer reasonably considers to be

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- (c) 規定他覺得是該地方、處所、車輛或船隻的負責人，將其所管有的或可合理取得的而與已根據 (a) 段視察的任何廢物處理裝置或其他裝置或設備有關的任何繪圖、紀錄或文件，出示檢查；(由 1994 年第 28 號第 18 條修訂)
- (d) 在他有理由懷疑根據 (c) 段出示的任何繪圖、紀錄或文件，或在該地方、處所、車輛或船隻內發現的任何其他物品或東西，是或含有犯本條例所訂罪行的證據的情況下，檢取、帶走及扣留該繪圖、紀錄、文件、物品或東西；(由 2006 年第 6 號第 17 條代替)
- (e) 檢查及複製依據本條例任何規定而備存的任何紀錄或根據本條例發出的任何牌照或許可證或批予的任何授權；(由 2006 年第 6 號第 17 條修訂)
- (f) 提取——
 - (i) 任何廢物或廢物成份的樣本，或任何被廢物污染的物體的樣本；或
 - (ii) 該獲授權人員有理由相信可能會根據第 17 條予以處置的任何廢物的樣本；(由 1994 年第 28 號第 18 條修訂)
- (g) 為獲得任何與犯本條例所訂罪行相關的證據而進行任何必需的試驗或拍攝任何相片；(由 1994 年第 28 號第 18 條增補。由 2013 年第 19 號第 6 條修訂)
- (h) 規定他合理懷疑已犯本條例所訂罪行或已違反根據第 33 條所訂任何規例的人，述明他的姓名及地址，和出示證明該姓名及地址的文件證據(包括根據《人事登記條例》(第 177 章)發出的身分證)，以供該獲授權人員查閱；及(由 1994 年第 28 號第 18 條增補。由 2006 年第 6 號第 17 條修訂；由 2013 年第 19 號第 6 條修訂)
- (i) 規定該人員合理地懷疑有在私人地段擺放建築廢物的人，出示關於有關擺放活動的第 16C 條所指的經

- necessary for facilitating an inspection or observation under paragraph (a); (*Amended 28 of 1994 s. 18*)
- (c) require the person who appears to him to be in charge of the place, premises, vehicle or vessel to produce for examination any drawing, record or document which is in the possession of such person, or which such person can reasonably obtain, relating to any waste treatment plant or other plant or equipment inspected under paragraph (a); (*Amended 28 of 1994 s. 18*)
- (d) seize, remove and detain any such drawing, record or document produced under paragraph (c) or any other article or thing found therein if he has reason to suspect that it is, or contains, evidence of an offence against this Ordinance; (*Amended 6 of 2006 s. 17*)
- (e) examine and make copies of any records kept pursuant to any requirement under this Ordinance or of any licence or permit issued or any authorization granted under this Ordinance; (*Amended 6 of 2006 s. 17*)
- (f) obtain samples of—
 - (i) any waste or any constituent of waste or of any matter contaminated thereby; or
 - (ii) any waste which he has reason to believe may be subject to disposal under section 17; (*Amended 28 of 1994 s. 18*)
- (g) carry out any necessary tests or take any photographs for the purposes of obtaining evidence in connection with any offence against this Ordinance; (*Added 28 of 1994 s. 18. Amended 19 of 2013 s. 6*)
- (h) require any person whom he reasonably suspects of having committed an offence against this Ordinance or of having contravened any regulation made under section 33 to state his name and address and to produce

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認收表格的正本或複本，以供該人員查閱。（由 2013 年第 19 號第 6 條增補）

23E. 樣本分析

- (1) 根據第 23D(f) 條從任何地方、處所、車輛或船隻提取的任何廢物或其他物體的樣本，如在本條所訂關於該樣本的程序已獲遵從或已在合理切實可行範圍內獲實質遵從的情況下，其分析證明書可在根據本條例進行的任何法律程序中作為證據，而該分析證明書即作為其內所述事實的證據，直至相反證明成立為止。
- (2) 任何獲授權人員如根據第 (1) 款提取任何廢物或其他物體的樣本，須——
 - (a) （由 2006 年第 6 號第 18 條廢除）
 - (b) 將該樣本放置在容器內，並在該容器上加上適當標記或標識；
 - (c) 確保從其中提取樣本的地方、處所、車輛或船隻的負責人，或其僱員或代理人——
 - (i) （由 2006 年第 6 號第 18 條廢除）
 - (ii) 獲告知該樣本是擬提交化驗師分析的；及
 - (d) 親自將該樣本提交化驗師分析。（由 2006 年第 6 號第 18 條修訂）

documentary evidence showing the name and address, including an identity card issued under the Registration of Persons Ordinance (Cap. 177), for inspection by the authorized officer; and (*Added 28 of 1994 s. 18. Amended 6 of 2006 s. 17; 19 of 2013 s. 6*)

- (i) require any person whom the officer reasonably suspects of having deposited construction waste on a private lot to produce the original or a copy of the acknowledged form within the meaning of section 16C for the depositing activity for inspection by the officer. (*Added 19 of 2013 s. 6*)

23E. Analysis of samples

- (1) A certificate of analysis of a sample of any waste or other matter obtained from any place, premises, vehicle or vessel under section 23D(f) may be tendered in evidence in any proceedings under this Ordinance and shall, until the contrary is proved, be evidence of the facts stated therein if the procedure in this section has been complied with, or substantially complied with so far as is reasonably practicable, in relation to that sample.
- (2) An authorized officer who obtains a sample of any waste or other matter under subsection (1) shall—
 - (a) (*Repealed 6 of 2006 s. 18*)
 - (b) place the sample in a container and suitably mark or label the container;
 - (c) ensure that the person in charge of the place, premises, vehicle or vessel from which the sample is obtained or his employee or agent—
 - (i) (*Repealed 6 of 2006 s. 18*)
 - (ii) is informed that the sample is intended to be submitted to the analyst for analysis; and

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- (3) 化驗師一俟根據第 (2)(d) 款完成分析，即須將載有分析結果的證明書提交予廢物收集當局或廢物處置當局（視屬何情況而定），以及提交予從其中提取樣本的地方、處所、車輛或船隻的負責人或其僱員或代理人。
- (4) 根據第 (3) 款發出的證明書，須由化驗師簽署，但有關的分析可由根據該化驗師指示而行事的人作出；任何看來是由該化驗師簽署的證明書，均須推定是由該化驗師簽署，直至相反證明成立為止。
- (5) 為施行本條，行政長官可藉憲報刊登的公告委任任何人為化驗師。（由 2024 年第 21 號第 78 條修訂）

23EA. 署長在有不良環境影響的迫切風險下移去廢物的權力

- (1) 如署長有合理理由相信——
 - (a) 有人已在某地方犯第 16A 或 16B 條所訂罪行；（由 2013 年第 19 號第 7 條修訂）
 - (b) 在該地方擺放的廢物相當可能產生有不良環境影響的迫切風險；及
 - (c) 有需要立即採取行動以減低或消除該風險，則署長可進入該地方移去該廢物。
- (2) 如任何人就署長已根據第 (1) 款移去的廢物而被裁定犯第 16A 或 16B 條所訂罪行，則裁判官可應署長的申請作出命令，飭令該人向署長繳付署長為移去該廢物而合理地招致的任何開支。（由 2013 年第 19 號第 7 條修訂）

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- (d) personally submit the sample to the analyst for analysis.
(Amended 6 of 2006 s. 18)
- (3) As soon as the analyst has completed an analysis under subsection (2)(d) he shall furnish to the collection authority or the waste disposal authority, as the case may be, and to the person in charge of the place, premises, vehicle or vessel from which the sample was obtained or his employee or agent, a certificate of the results of the analysis.
- (4) A certificate under subsection (3) shall be signed by the analyst but the analysis may be made by a person acting under the directions of the analyst and any certificate purporting to be signed by the analyst shall be presumed, until the contrary is proved, to have been signed by him.
- (5) The Chief Executive may, by notice published in the Gazette, appoint any person to be an analyst for the purposes of this section. (Amended 21 of 2024 s. 78)

23EA. Director's power to remove waste in case of imminent risk of adverse environmental impact

- (1) If the Director has reasonable grounds to believe that—
 - (a) an offence under section 16A or 16B has been committed in a place; (Amended 19 of 2013 s. 7)
 - (b) the waste deposited in the place is likely to give rise to an imminent risk of adverse environmental impact; and
 - (c) action needs to be taken immediately to reduce or eliminate that risk,then the Director may enter the place to remove the waste.
- (2) If a person is convicted of an offence under section 16A or 16B in respect of waste that has been removed by the Director under subsection (1), the magistrate may, on application by the Director, order the person to pay the

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- (3) 署長不得根據第 (1) 款進入任何住用處所，但如署長事先已取得裁判官根據第 (4) 款為該目的而簽發的手令，則屬例外。
- (4) 如裁判官根據經宣誓而作的告發，信納有合理理由相信——
- (a) 有人已在任何住用處所或在須經由該處所方可到達的地方犯第 16A 或 16B 條所訂罪行；(由 2013 年第 19 號第 7 條修訂)
- (b) 在該處所或地方擺放的廢物相當可能產生有不良環境影響的迫切風險；及
- (c) 有需要立即採取行動以減低或消除該風險，則裁判官可為施行第 (1) 款的目的而簽發手令予署長以進入該處所。
- (5) 凡署長按照根據第 (4) 款簽發的手令進入任何住用處所，當他被要求出示手令時，他須出示該手令。
- (6) 就本條而言，凡提述住用處所，則包括提述私人土地上的住宅地方。

(由 2004 年第 17 號第 5 條增補)

23F. 與執行權力有關的罪行

任何人——

- (a) 在下列的當局或人員根據本部行使其權力或職責時——
- (i) 廢物收集當局；或

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Director any expenses reasonably incurred by him in carrying out the removal. (*Amended 19 of 2013 s. 7*)

- (3) The Director shall not under subsection (1) enter any domestic premises unless he has first obtained a warrant issued by a magistrate under subsection (4) for that purpose.
- (4) A magistrate may, for the purpose of subsection (1), issue a warrant to the Director to enter any domestic premises if the magistrate is satisfied by information on oath that there are reasonable grounds to believe that—
- (a) an offence under section 16A or 16B has been committed in those premises, or in a place that is accessible only through those premises; (*Amended 19 of 2013 s. 7*)
- (b) the waste deposited in those premises or in that place is likely to give rise to an imminent risk of adverse environmental impact; and
- (c) action needs to be taken immediately to reduce or eliminate that risk.
- (5) Where the Director enters any domestic premises in accordance with a warrant issued under subsection (4), he shall, if required, produce that warrant.
- (6) For the purposes of this section, a reference to domestic premises includes a reference to a dwelling place on any private land.

(*Added 17 of 2004 s. 5*)

23F. Offences in relation to enforcement powers

A person who—

- (a) wilfully obstructs—
- (i) a collection authority; or

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- (ii) 廢物處置當局；或
- (iii) 任何獲授權人員，
故意阻撓該當局或該人員；或
- (b) 無合理辯解而沒有遵從由下列的當局或人員根據本部妥善作出的規定——
 - (i) 廢物收集當局；
 - (ii) 廢物處置當局；或
 - (iii) 任何獲授權人員；或
- (c) 在看來是遵從任何該等規定時，出示其知道在要項上是不正確或不準確的繪圖、文件或紀錄，或出示其並不相信在要項上是正確或準確的繪圖、文件或紀錄，

即屬犯罪，可處第 6 級罰款。

(由 1994 年第 28 號第 19 條修訂；編輯修訂——2021 年第 5 號編輯修訂紀錄)

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- (ii) a waste disposal authority; or
- (iii) any authorized officer,
in the exercise of the authority's or the officer's powers or duties under this Part; or
- (b) fails without reasonable excuse to comply with any requirement duly made under this Part by—
 - (i) a collection authority;
 - (ii) a waste disposal authority; or
 - (iii) any authorized officer; or
- (c) in purported compliance with any such requirement produces any drawing, document or record which he knows to be incorrect or inaccurate in a material particular or does not believe to be correct and accurate, commits an offence and is liable to a fine at level 6.

(Amended 28 of 1994 s. 19; E.R. 5 of 2021)

第 VI 部**上訴***(格式變更——2018 年第 2 號編輯修訂紀錄)***24. 何時可提出上訴**

- (1) 任何人如因公職人員或廢物收集當局或廢物處置當局或署長根據以下任何條文作出的決定或指示感到受屈，可向根據第 25 條設立的上訴委員會提出上訴——(由 1991 年第 86 號第 11 條修訂)
- (aa) 第 15F 條 (拒絕批予或撤銷授權書)；(由 1994 年第 28 號第 20 條增補)
- (ab) 第 15G 條 (關於禽畜廢物污染的指示)；(由 1994 年第 28 號第 20 條增補)
- (a) 第 17(1) 條 (關於廢物處置的指示)；
- (b) 第 20A(3) 及 20B(3) 條 (拒絕發出許可證讓廢物輸入或輸出香港或訂定該等許可證的條件 (包括憑藉第 20D 條當作適用的任何條件))；(由 1995 年第 14 號第 5 條代替)
- (ba) 第 20C(1)(a) 條 (更改、暫時吊銷或撤銷許可證)；(由 1995 年第 14 號第 5 條增補)
- (bb) 第 20C(1)(b) 條 (撤銷對許可證的暫時吊銷)；(由 1995 年第 14 號第 5 條增補)
- (bc) 第 20DA(4)(a) 條 (訂定批予處置進口廢物的授權的條件)；(由 2006 年第 6 號第 19 條增補)
- (bd) 第 20DA(4)(b) 條 (拒絕批予處置進口廢物的授權)；(由 2006 年第 6 號第 19 條增補)

Part VI**Appeals***(Format changes—E.R. 2 of 2018)***24. When appeal may be brought**

- (1) A person who is aggrieved by a decision or direction of a public officer or a collection authority or waste disposal authority or the Director under any of the following provisions may appeal to the Appeal Board established under section 25— *(Amended 86 of 1991 s. 11)*
- (aa) section 15F (refusing to grant or revocation of written authorization); *(Added 28 of 1994 s. 20)*
- (ab) section 15G (directions as to livestock waste pollution); *(Added 28 of 1994 s. 20)*
- (a) section 17(1) (directions as to disposal of waste);
- (b) sections 20A(3) and 20B(3) (refusing to issue a permit for the import of waste into or the export of waste from Hong Kong or fixing the conditions of such a permit (including any condition deemed to apply by virtue of section 20D)); *(Replaced 14 of 1995 s. 5)*
- (ba) section 20C(1)(a) (varying, suspending or revoking a permit); *(Added 14 of 1995 s. 5)*
- (bb) section 20C(1)(b) (revoking the suspension of a permit); *(Added 14 of 1995 s. 5)*
- (bc) section 20DA(4)(a) (fixing the conditions of an authorization for disposal of imported waste); *(Added 6 of 2006 s. 19)*
- (bd) section 20DA(4)(b) (refusing to grant an authorization for disposal of imported waste); *(Added 6 of 2006 s. 19)*

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- (be) 第 20S(2) 及 (3) 條 (拒絕批予或撤銷製造、出售或免費供應指定袋或指定標籤的授權); (由 2021 年第 25 號第 5 條增補)
- (c) 第 21(4) 及 21A 條 (拒絕批予牌照); (由 1991 年第 86 號第 11 條修訂)
- (d) 第 23(1) 條 (確定牌照的條款及條件);
- (e) 第 23(3)(a)(i) 條 (為使牌照繼續有效而施加新的或修訂的條款或條件);
- (f) 第 23(3)(a)(ii) 及 23(3)(b) 條 (取消牌照);
- (g) 第 23(3)(c) 條 (對通知的撤銷、修訂或增補)。 (由 1991 年第 86 號第 11 條修訂; 由 2004 年第 17 號第 6 條修訂)
- (h) (由 2004 年第 17 號第 6 條廢除)
- (1A) 除第 (1B) 款另有規定外, 任何人如因署長依據在第 33 條下訂立的規例而作出的決定或指示感到受屈, 亦可向根據第 25 條設立的上訴委員會提出上訴。 (由 2004 年第 17 號第 6 條增補)
- (1B) 任何人不得根據第 (1A) 款就下述任何事項提出上訴 ——
 - (a) 署長是否於某指定廢物處置設施接收任何廢物的決定;
 - (b) 署長對是否就於某藉根據第 33 條訂立的規例訂明的廢物處置設施接收處置的任何廢物或任何類別的廢物而徵收費用的決定。 (由 2004 年第 17 號第 6 條增補)
- (2) 根據第 (1) 或 (1A) 款提出的上訴, 須在感到受屈的人接獲決定或指示的通知後 21 天內提出。 (由 2004 年第 17 號第 6 條修訂)
- (3) 如上訴所針對的決定, 是根據第 (1)(e)、(f) 或 (g) 款所提及的條文而作出的, 則該項決定的通知須自上訴通知書的發出日期起暫停生效, 直至該上訴已予處置、撤回或放棄為止, 但如有以下情況, 則屬例外 ——

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- (be) section 20S(2) and (3) (refusing to grant, or revoking, an authorization to produce, sell or supply for free designated bags or designated labels); (Added 25 of 2021 s. 5)
- (c) sections 21(4) and 21A (refusing to grant a licence); (Amended 86 of 1991 s. 11)
- (d) section 23(1) (fixing terms and conditions of licence);
- (e) section 23(3)(a)(i) (imposing new or amended terms or conditions for continuance of licence);
- (f) sections 23(3)(a)(ii) and 23(3)(b) (cancelling a licence);
- (g) section 23(3)(c) (revoking, amending or adding to a notice). (Amended 86 of 1991 s. 11; 17 of 2004 s. 6)
- (h) (Repealed 17 of 2004 s. 6)
- (1A) Subject to subsection (1B), a person who is aggrieved by a decision or direction of the Director made pursuant to regulations made under section 33 may also appeal to the Appeal Board established under section 25. (Added 17 of 2004 s. 6)
- (1B) No appeal lies under subsection (1A) from any of the following—
 - (a) the Director's decision whether or not to accept any waste at a designated waste disposal facility;
 - (b) the Director's decision whether or not a charge is to be imposed in respect of any waste or class of waste accepted for disposal at a waste disposal facility as may be prescribed by regulations made under section 33. (Added 17 of 2004 s. 6)
- (2) An appeal under subsection (1) or (1A) shall be made within 21 days after the person aggrieved has received notice of the decision or direction. (Amended 17 of 2004 s. 6)

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- (a) 作出該項決定的當局認為就該項通知所指的牌照而言，該項通知所指的活動如繼續進行，會導致對公眾衛生造成危害，或對受該等活動影響的範圍的市容造成嚴重損害，因而有必要作出該項決定；及
- (b) 該項通知載有表明如此意思的陳述。
- (4) 不得根據第 (1)(ab) 款提出上訴，唯基於以下理由則不在此限——
 - (a) 本條例的條款並無為通知書的送達提供依據；
 - (b) 在通知書的格式或內容或送達方面，曾出現關鍵性不符合規格、不妥善或錯誤的情形；或
 - (c) 通知書原應送達某人而非上訴人。(由 1994 年第 28 號第 20 條增補)

25. 上訴委員會的設立

- (1) 根據第 24 條作出的每一項上訴，須由根據本部設立的上訴委員會裁定。
- (2) 行政長官須委任一名具法律專業資格的人為上訴委員會主席。(由 2024 年第 21 號第 78 條修訂)
- (3) 除第 27(3) 條另有規定外，上訴委員會主席的任期為不超過 3 年，但可再被委任。(由 1995 年第 14 號第 6 條修訂)

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- (3) Where the decision appealed from was made under a provision mentioned in subsection (1)(e), (f) or (g) the notice thereof shall be suspended from the day on which notice of appeal is given and until the appeal is disposed of, withdrawn or abandoned, unless—
 - (a) the decision is considered by the authority whose decision it is to be necessary because in relation to a licence to which the notice relates the continuation of the activities to which the notice relates would cause a danger to public health or be seriously detrimental to the amenities of the area affected by the activities; and
 - (b) the notice contains a statement to that effect.
- (4) No appeal may be made under subsection (1)(ab) except on the following grounds—
 - (a) that the service of the notice is not justified by the terms of this Ordinance;
 - (b) that there has been some material informality, defect or error in the form or content of the notice or in connection with the service of the notice; or
 - (c) that the notice should have been served on some person other than the appellant. (Added 28 of 1994 s. 20)

25. Constitution of Appeal Board

- (1) Every appeal under section 24 shall be determined by an Appeal Board constituted under this Part.
- (2) The Chief Executive shall appoint as Chairman of Appeal Boards a person who is qualified in law. (Amended 21 of 2024 s. 78)
- (3) Subject to section 27(3), the Chairman shall be appointed for a term of not more than 3 years but may be reappointed. (Amended 14 of 1995 s. 6)

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- (4) 行政長官亦須委任一組成員，而此組成員是行政長官認為適合依據第 26(1) 條委任為上訴委員會委員者。(由 2024 年第 21 號第 78 條修訂)
- (4A) 該小組的成員獲委任的任期不得超過 3 年，但可再獲委任。(由 1995 年第 14 號第 6 條增補)
- (5) 第 (2) 款所指的委任及第 (4) 款所指小組成員的委任，均須在憲報公告週知。
- (6) 第 (2) 款及第 27(1) 條內，**具法律專業資格** (qualified in law) 一詞指具有根據《區域法院條例》(第 336 章) 第 5 條獲委為區域法院法官的資格。(由 1998 年第 25 號第 2 條修訂)

26. 上訴委員會審裁權的行使

- (1) 上訴委員會就任何一項或一組上訴而具有的審裁權，須由主席及由主席為該項或該組上訴而從第 25(4) 條所提述的小組成員中委出的若干成員行使。
- (2) 對於任何上訴，上訴委員會均可維持、推翻或更改上訴所針對的決定或指示。
- (3) 上訴委員會聆訊的每個問題，均須由主席及聆訊該項上訴的委員所作的過半數意見裁定，但法律問題則須由上訴委員會主席裁定；如投票表決的票數相等，則上訴委員會主席有權投決定票。
- (4) 上訴委員會不論何時均不得包括過半數公職人員。
- (5) 上訴委員會可——
 - (a) 接受經宣誓後作出的證供；
 - (b) 接納或考慮任何不論是否會獲法庭接納為證據的陳述書、文件、資料或事宜；及

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- (4) The Chief Executive shall also appoint a panel of persons whom he considers to be suitable for appointment as members of an Appeal Board pursuant to section 26(1). (*Amended 21 of 2024 s. 78*)
- (4A) A member of the panel shall be appointed for a term of not more than 3 years but may be reappointed. (*Added 14 of 1995 s. 6*)
- (5) An appointment under subsection (2) and every appointment to the panel under subsection (4) shall be notified in the Gazette.
- (6) In subsection (2) and in section 27(1) **qualified in law** (具法律專業資格) means qualified for appointment as a District Judge under section 5 of the District Court Ordinance (Cap. 336).

26. Exercise of Appeal Board's jurisdiction

- (1) The jurisdiction of an Appeal Board on any appeal or group of appeals shall be exercised by the Chairman and such number of persons from the panel referred to in section 25(4) as the Chairman may appoint for that appeal or group of appeals.
- (2) On any appeal an Appeal Board may confirm, reverse or vary the decision or direction appealed from.
- (3) Every question before an Appeal Board shall be determined by the opinion of the majority of the Chairman and the members hearing the appeal except a question of law which shall be determined by the Chairman; in the event of an equality of votes the Chairman shall have a casting vote.
- (4) An Appeal Board shall not at any time consist of a majority of persons who are public officers.
- (5) An Appeal Board may—

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- (c) 藉書面通知而傳召任何人到委員會席前出示任何文件或作供。
- (6) 主席可就本條例未有規定的常規或程序的形式或事宜，作出決定。

- (a) receive evidence on oath;
- (b) admit or take into account any statement, document, information or matter whether or not it would be admissible as evidence in a court of law; and
- (c) by notice in writing summon any person to appear before it to produce any document or to give evidence.
- (6) The Chairman may determine any form or matter of practice or procedure in so far as no provision is made therefor in this Ordinance.

27. 關於上訴委員會的補充條文

- (1) 如主席因病或因不在香港或任何其他原因而不能行使其職能，行政長官可委任其他具法律專業資格的人出任上訴委員會主席，並以主席的身分在此段任職期間行使及執行主席的全部權力、職能及職責。(由 2024 年第 21 號第 78 條修訂)
- (2) 任何人獲主席根據第 26(1) 條委任聆訊一項或一組上訴，如因病或因不在香港或任何其他原因以致不能行使其職能，主席可從第 25(4) 條規定的小組成員中委任其他人取代其位置而行事。
- (3) 主席可隨時藉書面通知行政長官而辭職。(由 2024 年第 21 號第 78 條修訂)
- (4) 即使上訴委員會的委員有所改變，上訴聆訊仍可繼續進行，猶如改變不曾發生一樣：
但如上訴委員會已開始聆訊上訴，倘無各方同意，則不得委任任何人為該委員會的委員。

27. Supplementary provisions as to Appeal Board

- (1) If the Chairman is precluded by illness, absence from Hong Kong or any other cause from exercising his functions the Chief Executive may appoint any other person qualified in law to act as Chairman and as such to exercise and perform all of the powers, functions and duties of the Chairman during the period of his appointment. (Amended 21 of 2024 s. 78)
- (2) If a person appointed by the Chairman under section 26(1) to hear an appeal or group of appeals is precluded by illness, absence from Hong Kong, or any other cause from exercising his functions, the Chairman may appoint any other person from the panel provided for in section 25(4) to act in his place.
- (3) The Chairman may at any time resign his office by notice in writing to the Chief Executive. (Amended 21 of 2024 s. 78)
- (4) The hearing of an appeal may be continued notwithstanding any change in the membership of an Appeal Board as if the change had not occurred:

Provided that no person shall be appointed as a member of an Appeal Board before which the hearing of an appeal has been commenced without the consent of the parties.

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28. (由 1997 年第 10 號第 2 條廢除)

29. 可作案件呈述

- (1) 在裁定一項上訴前，主席可自行以呈述案件的方式，將任何法律問題轉呈上訴法庭。
 - (2) 上訴法庭聆訊該案件時，可修訂該案件，或命令將之送回上訴委員會修訂。
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28. *(Repealed 10 of 1997 s. 2)*

29. Case may be stated

- (1) The Chairman may of his own motion, before an appeal is determined, refer any question of law to the Court of Appeal by way of case stated.
 - (2) On the hearing of the case the Court of Appeal may amend the case or order it to be sent back to the Appeal Board for amendment.
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第 VII 部**雜項***(格式變更——2018 年第 2 號編輯修訂紀錄)***30. 行政長官可發出指示***(由 2024 年第 21 號第 78 條修訂)*

- (1) 在公職人員根據本條例行使或執行權力、職能或職責方面，行政長官可發出其認為適當的指示；該等指示可以是概括性的，亦可以是就個別情況而發出的。
- (2) 公職人員在根據本條例行使其權力和履行其職能及職責時，須遵從行政長官根據第 (1) 款發出的指示。

*(由 2024 年第 21 號第 78 條修訂)***31. 本條例所訂的某些罪行的精神因素**

在為第 11、15、15A、15AA、16、16A、16B、16C(7)、17、18A、20E 或 23 條所訂罪行而進行的法律程序中，對於案中所指的作為或不作為，控方無須證明被告在就該罪行的任何要素方面是帶有任何意圖、知情或疏忽的成分。

(由 1987 年第 58 號第 10 條修訂；由 1994 年第 28 號第 21 條修訂；由 1995 年第 14 號第 7 條修訂；由 2004 年第 17 號第 7 條修訂；由 2013 年第 19 號第 8 條修訂)

32. 對特區政府等的保障*(由 2024 年第 21 號第 78 條修訂)***Part VII****Miscellaneous***(Format changes—E.R. 2 of 2018)***30. Chief Executive may give directions***(Amended 21 of 2024 s. 78)*

- (1) The Chief Executive may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by any public officer of any powers, functions or duties under this Ordinance.
- (2) A public officer shall, in the discharge of his powers, functions and duties under this Ordinance, comply with any directions given by the Chief Executive under subsection (1).

*(Amended 21 of 2024 s. 78)***31. Mental ingredients of certain offences under the Ordinance**

In any proceedings for an offence under section 11, 15, 15A, 15AA, 16, 16A, 16B, 16C(7), 17, 18A, 20E or 23 it shall not be necessary for the prosecution to prove that the acts or omissions in question were accompanied by any intention, knowledge or negligence on the part of the defendant as to any element of the offence.

(Amended 58 of 1987 s. 10; 28 of 1994 s. 21; 14 of 1995 s. 7; 17 of 2004 s. 7; 19 of 2013 s. 8)

32. Protection of Government, etc.*(Amended 21 of 2024 s. 78)*

- (1) No liability shall rest on the Government or upon any public officer by reason of the fact that any waste collection or waste

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- (1) 特區政府或任何公職人員，無須因為任何廢物收集牌照或廢物處理牌照是根據本條例發出而承擔任何法律責任。(由 1986 年第 8 號第 8 條修訂)
 - (2) 公職人員如誠信其任何作為或不作為，是在根據本條例行使其任何權力或執行其任何職能或職責時所規定或所獲授權的，則其個人無須對該作為或不作為承擔法律責任。
 - (3) 就任何作為或不作為而由第 (2) 款授予公職人員的保障，在任何方面均不影響特區政府對該作為或不作為所承擔的任何法律責任。(由 1986 年第 8 號第 8 條修訂)
- (由 1999 年第 78 號第 7 條修訂；由 2024 年第 21 號第 78 條修訂)

33. 規例

- (1) 行政長官會同行政會議可在諮詢環境諮詢委員會後，對以下事項訂定規例——(由 1984 年第 165 號法律公告修訂；由 1986 年第 8 號第 8 條修訂；由 1994 年第 57 號法律公告修訂；由 1997 年第 631 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2024 年第 21 號第 78 條修訂)
 - (a) 根據第 3 條所擬備的廢物處置計劃草案對其他廢物或其他類別的廢物的適用；
 - (b) 用以貯存動物廢物的容器或圍場的設計及構造或建造；
 - (ba) 禽畜飼養場內用以貯存禽畜廢物的容器的容量、設計、類型、數量、構造及構造材料；(由 1987 年第 58 號第 11 條增補)
 - (bb) 禽畜飼養場外用以收集禽畜廢物的容器的容量、設計、類型、數量、構造及構造材料；(由 1987 年第 58 號第 11 條增補)
 - (c) 為防止對公眾衛生的危害或防止因廢物引起的污染危險而採取的預防措施；

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- disposal licence is issued under this Ordinance. (*Amended 8 of 1986 s. 8*)
- (2) A public officer shall not be personally liable in respect of any act or omission of his if it was done or made by him in the honest belief that it was required or authorized in exercise of any power, function or duty of his under this Ordinance.
 - (3) The protection conferred on public officers by subsection (2) in respect of any act or omission shall not in any way affect any liability of the Government for that act or omission. (*Amended 8 of 1986 s. 8*)
- (*Amended 78 of 1999 s. 7; 21 of 2024 s. 78*)

33. Regulations

- (1) The Chief Executive in Council may after consultation with the Advisory Council on the Environment by regulation provide for— (*Amended L.N. 165 of 1984; 8 of 1986 s. 8; L.N. 57 of 1994; 78 of 1999 s. 7; 21 of 2024 s. 78*)
 - (a) the additional wastes or classes of waste to which a draft waste disposal plan under section 3 shall apply;
 - (b) the design and construction of containers or enclosures for the storage of animal waste;
 - (ba) the capacity, design, type, number, construction and materials used in the construction of containers provided in or on livestock premises for the storage of livestock waste; (*Added 58 of 1987 s. 11*)
 - (bb) the capacity, design, type, number, construction and materials used in the construction of containers provided outside livestock premises for the collection of livestock waste; (*Added 58 of 1987 s. 11*)
 - (c) the precautions to be taken to guard against dangers to public health or risks of pollution arising from waste;

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- (ca) 授權任何人提供收集或移去化學廢物或醫療廢物的服務而無須為此領有牌照；(由 2006 年第 6 號第 20 條增補)
- (d) 根據第 16 條可無須牌照而處置的廢物或廢物類別；
- (da) 授權任何人使用任何土地或處所作處置化學廢物或醫療廢物的用途而無須為此領有牌照；(由 2006 年第 6 號第 20 條增補)
- (e) 在訂明的物質或化學品中界定為化學廢物的任何物質、物體或東西，以及其中的例外情況，包括——
 - (i) 署長在憲報公告指明的任何類別或種類的任何物質、物體或東西的例外情況；或
 - (ii) 署長在考慮訂明的準則或程序後信納不會對健康構成危害或對環境造成污染的任何物質、物體或東西的例外情況；(由 1991 年第 86 號第 12 條代替)
- (eaa) 界定為建築廢物的任何物質、物體或東西；(由 2004 年第 17 號第 8 條增補)
- (ea) 須根據第 17 條發出通知的廢物的類別、數量或其他種類；(由 1991 年第 86 號第 12 條增補)
- (eb) 無須根據第 17 條發出通知的豁免或除外情況，或無須受該等規例或其任何規定規管的豁免或除外情況；(由 1991 年第 86 號第 12 條增補。由 2006 年第 6 號第 20 條修訂)
- (ec) 產生或導致產生廢物的人的登記，並由署長為此而備存的一本或多本登記冊，以及須記入任何該登記冊的詳情；(由 1991 年第 86 號第 12 條增補)
- (ed) 有關登記的申請及其他程序；(由 1991 年第 86 號第 12 條增補)
- (ee) 在署長所決定的地方及時間對登記冊的查閱，及由署長就該登記冊的記項發出的認證副本；(由 1991 年第 86 號第 12 條增補)

- (ca) the authorization of any person to provide services for the collection or removal of chemical waste or clinical waste without a licence for that purpose; (Added 6 of 2006 s. 20)
- (d) the waste or classes of waste that may be disposed of under section 16 without a licence;
- (da) the authorization of any person to use any land or premises for the disposal of chemical waste or clinical waste without a licence for that purpose; (Added 6 of 2006 s. 20)
- (e) any substance, matter or thing to be defined as chemical waste with reference to such substance or chemical as may be prescribed and exceptions thereto, including the exception of any substance, matter or thing—
 - (i) of a class or description specified by the Director by notice in the Gazette; or
 - (ii) which the Director is satisfied having regard to such criteria or procedures as may be prescribed, does not constitute a danger to health or risk of pollution to the environment; (Replaced 86 of 1991 s. 12)
- (eaa) any substance, matter or thing to be defined as construction waste; (Added 17 of 2004 s. 8)
- (ea) the class, quantity or other description of waste in respect of which notice is to be given under section 17; (Added 86 of 1991 s. 12)
- (eb) exemptions or exclusions from the requirement to give notice under section 17 or from the regulations or any requirement of the regulations; (Added 86 of 1991 s. 12. Amended 6 of 2006 s. 20)

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- (ef) 署長對該登記冊的修訂及署長對登記號碼的編配、修訂或註銷；(由 1991 年第 86 號第 12 條增補)
- (eg) 對未登記人士產生或導致產生任何廢物的禁止，以及任何登記轉讓的無效；(由 1991 年第 86 號第 12 條增補)
- (f) 盛載飲料或流體的容器的容量、設計、構造及構造材料；
- (g) 對不符合 (f) 段訂明規定的容器或任何類別容器禁止分發，並在不損害前述條文的概括性原則下，該項禁止可參照下列項目而施行——
 - (i) 容器的類型；
 - (ii) 分發日期；
 - (iii) 零售分發地點；
 - (iv) 飲料或流體的類型；
 - (v) 容器來源；
- (h) 任何廢物的貯存和貯存該等廢物的地點、方式及條件，包括——
 - (i) 貯存容器的規定；
 - (ii) 該等容器的標識；
 - (iii) 該等標識的規格及須載明的資料；
 - (iv) 在貯存地點展示通告；
 - (v) 該等通告的規格及須載明的資料；及
 - (vi) 最大廢物貯存量；(由 1991 年第 86 號第 12 條代替)
- (ha) 任何廢物的收集、移去、運輸、移交、接收、輸入、輸出或處置，包括處理、再加工及循環再造，特別是包括就此等活動而須使用的設備、須作出的安排和須遵從的程序；(由 1991 年第 86 號第 12 條增補。由 2006 年第 6 號第 20 條修訂)

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- (ec) the registration of persons producing or causing to be produced any waste, the keeping of a register or registers by the Director for that purpose and the particulars to be entered in any such register or registers; (Added 86 of 1991 s. 12)
- (ed) applications for registration and other procedures relating to registration; (Added 86 of 1991 s. 12)
- (ee) the inspection of the register in such places and at such times as may be determined by the Director and the issue by him of certified copies of entries in the register; (Added 86 of 1991 s. 12)
- (ef) the amendment of the register by the Director and the assignment, amendment or cancellation by him of registration numbers; (Added 86 of 1991 s. 12)
- (eg) prohibitions against producing or causing to be produced any waste by an unregistered person and the invalidity of the transfer of any registration; (Added 86 of 1991 s. 12)
- (f) the capacity, design, construction and materials to be used in the construction of containers holding beverages or fluids;
- (g) prohibiting the distribution of containers or any class of container which do or does not comply with such requirements as may be prescribed under paragraph (f), and without prejudice to the generality of the foregoing, such prohibition may be by reference to—
 - (i) the type of container;
 - (ii) the date of distribution;
 - (iii) place of distribution by retail sale;
 - (iv) the type of beverage or fluid;
 - (v) the source of the container;

- (haa) (在不限制(ha)段的一般性的原則下)就醫療廢物而言——
- (i) 對在訂明情況下可送交或運輸醫療廢物的人的類別的限制；
 - (ii) 可如此送交或運輸的醫療廢物的類型和數量；
 - (iii) 就該項送交或運輸而須遵從的規定；(由 2006 年第 6 號第 20 條增補)
- (hb) 任何產生、導致產生或管有廢物的人的職責，或從事(ha)段所述任何活動或與該等活動有關的人的職責；(由 1991 年第 86 號第 12 條增補)
- (i) 根據本條例須繳付的任何費用及收費；(由 1986 年第 8 號第 8 條修訂；由 1999 年第 78 號第 7 條修訂)
 - (j) 就特區政府或代特區政府提供的在任何廢物或任何類別廢物的收集、移去、運輸、移交、接收或處置(包括處理、再加工或循環再造)方面的服務而須向署長繳付的收費；(由 1995 年第 14 號第 8 條代替。由 2024 年第 21 號第 78 條修訂)
- (jaa) 就處置廢物徵收收費，該等收費可訂於高於收回成本水平；(由 2021 年第 25 號第 7 條增補)
- (ja) 根據第 VI 部進行上訴的程序和就該等上訴而須使用的表格；(由 1991 年第 86 號第 12 條增補)
 - (jb) 本條例所指的任何通知的送達；(由 1995 年第 14 號第 8 條增補)
 - (k) 訂明須藉或可藉規例訂明的任何事項；
 - (l) 就不同類別或種類的廢物訂出的不同規定；(由 1991 年第 86 號第 12 條增補)
 - (m) 概括而言，有關本條例條文的施行。(由 1991 年第 86 號第 12 條增補)
- (1A) 根據本條訂立的規例，可——
- (a) 賦權署長——

- (h) the storage of any waste, the places, manner and conditions in which it is to be stored including—
 - (i) requirements as to containers for storage;
 - (ii) the labelling of such containers;
 - (iii) specifications of and particulars to be contained in such labels;
 - (iv) the display of notices in places of storage;
 - (v) specifications of and particulars to be contained in such notices; and
 - (vi) the maximum quantity of waste that may be stored; (Replaced 86 of 1991 s. 12)
- (ha) the collection, removal, transportation, transfer, reception, import or export or disposal, including treatment, reprocessing and recycling of any waste including in particular the equipment to be used, the arrangements to be made and the procedure to be observed in relation to such activities; (Added 86 of 1991 s. 12. Amended 6 of 2006 s. 20)
- (haa) (without limiting the generality of paragraph (ha)) in relation to clinical waste—
 - (i) the restriction on the class or classes of persons who may deliver or transport clinical waste in prescribed circumstances;
 - (ii) the type and the quantity of clinical waste that may be so delivered or transported;
 - (iii) the requirements to be observed in relation to the delivery or transportation; (Added 6 of 2006 s. 20)
- (hb) the duties of any person producing, causing to be produced, or in possession of any waste or engaged in

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- (i) 發出任何文件 (格式由署長決定), 以便在關乎任何廢物的產生、管有、收集、運輸、移交、接收、輸入、輸出或處置 (包括處理、再加工或循環再造) 上使用; (由 2003 年第 14 號第 24 條修訂)
- (ii) 在該文件內指明任何從事第 (i) 節所提述的任何活動或與該等活動有關連的人須予提供的詳情或資料;
- (iii) 在不損害第 (ii) 節的原則下, 規定該等規例所指明的任何人須提交署長認為合適的並與第 (i) 節所提述的任何活動有關的資料;
- (iv) 就依據第 (1)(h) 款所規定的任何標識而指明須附加的詳情;
- (v) 規定將其認為會對人的健康或安全構成威脅或對環境構成污染危害的任何廢物從任何地方移去;
- (vi) 批准或不批准 ——
 - (A) 在訂明的情況下處置化學廢物或醫療廢物的安排; 或 (由 2006 年第 6 號第 20 條修訂)
 - (B) 貯存超過某訂明的最大廢物貯存量;
- (vii) 有條件或無條件豁免受該等規例或該等規例的任何指明條文規限; (由 2006 年第 6 號第 20 條修訂)
- (viii) 決定或指明為施行該等規例而需要的任何文件的格式, 但已有訂明格式的文件除外;
- (ix) 附帶條件或不附帶條件地授權任何屬根據第 (1)(ca) 款訂立的規例中指明的類別的人 ——
 - (A) 於署長在其授權中指明的地點接收醫療廢物; 及

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- or connected with any activity described in paragraph (ha); (*Added 86 of 1991 s. 12*)
- (i) any fees and charges payable under this Ordinance; (*Amended 8 of 1986 s. 8; 78 of 1999 s. 7*)
- (j) the charges payable to the Director for any service provided by or on behalf of the Government in relation to the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of any waste or class of waste; (*Replaced 14 of 1995 s. 8. Amended 21 of 2024 s. 78*)
- (jaa) the imposition of charges for the disposal of any waste, which charges may be set at above cost recovery level; (*Added 25 of 2021 s. 7*)
- (ja) the procedure for appeals under Part VI and the forms to be used in relation to such appeals; (*Added 86 of 1991 s. 12*)
- (jb) the service of any notice under this Ordinance; (*Added 14 of 1995 s. 8*)
- (k) prescribing anything which is to be or may be prescribed by regulations;
- (l) different requirements in relation to wastes of different classes or descriptions; (*Added 86 of 1991 s. 12*)
- (m) generally carrying into effect the provisions of this Ordinance. (*Added 86 of 1991 s. 12*)
- (1A) Regulations made under this section may—
 - (a) empower the Director—
 - (i) to issue any document, in such form as he may determine, to be used in relation to the production, possession, collection, transportation, transfer, reception, import or export or disposal including treatment, reprocessing or recycling of any waste;

- (B) 以訂明的方式移去如此接收的廢物；(由 2006 年第 6 號第 20 條增補)
- (x) 在 ——
- (A) 署長認為涉及化學廢物或醫療廢物的緊急情況已出現的情況下；或
- (B) 署長認為安排由持有關乎收集或移去化學廢物或醫療廢物的廢物收集牌照的人收集或移去任何該等廢物並非合理地切實可行的情況下，
- 附帶條件或不附帶條件地授權任何人收集或移去該等廢物而無須為此領有牌照；或 (由 2006 年第 6 號第 20 條增補)
- (xi) 在 ——
- (A) 署長認為涉及化學廢物或醫療廢物的緊急情況已出現的情況下；或
- (B) 署長認為使用領有有效的關乎處置化學廢物或醫療廢物的廢物處置牌照的土地或處所以處置任何該等廢物並非合理地切實可行的情況下，
- 附帶條件或不附帶條件地授權任何人使用任何土地或處所以處置該等廢物而無須為此領有牌照；(由 2006 年第 6 號第 20 條增補)
- (b) 規定 ——
- (i) 就化學廢物而言，即使與該等化學廢物有關的規例已經實施，該等規例或其中的任何條文不適用於該等廢物，直至署長為規例的實施而在憲報刊登公告指定的某一日期為止；署長並且可就第 (1)(e) 款所訂明的任何化學品或物質或其所包含或組成或合成的化學品或物質，指定不同的日期；

- (ii) in such document to specify particulars or information to be supplied by any person engaged in or connected with any activity referred to in subparagraph (i);
- (iii) without prejudice to subparagraph (ii), to require from any person specified in the regulations information as he may consider appropriate relating to any activity referred to in subparagraph (i);
- (iv) to specify additional particulars in respect of any labels required pursuant to subsection (1)(h);
- (v) to require the removal from any place of any waste which in his opinion is a threat to the health or safety of any person or constitutes a risk of pollution to the environment;
- (vi) to approve or otherwise—
- (A) arrangements made for the disposal of chemical waste or clinical waste in circumstances as may be prescribed; or
(Amended 6 of 2006 s. 20)
- (B) storage of waste in excess of a prescribed maximum quantity;
- (vii) to grant exemptions with or without conditions from the regulations or any specified provision of the regulations; (Amended 6 of 2006 s. 20)
- (viii) to determine or specify the form of any document (not being a document the form of which is prescribed) required for the purposes of the regulations;
- (ix) to authorize (with or without conditions) any person of a class specified in a regulation made under subsection (1)(ca)—

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- (ii) 為依據該等規例任何人須作登記的規定，在訂明的期間或情況下對訂明的人並不適用。(由 1991 年第 86 號第 12 條增補)
- (1B) 在不損害第 (1)(j) 款的概括性的原則下，根據該款訂定的規例——
- (a) 可就不同的設施、移交處、接收站或處置地點收到的廢物或就不同類型的車輛所運送的廢物，訂定須繳付的不同級別的收費；(由 2004 年第 17 號第 8 條修訂)
- (b) 凡該款提述的任何服務是因應涉及廢物的意外或緊急情況(以及不論是否會由於該等意外或緊急情況而導致對任何人或財產造成逼切的危險)而提供的，則可訂定不同的收費或附加收費，而該等收費為有別於並非因應該等意外或緊急情況而提供服務時所收取者；
- (c) 凡根據該款訂明的任何收費(包括任何收費的部分)在到期應繳之後依然沒有繳付，可訂定施加不超過該收費 20% 的附加費；
- (d) 可訂定對根據該款訂明的任何收費(包括任何附加費)的追討。(由 1995 年第 14 號第 8 條增補)
- (2) 根據本條訂立的規例，可規定——
- (a) 如——
- (i) 違反該等規例中任何指明條文；或
- (ii) 就關於該等規例的任何規定而言，明知而或罔顧後果地提供不正確或誤導的資料，或遺漏要項或資料，或明知而或罔顧後果地認證任何不正確的事情為正確，
- 即屬犯罪，可處不超過 \$200,000 的罰款及不超過 6 個月的監禁；及
- (b) 如任何人被判犯有 (a) 段所訂的罪行，且該罪行屬持續的罪行，則該人除可被判該段所訂的罰則外，

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- (A) to receive clinical waste at such location as the Director may specify in his authorization; and
- (B) to remove the waste so received in such manner as may be prescribed; (Added 6 of 2006 s. 20)
- (x) to authorize (with or without conditions) any person to collect or remove any chemical waste or clinical waste without a waste collection licence for that purpose if the Director opines that—
- (A) an emergency involving the waste has arisen; or
- (B) the circumstances are such that it would not be reasonably practicable to arrange for the waste to be collected or removed by the holder of such a licence; or (Added 6 of 2006 s. 20)
- (xi) to authorize (with or without conditions) any person to use any land or premises for the disposal of any chemical waste or clinical waste without a waste disposal licence for that purpose if the Director opines that—
- (A) an emergency involving the waste has arisen; or
- (B) the circumstances are such that it would not be reasonably practicable to use, for the disposal of the waste, any land or premises in respect of which such a licence is in force; (Added 6 of 2006 s. 20)
- (b) provide—

在該罪行持續期間每天可被另處罰款 \$10,000。(由 1991 年第 86 號第 12 條代替)

- (3) 根據本條訂立的規例，可在根據本條例而招致或將會根據本條例招致的費用方面，就以下事宜訂定條文——
- (a) 署長批准將該費用的繳付延遲一段署長所指明的期間，以及署長在與此有關的情況下，指明須向其提交保證金(如有的話)，而該保證金是將由署長收取以作為延遲繳費的保證的；
 - (b) 署長委任任何人代其收取(a)段所提述的費用或任何保證金；
 - (c) 署長或任何根據(b)段獲委任的人收取該費用或保證金的方法以及所收費用或保證金的結算方式。(由 1997 年第 10 號第 3 條增補)
- (4) 根據本條訂立的規例，就關於可用於收集、移去、運輸、移交、接收或處置(包括處理、再加工或循環再造)廢物(而該等活動在本款中稱為**有關活動**(relevant activities))的處所或在與有關活動有關連的情況下使用的處所而言，可——
- (a) 就以下事宜訂定條文——
 - (i) 規管在該等處所內或進入或離開該等處所的交通；
 - (ii) 在該等處所內的人士的安全；
 - (iii) 避免因為該處所內進行任何活動而引致任何滋擾，或對衛生或環境造成任何損害的危險；
 - (iv) 防止對該等處所的運作或該等處所內任何有關活動的進行造成干擾；
 - (v) 防止或阻嚇在該等處所內所犯的或就該等處所而犯的本條例所訂的任何罪行的措施；
 - (vi) 偵查在該等處所內所犯的或就該等處所而犯的違反本條例的任何罪行；

- (i) in respect of chemical waste, that notwithstanding that regulations relating thereto have come into operation, they or any provision thereof shall not apply to such waste until a day appointed by the Director by notice in the Gazette for the purpose and that he may appoint different days with reference to any chemical or substance prescribed under subsection (1)(e) or a chemical or substance which is included in or is a constituent or component of such chemical or substance;
- (ii) that any requirement to register imposed on a person pursuant to the regulations shall not apply to such persons and for such period or under such circumstances as may be prescribed. (Added 86 of 1991 s. 12)

- (1B) Without prejudice to the generality of subsection (1)(j), regulations made under that subsection may—
- (a) provide for different levels of charges to be payable for waste received at different facility, transfer, reception or disposal points or for waste delivered in different types of vehicle; (Amended 17 of 2004 s. 8)
 - (b) where any service referred to in that subsection is provided in response to an accident or emergency involving waste (and whether or not in consequence of the accident or emergency there is an imminent danger to any person or property), provide for different or additional charges than would be the case where any such service is provided otherwise than in response to such an accident or emergency;
 - (c) where any charge (including part of any charge) prescribed under that subsection remains unpaid after becoming due and payable, provide for the imposition of a surcharge not exceeding 20% of that charge;

- (vii) 阻嚇規避繳付須根據本條例在與該等處所內的有關活動有關連的情況下繳付的費用的措施；
- (b) 授予署長對達到 (a)(i) 至 (vii) 段內所指明的目的屬必需或適當的權力；
- (ba) 授予署長權力 ——
 - (i) 在署長認為合適的情況下，拒絕於某指定廢物處置設施接收任何廢物；
 - (ii) 決定是否就於某藉根據本條訂立的規例訂明的廢物處置設施接收處置的任何廢物或任何類別的廢物而徵收費用；
 - (iii) 規定將任何廢物送交某指定廢物處置設施的人述明該廢物的性質，並提供署長認為為決定是否於該設施接收該廢物而需要的其他資料；
 - (iv) 在指明期間內暫時關閉任何指定廢物處置設施；
(由 2004 年第 17 號第 8 條增補)
- (c) 授權署長 ——
 - (i) 將根據 (b) 段訂立的規例所授予署長的任何權力轉授予 ——
 - (A) 負責在該處所內進行或負責協助在該處所內進行任何有關活動的任何人或任何受僱於該人的人；或
 - (B) 負責收取根據本條例須向署長繳付的費用的任何人或任何受僱於該人的人；
 - (ii) 就履行本條例賦予的職能或行使本條例賦予的權力，向第(i)節指明的任何人發出一般性指示。
(由 1997 年第 10 號第 3 條增補)
- (5) 根據本條訂立的規例 ——
 - (a) 可要求第三者提供任何人的身分的資料，而該人是車輛駕駛人，並且是被懷疑已犯違反本條例的罪行的人；並可規定所取得的資料可在就本條例所訂的

- (d) provide for the recovery of any charge (including any surcharge) prescribed under that subsection. *(Added 14 of 1995 s. 8)*
- (2) Regulations under this section may provide—
 - (a) that—
 - (i) a contravention of any specified provision thereof; or
 - (ii) to knowingly or recklessly provide incorrect or misleading information or omit material particulars or information or knowingly or recklessly certify as correct anything which is incorrect, in relation to any requirement in the regulations,

shall be an offence punishable with a fine not exceeding \$200,000 and imprisonment not exceeding 6 months; and
 - (b) that if a person is convicted of an offence referred to in paragraph (a) and that offence is a continuing offence, such person shall, in addition to the penalties which may be imposed under that paragraph, be liable to a fine of \$10,000 for each day on which the offence continues.
(Replaced 86 of 1991 s. 12)
- (3) Regulations under this section may, in respect of any charge payable to the Director incurred or to be incurred under this Ordinance, provide for—
 - (a) the Director to authorize the deferral of payment of the charge for a period specified by the Director and, in that connection, to specify the security (if any) to be furnished to and received by the Director as guarantee for payment of the deferred charge;

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- 罪行而進行的法律程序中接納為證據，證明在犯該罪行的當時某車輛的駕駛人的身分；
- (b) 可就根據本條例所進行的任何刑事或民事法律程序（包括追討根據本條例須繳付的費用的法律程序）而言，就接納以下任何文件作為證據——
- (i) 任何以影象記錄設備或印曬設備製成的文件；或
- (ii) 任何看來是與該設備有關的紀錄，以證明該文件內所載事宜，訂定條文。（由 1997 年第 10 號第 3 條增補）
- (6) 如根據本條訂立的規例的附表指明——
- (a) 用作第 (4) 款所提述的任何一項有關活動的處所，或在與任何一項該等活動有關連的情況下使用的處所；
- (b) 就於某藉該等規例訂明的廢物處置設施接收處置的任何建築廢物而徵收的費用；（由 2016 年第 3 號第 19 條修訂）
- (ba) 許可證、授權或牌照的費用；或（由 2016 年第 3 號第 19 條增補）
- (c) 於處置廢物的處所接收的廢物類別，則載有該附表的規例可規定局長可藉於憲報刊登的公告，修訂該附表。（由 2004 年第 17 號第 8 條增補）

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- (b) the appointment by the Director of a person to collect on the Director's behalf the charge or any security referred to in paragraph (a);
- (c) methods of the collection of the charge or security by the Director or by any person appointed under paragraph (b) and the manner in which a charge or security so collected should be accounted for. (*Added 10 of 1997 s. 3*)
- (4) Regulations under this section may, as regards any premises used for or in connection with the collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste (which activities are referred to in this subsection as **relevant activities** (有關活動))—
- (a) provide for—
- (i) the regulation of traffic within, entering or leaving the premises;
- (ii) the safety of persons present in the premises;
- (iii) the avoidance of any nuisance or any risk of damage to health or the environment arising from the carrying on of any activity in the premises;
- (iv) the prevention of any disruption to the operation of the premises or the carrying out of any relevant activity in the premises;
- (v) measures to prevent or deter the commission of any offence under this Ordinance in or in relation to the premises;
- (vi) means of detecting the commission of any offence against this Ordinance in or in relation to the premises;

- (7) 如根據本條訂立的規例的附表，指明對在該規例訂明的廢物處置設施接收作處置的廢物徵收的收費，則該規例可規定，局長可藉憲報公告，修訂該附表，以調整該等收費。(由 2021 年第 25 號第 7 條增補)

- (vii) measures to deter the evasion of any charges payable under this Ordinance in connection with a relevant activity in the premises;
- (b) confer on the Director such powers as may be necessary or expedient for achieving the purposes specified in paragraph (a)(i) to (vii);
- (ba) confer on the Director the power—
- (i) to refuse to accept any waste at a designated waste disposal facility in such circumstances as the Director may think fit;
- (ii) to determine whether a charge is to be imposed in respect of any waste or class of waste accepted for disposal at a waste disposal facility as may be prescribed by regulations made under this section;
- (iii) to require any person who delivers any waste to a designated waste disposal facility to state the nature of the waste and give such other information as the Director may consider necessary to determine whether or not to accept the waste at that facility;
- (iv) to close temporarily any designated waste disposal facility for a specified period of time; (*Added 17 of 2004 s. 8*)
- (c) authorize the Director—
- (i) to delegate—
- (A) any person charged with carrying out or assisting in the carrying out of any relevant activity in such premises, or any person employed by such person; or
- (B) any person charged with the collection of charges payable to the Director under this

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- (8) 局長可根據第(7)款，將有關收費訂於高於收回成本水平。
(由 2021 年第 25 號第 7 條增補)

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- Ordinance or any person employed by such person,
to exercise any of the powers conferred on the Director by regulations made under paragraph (b);
- (ii) to give directions of a general character to any person such as is specified in subparagraph (i) in relation to the performance of functions or the exercise of powers vested by this Ordinance.
(Added 10 of 1997 s. 3)
- (5) Regulations under this section—
- (a) may require the disclosure by a third person of information concerning the identity of any person who, being the driver of a vehicle, is suspected of having committed an offence against this Ordinance and may provide for the admission into evidence in proceedings for an offence under this Ordinance of information so obtained as proof of the identity of the driver of a vehicle at the time of the offence;
- (b) may provide, for the purposes of any criminal proceedings under this Ordinance or any civil proceedings under this Ordinance, including proceedings for the recovery of any charge payable under this Ordinance, for the admission into evidence of any document—
- (i) produced by means of an image recording or printing device; or
- (ii) purporting to be a record concerning such a device, as proof of the matters contained in such document.
(Added 10 of 1997 s. 3)
- (6) If a Schedule to any regulations made under this section specifies—

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34. 環境諮詢委員會

凡就第 33 條所述的環境諮詢委員會當其時由哪些人組成而出現問題時，該問題須轉呈政務司司長，由他親自簽發證明書決定。

(由 1984 年第 165 號法律公告修訂；由 1994 年第 57 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1997 年第 631 號法律公告修訂)

35. 工作守則

- (a) the premises used for or in connection with any of the relevant activities referred to in subsection (4);
- (b) the charges to be imposed in respect of any construction waste accepted for disposal at a waste disposal facility as may be prescribed by the regulations; (*Amended 3 of 2016 s. 19*)
- (ba) the fees for permits, authorizations or licences; or (*Added 3 of 2016 s. 19*)
- (c) the types of waste to be accepted at the premises for the disposal of waste,

the regulations containing the Schedule may provide that the Secretary may, by notice published in the Gazette, amend the Schedule. (*Added 17 of 2004 s. 8*)

- (7) If a Schedule to any regulations made under this section specifies the charges to be imposed in respect of any waste accepted for disposal at a waste disposal facility prescribed by the regulations, the regulations may provide that the Secretary may, by notice published in the Gazette, amend the Schedule to revise the charges. (*Added 25 of 2021 s. 7*)
- (8) The Secretary may, under subsection (7), set the charges at above cost recovery level. (*Added 25 of 2021 s. 7*)

34. Advisory Council on the Environment

If any question arises as to who are the body of persons for the time being constituting the Advisory Council on the Environment mentioned in section 33 the matter shall be referred to the Chief Secretary for Administration who shall determine the question by certificate under his hand.

(*Amended L.N. 165 of 1984; L.N. 57 of 1994; L.N. 362 of 1997*)

35. Codes of Practice

- (1) 局長可在諮詢環境諮詢委員會後，擬備及修正關於廢物收集、貯存、處理、運輸及處置的指導或指示的工作守則。(由 1981 年第 244 號法律公告修訂；由 1981 年第 370 號法律公告修訂；由 1983 年第 18 號法律公告修訂；由 1984 年第 165 號法律公告修訂；由 1987 年第 58 號第 12 條修訂；由 1989 年第 244 號法律公告修訂；由 1994 年第 57 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 1997 年第 631 號法律公告修訂；由 1999 年第 78 號第 7 條修訂)
- (2) 任何人沒有遵從根據第 (1) 款發出的工作守則，此事本身不會使該人因此而遭受任何性質的刑事法律程序所針對，但任何沒有遵從該等守則的情況，均可在不論是民事或刑事的法律程序及包括就本條例所訂罪行而進行的法律程序中，作為有助於確定或否定在該等法律程序所爭議的任何法律責任的依據。

36. 本條例對特區政府的適用

(由 2024 年第 21 號第 78 條修訂)

- (1) 除本條另有規定外，本條例對特區政府具有約束力。
- (2) 第 16、17、19 及 20 條，並無任何准許針對特區政府提出法律程序或對特區政府施加任何刑事責任的效力，亦無任何准許針對為特區政府服務而在執行職責的過程中必須作出作為的人提出法律程序或對其施加任何刑事責任的效力。
- (3) 如署長覺得任何人在為特區政府服務而執行職責的過程中違反第 16、17、19 或 20 條，且該違反行為並沒有立即終止至達到他滿意的程度，則他須將此事向政務司司長報告。(由 1982 年第 76 號法律公告修訂；由 1986 年第 74 號法律公告修訂；由 1997 年第 362 號法律公告修訂)
- (4) 政務司司長接獲根據第 (3) 款提出的報告後，須對有關情形進行調查；如其調查顯示違反第 16、17、19 或 20 條的行為仍然持續或有相當可能會再度發生，則政務司司長

- (1) The Secretary may, after consultation with the Advisory Council on the Environment, prepare and revise Codes of Practice giving guidance and directions as to the collection, storage, treatment, transportation and disposal of waste. (Amended L.N. 244 of 1981; L.N. 370 of 1981; L.N. 18 of 1983; L.N. 165 of 1984; 58 of 1987 s. 12; L.N. 244 of 1989; L.N. 57 of 1994; 78 of 1999 s. 7)
- (2) A failure on the part of any person to observe any Code of Practice issued under subsection (1) shall not of itself render that person liable to criminal proceedings of any kind but any such failure may, in any proceedings whether civil or criminal and including proceedings for an offence under this Ordinance, be relied upon as tending to establish or to negative any liability which is in question in those proceedings.

36. Application of Ordinance to Government

(Amended 21 of 2024 s. 78)

- (1) Subject to this section, this Ordinance shall bind the Government.
- (2) Sections 16, 17, 19 and 20 shall not have effect to permit proceedings to be taken against, or to impose any criminal liability on, the Government or any person who does any act which he is required to do in the course of carrying out his duties in the service of the Government.
- (3) If it appears to the Director that there has been a contravention of section 16, 17, 19 or 20 by any person in the course of carrying out his duties in the service of the Government, he shall, if the contravention is not forthwith terminated to his satisfaction, report the matter to the Chief Secretary for Administration. (Amended L.N. 76 of 1982; L.N. 74 of 1986; L.N. 362 of 1997)

須確保採取最佳的可行措施，以終止該違反行為或避免該違反行為再度發生。(由 1997 年第 362 號法律公告修訂)

- (5) 凡本條例所指的關於廢物擺放或處置的通知或申請，如須由或可由特區政府發出或提出的，或是代表或可代表特區政府發出或提出的，則可由公職人員代表特區政府發出或提出。(由 2004 年第 17 號第 12 條修訂)
- (6) 凡本條例所指的關於廢物擺放或排放的任何通知或申請，如須交給或可交給特區政府的，則須交給看來是負責廢物擺放或處置的適當廢物處置當局的主管人員，如出現應由哪一個廢物處置當局負責的問題時，則上述的通知或申請須交給政務司司長所決定的公職人員。(由 1996 年第 139 號法律公告修訂；由 1997 年第 362 號法律公告修訂；由 2004 年第 17 號第 12 條修訂)
- (7) 特區政府無須繳付為施行本條例而訂明的費用或收費。
(由 2024 年第 21 號第 78 條修訂)

37. 附表的修訂

- (1) 行政長官會同行政會議可藉於憲報刊登的公告修訂附表 1、2、3、4 及 5 以及附表 8。(由 2006 年第 6 號第 21 條代替)
- (2) 署長可藉於憲報刊登的公告將任何他認為——
 - (a) 相當可能受源自屬該公告指明的病例定義涵蓋的病人的傳染性物料污染；及
 - (b) 可能嚴重危害健康，

- (4) On receipt of a report under subsection (3) the Chief Secretary for Administration shall enquire into the circumstances and, if his enquiry shows that a contravention of section 16, 17, 19 or 20 is continuing or likely to recur, he shall ensure that the best practicable steps are taken to terminate the contravention or avoid the recurrence. (Amended L.N. 362 of 1997)
- (5) Any notice or application under this Ordinance concerning a deposit or disposal of waste which is to be, or may be, given or made by or on behalf of the Government may be given or made by any public officer on behalf of the Government.
- (6) Any notice or application under this Ordinance concerning a deposit or discharge of waste which is to be, or may be, given to the Government shall be given to the principal officer of the appropriate waste disposal authority which appears to be responsible for the deposit or disposal or, in the event of any question arising as to which waste disposal authority is responsible, to such public officer as the Chief Secretary for Administration shall determine. (Amended L.N. 362 of 1997)
- (7) No fee or charge prescribed for the purposes of this Ordinance shall be payable by the Government.
(Amended 21 of 2024 s. 78)

37. Amendment of Schedules

- (1) The Chief Executive in Council may, by notice published in the Gazette, amend the First, Second, Third, Fourth and Fifth Schedules and Schedule 8. (Replaced 6 of 2006 s. 21)
- (2) The Director may, by notice published in the Gazette, specify as wastes that belong to Group 6 of Schedule 8 any wastes that, in his opinion—
 - (a) are likely to be contaminated with infectious materials from patients falling within such case definition as specified in the notice; and

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- 的廢物指明為屬於附表 8 第 6 組的廢物。(由 2006 年第 6 號第 21 條代替)
- (2A) 署長可藉於憲報刊登的公告修訂列載於附表 8 第 4 組的病原體列表及附表 10 及 11。(由 2006 年第 6 號第 21 條增補)
- (2B) 局長可藉於憲報刊登的公告修訂——
- (a) 附表 1、2 及 5 指明的有關日期；
 - (b) 附表 9 及 13。(由 2006 年第 6 號第 21 條增補。由 2013 年第 19 號第 9 條修訂)
- (3) 在財政司司長的批准下，局長可藉於憲報刊登的公告，修訂附表 12。(由 2004 年第 17 號第 9 條增補)
- (由 1987 年第 58 號第 13 條增補)

38. 署長指定若干條文的適用日期

- (1) 即使憑藉根據第 1(2) 條所作的公告——
- (a) 第 11 條已經實施，就化學廢物而言，該條針對無牌收集廢物而作出的禁止，並不適用；
 - (b) 第 16 條已經實施，就任何廢物而言，該條針對無牌使用土地或處所處置廢物而作出的禁止，並不適用；或
 - (c) 第 17 條已經實施，就根據第 33(1)(ea) 條所訂明的任何類別或種類廢物而言，該條關於通知或指示的條文並不適用，
- 直至署長就有關規定及有關類別或種類的廢物根據第 (2) 款藉公告指定的日期為止。

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- (b) may pose a significant health risk. *(Replaced 6 of 2006 s. 21)*
- (2A) The Director may, by notice published in the Gazette, amend the list of pathogens listed in Group 4 of Schedule 8 and Schedules 10 and 11. *(Added 6 of 2006 s. 21)*
- (2B) The Secretary may, by notice published in the Gazette, amend—
- (a) the relevant dates specified in the First, Second and Fifth Schedules;
 - (b) Schedules 9 and 13. *(Added 6 of 2006 s. 21. Amended 19 of 2013 s. 9)*
- (3) Subject to the approval of the Financial Secretary, the Secretary may, by notice published in the Gazette, amend Schedule 12. *(Added 17 of 2004 s. 9)*
- (Added 58 of 1987 s. 13)*

38. Director to appoint dates for application of certain provisions

- (1) Notwithstanding that by virtue of a notice under section 1(2)—
- (a) section 11 has come into operation, the prohibition therein against collection of waste otherwise than under a licence shall not apply in relation to chemical waste;
 - (b) section 16 has come into operation, the prohibition therein against use of land or premises for the disposal of waste otherwise than under a licence shall not apply in relation to any waste; or
 - (c) section 17 has come into operation, the provisions relating to notice or directions therein shall not apply in relation to waste of a class or description prescribed under section 33(1)(ea),

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- (2) 署長可藉憲報刊登公告而指定某一日期，以便第(1)款所提述的某項規定在該日期當日及以後適用於任何類別或種類的廢物，包括適用於符合以下種類的化學廢物——
- (a) 根據第 33(1)(e) 條而訂明的任何化學品或物質；或
 - (b) 包含或組成或合成在該化學品或物質內的任何化學品或物質。

(由 1991 年第 86 號第 13 條增補)

39. 董事等的法律責任

- (1) 凡被判犯有本條例所訂罪行的人是法人團體，且證明該罪行是在任何董事、經理、秘書或任何與管理該法人團體有關的其他人的同意或默許下而犯有的，或是可歸因於其任何疏忽或不作為而犯有的，則該董事、經理、秘書或其他人亦屬犯有該罪行。
- (2) 凡被判犯有本條例所訂罪行的人是合夥內的合夥人，且證明該罪行是在任何其他合夥人或任何與該合夥的管理有關的其他人的同意或默許下而犯有的，或是可歸因於其任何疏忽或不作為而犯有的，則該合夥人或其他人亦屬犯有該罪行。

(由 1991 年第 86 號第 13 條增補)

40. 以證明書作證

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until the day appointed by the Director by notice under subsection (2) in relation to such provision and to such class or description of waste specified in the notice.

- (2) The Director may by notice published in the Gazette appoint a day on and from which a provision referred to in subsection (1) shall apply in relation to waste of any class or description, including in the case of chemical waste a description by reference to—
 - (a) any chemical or substance prescribed under section 33(1)(e); or
 - (b) any chemical or substance included in or which is a component or constituent of such chemical or substance.

(Added 86 of 1991 s. 13)

39. Liability of directors, etc.

- (1) Where a person convicted of an offence under this Ordinance is a body corporate and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, any director, manager, secretary or any other person concerned in the management of the body corporate, the director, manager, secretary or other person also commits the offence.
- (2) Where a person convicted of an offence under this Ordinance is a partner in a partnership and it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect or omission on the part of, any other partner or any other person concerned in the management of the partnership, the partner or other person also commits the offence.

(Added 86 of 1991 s. 13)

40. Evidence by certificate

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在為本條例或根據第 33 條訂立的規例所訂的罪行而進行的法律程序中，如一份與指稱犯有罪行的禽畜飼養場有關的地圖附連一份證明書，而該證明書看來是由署長、一名職級不低於環境保護主任的環境保護署人員或一名總環境保護督察簽署的，以及是作為核證該地圖所示的飼養場乃在禽畜廢物禁制區、禽畜廢物限制區或禽畜廢物管制區（視屬何情況而定）之內的，則在出示該證明書時，該證明書得無須再作證明而即獲接納為證據，同時——

- (a) 在直至相反證明成立之前，須推定該證明書是由署長或該人員簽署的；及
- (b) 該證明書及其附連的地圖，即為其內所載事實的證據。

(由 1994 年第 28 號第 23 條增補)

41. 保留條文

- (1) 根據某條經《提供市政服務（重組）條例》（第 552 章）（**修訂條例**）修訂的條文擬備或批准並在緊接該修訂開始實施前是有效的廢物處置計劃草案，在該修訂開始實施當日及以後繼續有效，猶如它們是根據該條經該條例修訂的條文擬備的一樣。
- (2) 根據某條經修訂條例修訂的條文訂立並在緊接該修訂開始實施前是有效的規例，經該條例修訂後繼續有效，猶如它們是根據該條經該條例修訂的條文訂立的一樣，並且可根據該條經修訂的條文予以修訂、廢除或取代。

(由 1999 年第 78 號第 7 條增補)

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In any proceedings for an offence under this Ordinance or any regulations made under section 33, a certificate having attached thereto a map relating to any livestock premises in respect of which the offence is alleged to have been committed and purporting to be signed by the Director, an officer of the Environmental Protection Department not below the rank of Environmental Protection Officer or a Chief Environmental Protection Inspector and certifying that the livestock premises as shown on the map are within a livestock waste prohibition area, a livestock waste restriction area or a livestock waste control area, as the case may be, shall be admitted in evidence on its production without further proof and—

- (a) until the contrary is proved it shall be presumed that the certificate was signed by the Director or such officer; and
- (b) the certificate and the map attached thereto shall be evidence of the facts contained therein.

(Added 28 of 1994 s. 23)

41. Savings

- (1) Any draft waste disposal plan prepared or approved under a provision amended by the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552) (**Amending Ordinance**) which is in force immediately before the amendments come into operation continues to have effect on and after such commencement as if prepared under the provision as amended by that Ordinance.
- (2) Any regulations made under a provision amended by the Amending Ordinance which are in force immediately before the amendments come into operation continue to be in force (subject to any amendments made by that Ordinance) as if made under the provision so amended and may be amended, repealed or replaced under the amended provision.

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(Added 78 of 1999 s. 7)

42. 收費及其他款項可作為民事債項由署長追討

下列各項均可作為欠政府的民事債項而由署長追討——

- (a) 根據本條例須繳付的任何收費或附加費；
- (b) 依據一項根據第 18A(1)(b) 或 23EA(2) 條作出的命令而須繳付的任何款額。

(由 2004 年第 17 號第 10 條增補)

43. 根據與政府的協議而向設施經營人付款

- (1) 根據第 33 條訂立的規例所訂定的任何收費中，如有某部分或某百分比須用以——
 - (a) 償付設施經營人根據該人與政府之間的協議而有權收取的款項；或
 - (b) 結算或結束任何為該目的而開立的預支帳戶，則在獲財政司司長核准的情況下，該部分或百分比並不成為政府一般收入的一部分，而在 (a) 段所述情況下，該部分或百分比可按照該協議支付予該設施經營人。
- (2) 就第 (1) 款而言，**設施經營人** (facility operator) 指任何已為經營或管理附表 12 所指明的設施而與政府訂立協議的人。

(由 2004 年第 17 號第 10 條增補)

44. 關乎《2024 年廢物處置 (修訂) 條例》的過渡條文

- (1) 凡某人就輸入或輸出並非化學廢物的電器廢物而被控犯第 20E 條所訂罪行，而該人是在指明日期前干犯該罪行

42. Recovery of charges and other sums by the Director as civil debts

The following is recoverable by the Director as a civil debt due to the Government—

- (a) any charge or surcharge payable under this Ordinance;
- (b) any amount payable pursuant to an order made under section 18A(1)(b) or 23EA(2).

(Added 17 of 2004 s. 10)

43. Payment to facility operator under agreement with Government

- (1) Those parts or percentages of any charges imposed by any regulations made under section 33 which are required for—
 - (a) settling a payment that a facility operator is entitled to receive under an agreement with the Government; or
 - (b) clearing or closing any advance account opened for that purpose,shall, subject to the approval of the Financial Secretary, not form part of the general revenue and may, in the case of paragraph (a), be paid to the facility operator in accordance with the agreement.
- (2) For the purpose of subsection (1), **facility operator** (設施經營人) means a person who has entered into an agreement with the Government for the operation or management of a facility specified in Schedule 12.

(Added 17 of 2004 s. 10)

44. Transitional provision relating to Waste Disposal (Amendment) Ordinance 2024

- (1) Section 20G(4), (5) and (6) of the pre-amended Ordinance

的，則《原有條例》第 20G(4)、(5) 及 (6) 條繼續就該人而適用。

(2) 在本條中——

指明日期 (specified date) 指《2024 年廢物處置(修訂)條例》(2024 年第 29 號) 開始實施的日期*；

《原有條例》 (pre-amended Ordinance) 指在緊接指明日期前有效的本條例。

(由 2024 年第 29 號第 7 條增補)

編輯附註：

* 實施日期：2025 年 1 月 1 日。

continues to apply in respect of a person charged with an offence under section 20E for the import or export of e-waste that is not chemical waste, if the person commits the offence before the specified date.

(2) In this section—

pre-amended Ordinance (《原有條例》) means this Ordinance as in force immediately before the specified date;

specified date (指明日期) means the date on which the Waste Disposal (Amendment) Ordinance 2024 (29 of 2024) comes into operation*.

(Added 29 of 2024 s. 7)

Editorial Note:

* Date of coming into operation: 1 January 2025.

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附表 1

First Schedule

S1-2
Cap. 354**附表 1**[第 2、15(1)、37 條及
附表 3]**禽畜廢物禁制區**

(格式變更——2018 年第 2 號編輯修訂紀錄)

項	說明	有關日期
1.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“市政局管轄範圍”的地區(在《區議會條例》(第 547 章)附表 1 第 II 部所指明的中西區、東區、九龍城區、觀塘區、深水埗區、南區、灣仔區、黃大仙區及油尖旺區所組成者)及西貢區部分地方範圍，即圖上以號碼 1 及 2 指明的範圍；由 2000 年 4 月 20 日起，則指日期為 2000 年 3 月 31 日、編號 LW/50/2(第 4 版)的地圖劃出的稱為“市區”的同等範圍，即圖上以號碼 1 及 2 指明的範圍。	1994 年 7 月 1 日
2.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“沙田新市鎮一帶”的沙田及大埔區部分地方範圍，即圖上以號碼 3 指明的範圍。	1994 年 7 月 1 日

First Schedule[ss. 2, 15(1), 37 &
Third Schedule]**Livestock Waste Prohibition Areas**

(Format changes—E.R. 2 of 2018)

Item	Description	Relevant Date
1.	The area comprising the Districts specified as Central and Western District, Eastern District, Kowloon City District, Kwun Tong District, Sham Shui Po District, Southern District, Wan Chai District, Wong Tai Sin District and Yau Tsim Mong District in Part II of Schedule 1 to the District Councils Ordinance (Cap. 547) and that part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “URBAN COUNCIL AREA” and identified by the numbers 1 and 2 thereon and with effect from 20 April 2000, the same area delineated on a map dated 31 March 2000 numbered LW/50/2 (Edition 4) described as “URBAN AREA” and identified by the numbers 1 and 2 thereon.	1 July 1994
2.	Those parts of Sha Tin and Tai Po districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “SHA TIN NEW TOWN AND ENVIRONS” and identified by the number 3 thereon.	1 July 1994

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附表 1

First Schedule

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項	說明	有關日期
3.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份大埔新市鎮”的大埔區部分地方範圍，即圖上以號碼 4 指明的範圍。	1994 年 7 月 1 日
4.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份荃灣及葵青新市鎮”的荃灣及葵青區部分地方範圍，即圖上以號碼 5 指明的範圍。	1994 年 7 月 1 日
5.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份屯門新市鎮”的屯門區部分地方範圍，即圖上以號碼 6 指明的範圍。	1994 年 7 月 1 日
6.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份粉嶺及上水新市鎮”的北區部分地方範圍，即圖上以號碼 7 指明的範圍。	1994 年 7 月 1 日
7.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份元朗新市鎮及天水圍新市鎮”的元朗區部分地方範圍，即圖上以號碼 8 指明的範圍。	1994 年 7 月 1 日

Item	Description	Relevant Date
3.	That part of Tai Po district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF TAI PO NEW TOWN” and identified by the number 4 thereon.	1 July 1994
4.	Those parts of Tsuen Wan and Kwai Tsing districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF TSUEN WAN AND KWAI TSING NEW TOWNS” and identified by the number 5 thereon.	1 July 1994
5.	That part of Tuen Mun district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF TUEN MUN NEW TOWN” and identified by the number 6 thereon.	1 July 1994
6.	That part of North district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF FANLING AND SHEUNG SHUI NEW TOWNS” and identified by the number 7 thereon.	1 July 1994
7.	Those parts of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF YUEN LONG NEW TOWN AND TIN SHUI WAI NEW TOWN” and identified by the number 8 thereon.	1 July 1994

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附表 1

項	說明	有關日期
8.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份將軍澳新市鎮”的西貢區部分地方範圍，即圖上以號碼 9 指明的範圍。	1994 年 7 月 1 日
9.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份大嶼山及部分離島”的大嶼山及離島部分地方範圍，即圖上以號碼 9A 指明的範圍。	1994 年 7 月 1 日

註：

凡位於下列區域之間共同分界線的鄰近地方的禽畜飼養場——

- (a) 禽畜廢物禁制區及一個或多於一個禽畜廢物管制區及一個或多於一個禽畜廢物限制區之間；或
- (b) 禽畜廢物管制區及一個或多於一個其他禽畜廢物管制區及一個或多於一個禽畜廢物限制區之間；或
- (c) 禽畜廢物限制區及一個或多於一個其他禽畜廢物限制區及一個或多於一個禽畜廢物管制區之間，

其正確位置可參照附表 3 所指出與指明的包括有關放大區在內的一幅或多於一幅地圖而決定。

(由 1994 年第 311 號法律公告代替。由 1995 年第 326 號法律公告修訂；由 1999 年第 78 號第 7 條修訂；由 2000 年第 100 號法律公告修訂)

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Item	Description	Relevant Date
8.	That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF JUNK BAY NEW TOWN” and identified by the number 9 thereon.	1 July 1994
9.	Those parts of Lantau Island and outlying islands delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF LANTAU ISLAND AND PART OF OUTLYING ISLANDS” and identified by the number 9A thereon.	1 July 1994

Note:

The precise location of livestock premises situated in the vicinity of a common boundary between—

- (a) a livestock waste prohibition area and one or more livestock waste control areas and one or more livestock waste restriction areas; or
- (b) a livestock waste control area and one or more other livestock waste control areas and one or more livestock waste restriction areas; or
- (c) a livestock waste restriction area and one or more other livestock waste restriction areas and one or more livestock waste control areas,

may be determined by reference to a map or maps comprising the relevant enlarged area specified in the Third Schedule and identified in that Schedule.

(Replaced L.N. 311 of 1994. Amended L.N. 326 of 1995; 78 of 1999 s. 7; L.N. 100 of 2000)

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附表 2

Second Schedule

S2-2
Cap. 354**附表 2**[第 2、15A(1)、37 條及
附表 3]**禽畜廢物管制區**

(格式變更——2018 年第 2 號編輯修訂紀錄)

項	說明	有關日期
(由 1999 年第 78 號第 7 條修訂)		
1.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份梧桐河區”的北區、大埔及元朗區部分地方範圍，即圖上以號碼 10 指明的範圍。	1994 年 7 月 1 日
2.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“吐露港及部份赤門海峽區”的大埔、沙田、北區、荃灣、葵青、西貢及元朗區部分地方範圍，即圖上以號碼 11 指明的範圍。	1994 年 7 月 1 日
3.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“深圳河上游區”的北區及元朗區部分地方範圍，即圖上以號碼 12 指明的範圍。	1994 年 7 月 1 日

Second Schedule[ss. 2, 15A(1), 37 &
Third Schedule]**Livestock Waste Control Area**

(Format changes—E.R. 2 of 2018)

Item	Description	Relevant Date
(Amended 78 of 1999 s. 7)		
1.	Those parts of North, Tai Po and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF RIVER INDUS AREA” and identified by the number 10 thereon.	1 July 1994
2.	Those parts of Tai Po, Sha Tin, North, Tsuen Wan, Kwai Tsing, Sai Kung and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “TOLO HARBOUR AND PART OF TOLO CHANNEL AREA” and identified by the number 11 thereon.	1 July 1994
3.	Those parts of North and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “UPPER SHAM CHUN (SHENZHEN) RIVER AREA” and identified by the number 12 thereon.	1 July 1994

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附表 2

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項	說明	有關日期
4.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份荃灣、寮肚村一帶及大欖涌區”的荃灣、屯門、葵青及元朗區部分地方範圍，即圖上以號碼 13 指明的範圍。	1994 年 7 月 1 日
5.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份屯門區”的屯門及元朗區部分地方範圍，即圖上以號碼 14 指明的範圍。	1994 年 7 月 1 日
6.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“屯門元朗走廊地帶”的屯門及元朗區部分地方範圍，即圖上以號碼 15 指明的範圍。	1994 年 7 月 1 日
7.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份元朗區”的元朗及屯門區部分地方範圍，即圖上以號碼 16 指明的範圍。	1994 年 7 月 1 日
8.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份錦田河區”的元朗、屯門及荃灣區部分地方範圍，即圖上以號碼 17 指明的範圍。	1994 年 7 月 1 日

Item	Description	Relevant Date
4.	Those parts of Tsuen Wan, Tuen Mun, Kwai Tsing and Yuen Long districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF TSUEN WAN, LIU TO VILLAGE AND ENVIRONS AND TAI LAM CHUNG AREA” and identified by the number 13 thereon.	1 July 1994
5.	Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF TUEN MUN AREA” and identified by the number 14 thereon.	1 July 1994
6.	Those parts of Tuen Mun and Yuen Long districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “CORRIDOR BETWEEN TUEN MUN AND YUEN LONG” and identified by the number 15 thereon.	1 July 1994
7.	Those parts of Yuen Long and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF YUEN LONG AREA” and identified by the number 16 thereon.	1 July 1994
8.	Those parts of Yuen Long, Tuen Mun and Tsuen Wan districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF KAM TIN RIVER AREA” and identified by the number 17 thereon.	1 July 1994

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附表 2

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項	說明	有關日期
9.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 的地圖劃出的稱為“部份天水圍區”的元朗區部分地方範圍，即圖上以號碼 18 指明的範圍。	1994 年 7 月 1 日
10.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 的地圖劃出的稱為“部份新田及流浮山一帶”的元朗、北區及屯門區部分地方範圍，即圖上以號碼 19 指明的範圍。	1994 年 7 月 1 日
11.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“茅湖仔村一帶”的西貢區部分地方範圍，即圖上以號碼 20 指明的範圍。	1994 年 7 月 1 日
12.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“部份西貢區”的西貢、大埔及沙田區部分地方範圍，即圖上以號碼 21 指明的範圍。	1994 年 7 月 1 日
13.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“將軍澳一帶”的西貢區部分地方範圍，即圖上以號碼 22 指明的範圍。	1994 年 7 月 1 日

Item	Description	Relevant Date
9.	That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF TIN SHUI WAI AREA” and identified by the number 18 thereon.	1 July 1994
10.	Those parts of Yuen Long, North and Tuen Mun districts delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF SAN TIN AND LAU FAU SHAN ENVIRONS” and identified by the number 19 thereon.	1 July 1994
11.	That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “MAU WU TSAI VILLAGE AND ENVIRONS” and identified by the number 20 thereon.	1 July 1994
12.	Those parts of Sai Kung, Tai Po and Sha Tin districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF SAI KUNG AREA” and identified by the number 21 thereon.	1 July 1994
13.	That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “JUNK BAY ENVIRONS” and identified by the number 22 thereon.	1 July 1994

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附表 2

項	說明	有關日期
14.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 及 LW/50/2(第 3 版) 的 2 幅地圖劃出的稱為“部份離島”的離島區部分地方範圍，即圖上以號碼 23 指明的範圍。	1994 年 7 月 1 日
15.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“部份大灘海峽區”的大埔及西貢區部分地方範圍，即圖上以號碼 24 指明的範圍。	1994 年 7 月 1 日
16.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“部份沙頭角海區”的北區及大埔區部分地方範圍，即圖上以號碼 25 指明的範圍。	1994 年 7 月 1 日

(由 1994 年第 311 號法律公告代替。由 1995 年第 326 號法律公告修訂)

註：

凡位於下列區域之間共同分界線的鄰近地方的禽畜飼養場——

- (a) 禽畜廢物禁制區與一個或多於一個禽畜廢物管制區之間；(由 1994 年第 28 號第 25 條修訂)
- (b) 禽畜廢物管制區與一個或多於一個其他禽畜廢物管制區之間；或 (由 1994 年第 28 號第 25 條修訂)

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Item	Description	Relevant Date
14.	Those parts of Islands district delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF OUTLYING ISLANDS” and identified by the number 23 thereon.	1 July 1994
15.	Those parts of Tai Po and Sai Kung districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF LONG HARBOUR AREA” and identified by the number 24 thereon.	1 July 1994
16.	Those parts of North and Tai Po districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF STARLING INLET AREA” and identified by the number 25 thereon.	1 July 1994

(Replaced L.N. 311 of 1994. Amended L.N. 326 of 1995)

Note:

The precise location of livestock premises situated in the vicinity of a common boundary between—

- (a) a livestock waste prohibition area and one or more livestock waste control areas; (Amended 28 of 1994 s. 25)
- (b) a livestock waste control area and one or more other livestock waste control areas; or (Amended 28 of 1994 s. 25)

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- (c) 禽畜廢物管制區與一個或多於一個禽畜廢物限制區之間，
(由 1994 年第 28 號第 25 條增補)

其正確位置可參照附表 3 所指出與指明的包括有關放大區在內的一幅或多於一幅地圖而決定。

(由 1987 年第 58 號第 14 條增補)

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- (c) a livestock waste control area and one or more livestock waste restriction areas, *(Added 28 of 1994 s. 25)*

may be determined by reference to a map or maps comprising the relevant enlarged area specified in the Third Schedule and identified in that Schedule.

(Added 58 of 1987 s. 14)

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附表 3

Third Schedule

S3-2
Cap. 354**附表 3**[第 2、37 條及
附表 1 及 2]**放大區**

(格式變更——2018 年第 2 號編輯修訂紀錄)

地區編號	禽畜廢物禁制區	放大區說明
1 及 2	(a) 稱為“市政局轄區”的地區	日期為 1994 年 5 月 23 日的 5 幅地圖劃出的第 1 區及第 2 區部分地方範圍，該 5 幅地圖的編號如下—— (a) LW/20/7； (b) LW/20/10(第 2 版)； (c) LW/20/11； (d) LW/20/15； (e) LW/20/16。
	(b) 由 2000 年 4 月 20 日起，稱為“市區”的地區	日期為 2000 年 3 月 31 日的 5 幅地圖劃出的第 1 區及第 2 區部分地方範圍，該 5 幅地圖的編號如下—— (a) LW/20/7(第 2 版)； (b) LW/20/10(第 3 版)； (c) LW/20/11(第 2 版)； (d) LW/20/15(第 2 版)； (e) LW/20/16(第 2 版)。 (由 2000 年第 100 號法律公告代替)

Third Schedule[ss. 2, 37 & First &
Second Schedules]**Enlarged Areas**

(Format changes—E.R. 2 of 2018)

Area No.	Livestock Waste Prohibition Area	Description of Enlarged Area
1 and 2	(a) The area described as “URBAN COUNCIL AREA”	Those parts of area No. 1 and No. 2 delineated on 5 maps dated 23 May 1994 and numbered as follows— (a) LW/20/7; (b) LW/20/10 (Edition 2); (c) LW/20/11; (d) LW/20/15; (e) LW/20/16.
	(b) With effect from 20 April 2000, the area described as “URBAN AREA”	Those parts of area No. 1 and No. 2 delineated on 5 maps dated 31 March 2000 and numbered as follows— (a) LW/20/7 (Edition 2); (b) LW/20/10 (Edition 3); (c) LW/20/11 (Edition 2); (d) LW/20/15 (Edition 2); (e) LW/20/16 (Edition 2). (Replaced L.N. 100 of 2000)

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地區編號	禽畜廢物禁制區	放大區說明
3	沙田新市鎮一帶	日期為 1994 年 5 月 23 日的 3 幅地圖劃出的第 3 區部分地方範圍，該 3 幅地圖的編號如下—— (a) LW/20/7； (b) LW/20/8(第 2 版)； (c) LW/20/11。
4	部分大埔新市鎮	日期為 1994 年 5 月 23 日的 4 幅地圖劃出的第 4 區部分地方範圍，該 4 幅地圖的編號如下—— (a) LW/20/3； (b) LW/20/4(第 2 版)； (c) LW/20/7； (d) LW/20/8(第 2 版)。
5	部分荃灣及葵青新市鎮	日期為 1994 年 5 月 23 日的 4 幅地圖劃出的第 5 區部分地方範圍，該 4 幅地圖的編號如下—— (a) LW/20/6； (b) LW/20/7； (c) LW/20/10(第 2 版)； (d) LW/20/11。
6	部分屯門新市鎮	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 6 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/5； (b) LW/20/6。

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Area No.	Livestock Waste Prohibition Area	Description of Enlarged Area
3	Sha Tin New Town and Environs	Those parts of area No. 3 delineated on 3 maps dated 23 May 1994 and numbered as follows— (a) LW/20/7; (b) LW/20/8 (Edition 2); (c) LW/20/11.
4	Part of Tai Po New Town	Those parts of area No. 4 delineated on 4 maps dated 23 May 1994 and numbered as follows— (a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/7; (d) LW/20/8 (Edition 2).
5	Part of Tsuen Wan and Kwai Tsing New Towns	Those parts of area No. 5 delineated on 4 maps dated 23 May 1994 and numbered as follows— (a) LW/20/6; (b) LW/20/7; (c) LW/20/10 (Edition 2); (d) LW/20/11.
6	Part of Tuen Mun New Town	Those parts of area No. 6 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/5; (b) LW/20/6.

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地區編號	禽畜廢物禁制區	放大區說明
7	部分粉嶺及上水新市鎮	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 7 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/3。
8	部分元朗及天水圍新市鎮	日期為 1994 年 5 月 23 日的地圖劃出的第 8 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/6。
9	部分將軍澳新市鎮	日期為 1994 年 5 月 23 日的 3 幅地圖劃出的第 9 區部分地方範圍，該 3 幅地圖的編號如下—— (a) LW/20/8(第 2 版)； (b) LW/20/11； (c) LW/20/12。
9A	部分大嶼山及部分離島	日期為 1994 年 5 月 23 日的 12 幅地圖劃出的第 9A 區部分地方範圍，該 12 幅地圖的編號如下—— (a) LW/20/3； (b) LW/20/4(第 2 版)； (c) LW/20/5； (d) LW/20/7； (e) LW/20/8(第 2 版)； (f) LW/20/9； (g) LW/20/10(第 2 版)； (h) LW/20/12； (i) LW/20/13；

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Area No.	Livestock Waste Prohibition Area	Description of Enlarged Area
7	Part of Fanling and Sheung Shui New Towns	Those parts of area No. 7 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/3.
8	Part of Yuen Long and Tin Shui Wai New Towns	Those parts of area No. 8 delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/6.
9	Part of Junk Bay New Town	Those parts of area No. 9 delineated on 3 maps dated 23 May 1994 and numbered as follows— (a) LW/20/8 (Edition 2); (b) LW/20/11; (c) LW/20/12.
9A	Part of Lantau Island and Part of Outlying Islands	Those parts of area No. 9A delineated on 12 maps dated 23 May 1994 and numbered as follows— (a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/5; (d) LW/20/7; (e) LW/20/8 (Edition 2); (f) LW/20/9; (g) LW/20/10 (Edition 2); (h) LW/20/12; (i) LW/20/13;

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地區編號	禽畜廢物禁制區	放大區說明
		(j) LW/20/14 ; (k) LW/20/15 ; (l) LW/20/16 。
地區編號	禽畜廢物管制區	放大區說明
10	部分梧桐河區	日期為 1994 年 5 月 23 日的 4 幅地圖劃出的第 10 區部分地方範圍，該 4 幅地圖的編號如下—— (a) LW/20/2 ; (b) LW/20/3 ; (c) LW/20/6 ; (d) LW/20/7 。
11	吐露港及部分赤門海峽區	日期為 1994 年 5 月 23 日的 5 幅地圖劃出的第 11 區部分地方範圍，該 5 幅地圖的編號如下—— (a) LW/20/3 ; (b) LW/20/4(第 2 版) ; (c) LW/20/7 ; (d) LW/20/8(第 2 版) ; (e) LW/20/11 。
12	深圳河上游區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 12 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2 ; (b) LW/20/3 。

Area No.	Livestock Waste Prohibition Area	Description of Enlarged Area
		(j) LW/20/14; (k) LW/20/15; (l) LW/20/16.
Area No.	Livestock Waste Control Area	Description of Enlarged Area
10	Part of River Indus Area	Those parts of area No. 10 delineated on 4 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/3; (c) LW/20/6; (d) LW/20/7.
11	Tolo Harbour and Part of Tolo Channel Area	Those parts of area No. 11 delineated on 5 maps dated 23 May 1994 and numbered as follows— (a) LW/20/3; (b) LW/20/4 (Edition 2); (c) LW/20/7; (d) LW/20/8 (Edition 2); (e) LW/20/11.
12	Upper Sham Chun (Shenzhen) River Area	Those parts of area No. 12 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/3.

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地區編號	禽畜廢物管制區	放大區說明
13	部分荃灣、寮肚村一帶及大欖涌	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 13 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/6； (b) LW/20/7。
14	部分屯門區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 14 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/5； (b) LW/20/6。
15	屯門元朗走廊地帶	日期為 1994 年 5 月 23 日的地圖劃出的第 15 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/6。
16	部分元朗區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 16 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/6。
17	部分錦田河區	日期為 1994 年 5 月 23 日的 3 幅地圖劃出的第 17 區部分地方範圍，該 3 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/6； (c) LW/20/7。

Area No.	Livestock Waste Control Area	Description of Enlarged Area
13	Part of Tsuen Wan, Liu To Village and Environs and Tai Lam Chung Area	Those parts of area No. 13 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/6; (b) LW/20/7.
14	Part of Tuen Mun Area	Those parts of area No. 14 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/5; (b) LW/20/6.
15	Corridor between Tuen Mun and Yuen Long	Those parts of area No. 15 delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/6.
16	Part of Yuen Long Area	Those parts of area No. 16 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/6.
17	Part of Kam Tin River Area	Those parts of area No. 17 delineated on 3 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/6;

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地區編號	禽畜廢物管制區	放大區說明
18	部分天水圍區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 18 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/6。
19	部分新田及流浮山一帶	日期為 1994 年 5 月 23 日的 3 幅地圖劃出的第 19 區部分地方範圍，該 3 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/5； (c) LW/20/6。
20	茅湖仔村一帶	日期為 1994 年 5 月 23 日的地圖劃出的第 20 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/11。
21	部分西貢區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 21 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/8(第 2 版)； (b) LW/20/12。
22	將軍澳一帶	日期為 1994 年 5 月 23 日的地圖劃出的第 22 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/12。

Area No.	Livestock Waste Control Area	Description of Enlarged Area
		(c) LW/20/7.
18	Part of Tin Shui Wai Area	Those parts of area No. 18 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/6.
19	Part of San Tin and Lau Fau Shan Environs	Those parts of area No. 19 delineated on 3 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/5; (c) LW/20/6.
20	Mau Wu Tsai Village and Environs	Those parts of area No. 20 delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/11.
21	Part of Sai Kung Area	Those parts of area No. 21 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/8 (Edition 2); (b) LW/20/12.
22	Junk Bay Environs	Those parts of area No. 22 delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/12.

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地區編號	禽畜廢物管制區	放大區說明
23	部分離島	日期為 1994 年 5 月 23 日的 5 幅地圖劃出的第 23 區部分地方範圍，該 5 幅地圖的編號如下—— (a) LW/20/4(第 2 版) ; (b) LW/20/9 ; (c) LW/20/10(第 2 版) ; (d) LW/20/13 ; (e) LW/20/14 。
24	部分大灘海峽	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 24 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/4(第 2 版) ; (b) LW/20/8(第 2 版) 。
25	部分沙頭角海區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 25 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/3 ; (b) LW/20/4(第 2 版) 。
10R	部分梧桐河區	日期為 1994 年 5 月 23 日的地圖劃出的第 10R 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/3 。

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Area No.	Livestock Waste Control Area	Description of Enlarged Area
23	Part of Outlying Islands	Those parts of area No. 23 delineated on 5 maps dated 23 May 1994 and numbered as follows— (a) LW/20/4 (Edition 2); (b) LW/20/9; (c) LW/20/10 (Edition 2); (d) LW/20/13; (e) LW/20/14.
24	Part of Long Harbour Area	Those parts of area No. 24 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/4 (Edition 2); (b) LW/20/8 (Edition 2).
25	Part of Starling Inlet Area	Those parts of area No. 25 delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/3; (b) LW/20/4 (Edition 2).
10R	Part of River Indus Area	Those parts of area No. 10R delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/3.

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地區編號	禽畜廢物限制區	放大區說明
11R	梅窩及部分赤門海峽區	日期為 1994 年 5 月 23 日的 5 幅地圖劃出的第 11R 區部分地方範圍，該 5 幅地圖的編號如下—— (a) LW/20/3； (b) LW/20/6； (c) LW/20/7； (d) LW/20/10(第 2 版)； (e) LW/20/11。
13R	部分荃灣區	日期為 1994 年 5 月 23 日的 4 幅地圖劃出的第 13R 區部分地方範圍，該 4 幅地圖的編號如下—— (a) LW/20/6； (b) LW/20/7； (c) LW/20/10(第 2 版)； (d) LW/20/11。
14R	部分屯門區	日期為 1994 年 5 月 23 日的地圖劃出的第 14R 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/6。
16R	部分元朗區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 16R 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/6。

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Area No.	Livestock Waste Restriction Area	Description of Enlarged Area
11R	Part of Mui Wo and Part of Tolo Channel Area	Those parts of area No. 11R delineated on 5 maps dated 23 May 1994 and numbered as follows— (a) LW/20/3; (b) LW/20/6; (c) LW/20/7; (d) LW/20/10 (Edition 2); (e) LW/20/11.
13R	Part of Tsuen Wan Area	Those parts of area No. 13R delineated on 4 maps dated 23 May 1994 and numbered as follows— (a) LW/20/6; (b) LW/20/7; (c) LW/20/10 (Edition 2); (d) LW/20/11.
14R	Part of Tuen Mun Area	Those parts of area No. 14R delineated a map dated 23 May 1994 and numbered as follows— (a) LW/20/6.
16R	Part of Yuen Long Area	Those parts of area No. 16R delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/6.

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附表 3

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地區編號	禽畜廢物限制區	放大區說明
18R	部分天水圍區	日期為 1994 年 5 月 23 日的 2 幅地圖劃出的第 18R 區部分地方範圍，該 2 幅地圖的編號如下—— (a) LW/20/2； (b) LW/20/6。
19R	部分新田區	日期為 1994 年 5 月 23 日的地圖劃出的第 19R 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/5。
21R	部分西貢區	日期為 1994 年 5 月 23 日的 4 幅地圖劃出的第 21R 區部分地方範圍，該 4 幅地圖的編號如下—— (a) LW/20/7； (b) LW/20/8(第 2 版)； (c) LW/20/11； (d) LW/20/12。
23R	部分離島	日期為 1994 年 5 月 23 日的 7 幅地圖劃出的第 23R 區部分地方範圍，該 7 幅地圖的編號如下—— (a) LW/20/9； (b) LW/20/10(第 2 版)； (c) LW/20/12； (d) LW/20/13； (e) LW/20/14； (f) LW/20/15； (g) LW/20/16。

Area No.	Livestock Waste Restriction Area	Description of Enlarged Area
18R	Part of Tin Shui Wai Area	Those parts of area No. 18R delineated on 2 maps dated 23 May 1994 and numbered as follows— (a) LW/20/2; (b) LW/20/6.
19R	Part of San Tin Area	Those parts of area No. 19R delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/5.
21R	Part of Sai Kung Area	Those parts of area No. 21R delineated on 4 maps dated 23 May 1994 and numbered as follows— (a) LW/20/7; (b) LW/20/8 (Edition 2); (c) LW/20/11; (d) LW/20/12.
23R	Part of Outlying Islands	Those parts of area No. 23R delineated on 7 maps dated 23 May 1994 and numbered as follows— (a) LW/20/9; (b) LW/20/10 (Edition 2); (c) LW/20/12; (d) LW/20/13; (e) LW/20/14; (f) LW/20/15; (g) LW/20/16.

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地區編號	禽畜廢物限制區	放大區說明
24R	部分大灘海峽區	日期為 1994 年 5 月 23 日的地圖劃出的第 24R 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/8(第 2 版)。
25R	部分沙頭角海區	日期為 1994 年 5 月 23 日的地圖劃出的第 25R 區部分地方範圍，該幅地圖的編號如下—— (a) LW/20/8(第 2 版)。 (由 1994 年第 311 號法律公告代替)

註：
為免生疑問，現聲明：如在分界線的正確劃分上有任何爭議，應以本附表所指明的地圖劃出的分界線為準，而非以附表 1、2 及 5 所指明的地圖劃出的分界線為準。(由 1994 年第 28 號第 26 條修訂)
(由 1987 年第 58 號第 14 條增補)

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Area No.	Livestock Waste Restriction Area	Description of Enlarged Area
24R	Part of Long Harbour Area	Those parts of area No. 24R delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/8 (Edition 2).
25R	Part of Starling Inlet Area	Those parts of area No. 25R delineated on a map dated 23 May 1994 and numbered as follows— (a) LW/20/8 (Edition 2). (Replaced L.N. 311 of 1994)

Note:

For the avoidance of doubt it is declared that in the event of any dispute as to the correct delineation of boundaries, the boundaries delineated on maps identified in this Schedule shall prevail over the boundaries delineated on maps identified in the First, Second and Fifth Schedules. (Amended 28 of 1994 s. 26)

(Added 58 of 1987 s. 14)

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附表 4

Fourth Schedule

S4-2
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[第 2 及 37 條]

獲豁免的人

(格式變更 —— 2018 年第 2 號編輯修訂紀錄)

項	說明
1.	擁有、承租或管理任何飼養有禽畜在內的屠場或屠房的人。
2.	擁有、承租或管理任何飼養有禽畜在內的批發市場或零售市場 (包括位於該市場內的攤檔) 的人。
3.	擁有、承租或管理任何飼養有禽畜在內的圍欄的人。
4.	(由 1999 年第 78 號第 7 條廢除)
5.	持有根據《食物業規例》(第 132 章，附屬法例 X) 第 IV 部就飼養有家禽的新鮮糧食店而批予的有效牌照的人。 (由 1999 年第 78 號第 7 條修訂)
6.	任何擁有、承租或管理孵卵場的人，而其孵卵場所飼養的家禽出生不超過 12 天者。
7.	(由 2006 年第 19 號法律公告廢除)
8.	任何有位於禽畜廢物管制區內的處所並在該處所中擁有或飼養 1 隻豬的人，如該豬隻是母豬，則包括其未斷奶的小豬。 (由 2006 年第 19 號法律公告代替)

Fourth Schedule

[ss. 2 & 37]

Exempt Persons

(Format changes—E.R. 2 of 2018)

Item	Description
1.	Any person who owns, leases or manages any abattoir or slaughterhouse in which livestock is kept.
2.	Any person who owns, leases or manages any part of any wholesale market or retail market (including a stall situated in such market) in which livestock is kept.
3.	Any person who owns, leases or manages any lairage in which livestock is kept.
4.	(Repealed 78 of 1999 s. 7)
5.	Any person who holds a valid licence granted under Part IV of the Food Business Regulation (Cap. 132 sub. leg. X) in respect of a fresh provision shop in which live poultry are kept. (Amended 78 of 1999 s. 7)
6.	Any person who owns, leases or manages any hatchery in which poultry of not more than 12 days old are kept.
7.	(Repealed L.N. 19 of 2006)
8.	Any person who owns or keeps in or on his premises in any livestock waste control area 1 pig, including, in the case of a sow, the unweaned litter of that sow. (Replaced L.N. 19 of 2006)

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附表 4

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項	說明
9.	任何已獲漁農自然護理署署長批予豁免的人，而該項豁免乃免使該人根據《公眾衛生（動物及禽鳥）條例》（第 139 章）所訂任何規例申領並持有牌照以飼養禽畜。（由 1994 年第 28 號第 27 條增補。由 1997 年第 193 號法律公告修訂；由 1999 年第 331 號法律公告修訂）
10.	漁農自然護理署署長。（由 1994 年第 311 號法律公告增補。由 1999 年第 331 號法律公告修訂）
11.	食物環境衛生署署長。（由 1999 年第 78 號第 7 條代替）
12.	（由 1999 年第 78 號第 7 條廢除）
13.	任何持有根據《公眾衛生（動物及禽鳥）條例》（第 139 章）就舉行動物或雀鳥展覽而批予的有效牌照或許可證的人。（由 1994 年第 311 號法律公告增補。由 1997 年第 193 號法律公告修訂）
13A.	任何依據根據《公眾衛生（動物及禽鳥）（禽畜飼養的發牌）規例》（第 139 章，附屬法例 L）第 9A 條發出的有效豁免許可證飼養家禽的人。（由 2006 年第 19 號法律公告及由 2006 年第 66 號法律公告增補）
14.	任何擁有或管理供公眾前往並飼養有禽畜的公園的人，而該公園所飼養的禽畜僅是為了展示給獲准進入公園（不論是否須付款）的公眾而飼養者。（由 1994 年第 311 號法律公告增補）
15.	任何擁有或管理任何學校或其他教育機構的人，而該學校或教育機構是提供幼稚園教育、小學教育、中學教育或專上教育，並為教育的目的而在其內飼養有禽畜者。（由 1994 年第 311 號法律公告增補）

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Item	Description
9.	Any person who has been granted an exemption by the Director of Agriculture, Fisheries and Conservation from applying and holding a licence to keep livestock under any regulation made under the Public Health (Animals and Birds) Ordinance (Cap. 139). (Added 28 of 1994 s. 27. Amended L.N. 331 of 1999)
10.	The Director of Agriculture, Fisheries and Conservation. (Added L.N. 311 of 1994. Amended L.N. 331 of 1999)
11.	The Director of Food and Environmental Hygiene. (Replaced 78 of 1999 s. 7)
12.	(Repealed 78 of 1999 s. 7)
13.	Any person who holds a valid licence or permit granted under the Public Health (Animals and Birds) Ordinance (Cap. 139) in respect of holding of exhibition of animals or birds. (Added L.N. 311 of 1994)
13A.	Any person who keeps poultry pursuant to a valid exemption permit issued under section 9A of the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139 sub. leg. L). (Added L.N. 19 of 2006 and L.N. 66 of 2006)
14.	Any person who owns or manages a park for public access in which livestock is kept solely for the purpose of exhibition to which the public are admitted, whether on payment or not. (Added L.N. 311 of 1994)
15.	Any person who owns or manages a school or other educational institution providing kindergarten, primary, secondary, post-secondary or tertiary education in which livestock is kept for the purpose of education. (Added L.N. 311 of 1994)

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註：

為計算第 8 項所批准的禽畜數目，凡由任何人的配偶、父母、姊妹、兄弟、子女或其他遠親或先祖或與該人同住的代名人於該處所中擁有或飼養的任何禽畜，均須當作是該人擁有或飼養的。（由 2006 年第 19 號法律公告修訂）

（由 1987 年第 58 號第 14 條增補）

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Note:

For the purposes of calculating the permitted number of livestock in item 8, any livestock owned or kept in or on those premises by any person's spouse, father, mother, sister, brother, son, daughter or other remoter relative or ancestor or nominee residing with that person shall be deemed to be owned or kept by that person. (*Amended L.N. 19 of 2006*)

(*Added 58 of 1987 s. 14*)

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附表 5

Fifth Schedule

S5-2
Cap. 354**附表 5**

[第 2、15AA 及 37 條]

禽畜廢物限制區

(格式變更 —— 2018 年第 2 號編輯修訂紀錄)

項	說明	有關日期
(由 1999 年第 78 號第 7 條修訂)		
1.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版) 的地圖劃出的稱為“部份梧桐河區”的上水及粉嶺區部分地方範圍，即圖上以號碼 10R 指明的範圍。	1994 年 7 月 1 日
2.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 及 LW/50/2(第 3 版) 的 2 幅地圖劃出的稱為“部份梅窩及部份赤門海峽區”的西貢、大埔及離島區部分地方範圍，即圖上以號碼 11R 指明的範圍。	1994 年 7 月 1 日
3.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 及 LW/50/2(第 3 版) 的 2 幅地圖劃出的稱為“部份荃灣區”的荃灣及葵涌區部分地方範圍，即圖上以號碼 13R 指明的範圍。	1994 年 7 月 1 日
4.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版) 的地圖劃出的稱為“部份屯門區”的屯門區部分地方範圍，即圖上以號碼 14R 指明的範圍。	1994 年 7 月 1 日

Fifth Schedule

[ss. 2, 15AA & 37]

Livestock Waste Restriction Areas

(Format changes—E.R. 2 of 2018)

Item	Description	Relevant Date
(Amended 78 of 1999 s. 7)		
1.	Those parts of Sheung Shui and Fanling districts delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF RIVER INDUS AREA” and identified by the number 10R thereon.	1 July 1994
2.	Those parts of Sai Kung, Tai Po and Islands districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF MUI WO AND PART OF TOLO CHANNEL AREA” and identified by the number 11R thereon.	1 July 1994
3.	Those parts of Tsuen Wan and Kwai Chung districts delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF TSUEN WAN AREA” and identified by the number 13R thereon.	1 July 1994
4.	That part of Tuen Mun district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF TUEN MUN AREA” and identified by the number 14R thereon.	1 July 1994

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附表 5

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項	說明	有關日期
5.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份元朗區”的元朗區部分地方範圍，即圖上以號碼 16R 指明的範圍。	1994 年 7 月 1 日
6.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份天水圍區”的元朗區部分地方範圍，即圖上以號碼 18R 指明的範圍。	1994 年 7 月 1 日
7.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)的地圖劃出的稱為“部份新田區”的元朗區部分地方範圍，即圖上以號碼 19R 指明的範圍。	1994 年 7 月 1 日
8.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份西貢區”的西貢區部分地方範圍，即圖上以號碼 21R 指明的範圍。	1994 年 7 月 1 日
9.	日期為 1994 年 5 月 23 日、編號 LW/50/1(第 3 版)及 LW/50/2(第 3 版)的 2 幅地圖劃出的稱為“部份離島”的離島區部分地方範圍，即圖上以號碼 23R 指明的範圍。	1994 年 7 月 1 日
10.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份大灘海峽區”的大灘海峽區部分地方範圍，即圖上以號碼 24R 指明的範圍。	1994 年 7 月 1 日
11.	日期為 1994 年 5 月 23 日、編號 LW/50/2(第 3 版)的地圖劃出的稱為“部份沙頭角海區”的沙頭角區部分地方範圍，即圖上以號碼 25R 指明的範圍。	1994 年 7 月 1 日

Item	Description	Relevant Date
5.	That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF YUEN LONG AREA” and identified by the number 16R thereon.	1 July 1994
6.	That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF TIN SHUI WAI AREA” and identified by the number 18R thereon.	1 July 1994
7.	That part of Yuen Long district delineated on a map dated 23 May 1994 numbered LW/50/1 (Edition 3) described as “PART OF SAN TIN AREA” and identified by the number 19R thereon.	1 July 1994
8.	That part of Sai Kung district delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF SAI KUNG AREA” and identified by the number 21R thereon.	1 July 1994
9.	Those parts of Islands district delineated on 2 maps dated 23 May 1994 numbered LW/50/1 (Edition 3) and LW/50/2 (Edition 3) described as “PART OF OUTLYING ISLANDS” and identified by the number 23R thereon.	1 July 1994
10.	That part of Long Harbour area delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF LONG HARBOUR AREA” and identified by the number 24R thereon.	1 July 1994
11.	That part of Starling inlet area delineated on a map dated 23 May 1994 numbered LW/50/2 (Edition 3) described as “PART OF STARLING INLET AREA” and identified by the number 25R thereon.	1 July 1994

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(由 1994 年第 311 號法律公告代替。由 1995 年第 326 號法律公告修訂)

(Replaced L.N. 311 of 1994. Amended L.N. 326 of 1995)

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附表 6

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附表 6

[第 20A、20B 及 20H 條
及附表 7]

Sixth Schedule

[ss. 20A, 20B & 20H
& Seventh Schedule]

為施行第 20A(1)(a) 及 20B(1)(a) 條而指明的廢物

(由 2024 年第 29 號第 8 條修訂)
(格式變更——2018 年第 2 號編輯修訂紀錄)Waste Specified for Purposes of Sections 20A(1)(a) and
20B(1)(a)(Amended 29 of 2024 s. 8)
(Format changes—E.R. 2 of 2018)

在本附表中——

- (a) 貨物名稱及編號協調制度(或協調制度)的代號開首數字，會盡可能開列於條目旁的第 2 欄，以便對照協調制度；
- (b) 第 2 欄數字旁的“ex”，表示該條目屬協調制度代號標題內的特定項目；
- (c) **非擴散性** (non-dispersible)，就廢物而言，不包括屬粉狀、淤渣狀、塵狀或含有危險液體的固體狀廢物。

In this Schedule—

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;
- (b) the indicative “ex” against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) **non-dispersible** (非擴散性) in relation to waste does not include any waste in the form of powder, sludge, dust or solid items containing encased hazardous liquids.

GA——屬金屬性及非擴散性的金屬及金屬合金廢物

下列貴金屬及其合金的廢料及碎料：

GA010	ex711210	——黃金 ¹
GA020	ex711220	——白金 ¹ (“白金”一詞包括鉑、銥、鐵、鈮、銻及鈳)
GA030	ex711290	——其他貴金屬 ¹ ，例如銀

GA—Metal and metal-alloy waste in metallic, non-dispersible form

The following waste and scrap of precious metals and their alloys:

GA010	ex711210	——of gold ¹
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下列鐵類廢料及鐵或鋼的碎料：

GA040	720410	——鑄鐵廢料及碎料
GA050	720421	——不銹鋼廢料及碎料
GA060	720429	——其他合金鋼廢料及碎料
GA070	720430	——鍍錫鐵或鋼廢料及碎料 (由 2003 年第 14 號第 24 條修訂)
GA080	720441	——車床削屑、削片、碎片、研磨廢屑、銼屑、切屑及沖壓廢料，不論是否捆扎起來
GA090	720449	——其他鐵類廢料及碎料
GA100	720450	——再熔碎鑄塊
GA110	ex730210	——廢鐵鋼軌

下列非鐵類金屬及其合金的廢料及碎料：

GA120	740400	——銅廢料及碎料
GA130	750300	——鎳廢料及碎料
GA140	760200	——鋁廢料及碎料
GA150	ex780200	——鉛廢料及碎料
GA160	790200	——鋅廢料及碎料
GA170	800200	——錫廢料及碎料
GA180	ex810191	——鎢廢料及碎料
GA190	ex810291	——鉬廢料及碎料
GA200	810420	——鎂廢料及碎料
GA220	ex810510	——鈷廢料及碎料
GA230	ex810600	——鉍廢料及碎料
GA240	ex810710	——鐳廢料及碎料

GA020 ex711220 —of platinum¹ (the expression “platinum” includes platinum, iridium, osmium, palladium, rhodium and ruthenium)

GA030 ex711290 —of other precious metal¹, e.g. silver

The following ferrous waste and scrap of iron or steel:

GA040	720410	—Waste and scrap of cast iron
GA050	720421	—Waste and scrap of stainless steel
GA060	720429	—Waste and scrap of other alloy steels
GA070	720430	—Waste and scrap of tinned iron or steel
GA080	720441	—Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
GA090	720449	—Other ferrous waste and scrap
GA100	720450	—Remelted scrap ingots
GA110	ex730210	—Used iron and steel rails

The following waste and scrap of non-ferrous metals and their alloys:

GA120	740400	—Copper waste and scrap
GA130	750300	—Nickel waste and scrap
GA140	760200	—Aluminium waste and scrap
GA150	ex780200	—Lead waste and scrap
GA160	790200	—Zinc waste and scrap
GA170	800200	—Tin waste and scrap
GA180	ex810191	—Tungsten waste and scrap

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GA250	ex810810	——鈦廢料及碎料
GA260	ex810910	——鋁廢料及碎料
GA270	ex811000	——銻廢料及碎料
GA280	ex811100	——錳廢料及碎料
GA290	ex811211	——鉍廢料及碎料
GA300	ex811220	——鉻廢料及碎料
GA310	ex811230	——鍺廢料及碎料
GA320	ex811240	——釩廢料及碎料
	ex811291	下列項目的廢料及碎料
GA330		——鉛
GA340		——銻
GA350		——銻
GA360		——銻
GA370		——鎳
GA390	ex284430	——鈦廢料及碎料
GA400	ex280490	——硒廢料及碎料
GA410	ex280450	——碲廢料及碎料
GA420	ex280530	——稀土廢料及碎料

(由 2006 年第 6 號第 22 條修訂)

GA190	ex810291	——Molybdenum waste and scrap
GA200	810420	——Magnesium waste and scrap
GA220	ex810510	——Cobalt waste and scrap
GA230	ex810600	——Bismuth waste and scrap
GA240	ex810710	——Cadmium waste and scrap
GA250	ex810810	——Titanium waste and scrap
GA260	ex810910	——Zirconium waste and scrap
GA270	ex811000	——Antimony waste and scrap
GA280	ex811100	——Manganese waste and scrap
GA290	ex811211	——Beryllium waste and scrap
GA300	ex811220	——Chromium waste and scrap
GA310	ex811230	——Germanium waste and scrap
GA320	ex811240	——Vanadium waste and scrap
	ex811291	Waste and scrap of
GA330		——Hafnium
GA340		——Indium
GA350		——Niobium
GA360		——Rhenium
GA370		——Gallium
GA390	ex284430	——Thorium waste and scrap
GA400	ex280490	——Selenium waste and scrap
GA410	ex280450	——Tellurium waste and scrap
GA420	ex280530	——Rare earth waste and scrap

(Amended 6 of 2006 s. 22)

GB—— 熔化、冶煉及精煉金屬產生的含金屬廢物

GB—Metal bearing waste arising from melting, smelting and refining of metals

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GB010	262011	——硬質鋅合金
GB020		含鋅的熔渣：
GB021		——鍍鋅板面渣 (>90% 鋅)
GB022		——鍍鋅板底渣 (>92% 鋅)
GB023		——鋅壓鑄熔渣 (>85% 鋅)
GB024		——熱浸鍍鋅板熔渣 (整批) (>92% 鋅)
GB025		——鋅浮渣
GB030		鋁浮渣
GB040		貴金屬及銅加工供再精煉產生的礦渣
GB050		含錫的鉬礦渣，錫含量少於 0.5%

GB010	262011	— Hard zinc spelter
GB020		Zinc containing dross:
GB021		—Galvanizing slab zinc top dross (>90% Zn)
GB022		—Galvanizing slab zinc bottom dross (>92% Zn)
GB023		—Zinc die casting dross (>85% Zn)
GB024		—Hot dip galvanizers slab zinc dross (batch) (>92% Zn)
GB025		—Zinc skimmings
GB030		Aluminium skimmings
GB040		Slags from precious metals and copper processing for further refining
GB050		Tantalum bearing tin slags with less than 0.5% tin

GC——其他含金屬廢物

GC030	ex890800	待拆卸的船隻及其他浮水構築物、妥善卸清所載貨物和其他因船隻作業所產生而已被列為危險物質或危險的廢物
GC040		汽車殘骸，已排去車內液體
GC050		廢催化劑：
GC051		——流化床催化裂解 (FCC) 催化劑
GC052		——含貴金屬催化劑
GC053		——過渡金屬催化劑 (例如鉻、鈷、銅、鐵、鎳、錳、鉬、鎢、鈇、鋅)

GC—Other waste containing metals

GC030	ex890800	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC040		Motor vehicle wrecks, drained of liquids
GC050		Spent catalysts:
GC051		—fluid catalytic cracking (FCC) catalysts

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GC070 ex261900 製造鋼鐵²所產生的礦渣，不包括那些特別製造以符合國家及有關國際規定及標準（包括環保規格）的礦渣
(由 2024 年第 29 號第 8 條修訂)

GC052 —precious metal bearing catalysts
GC053 —transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)

GC070 ex261900 Slag arising from the manufacture of iron or steel² excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards, including environmental protection specifications
(Amended 29 of 2024 s. 8)

GD——採礦產生的廢物：此等廢物屬非擴散性廢物

GD010 ex250490 天然石墨廢料
GD020 ex251400 石片廢料，不論是否以鋸或其他方式粗略刨切，或只是切開
GD030 252530 雲母廢料
GD040 ex252930 白榴石、霞石和霞石正長岩廢料
GD050 ex252910 長石廢料
GD060 ex252921 螢石廢料
 ex252922
GD070 ex281122 固態硅石廢料，不包括用於鑄造工序的硅石

GD—Waste from mining operations: this waste to be in non-dispersible form

GD010 ex250490 Natural graphite waste
GD020 ex251400 Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
GD030 252530 Mica waste
GD040 ex252930 Leucite, nepheline and nepheline syenite waste
GD050 ex252910 Felspar waste
GD060 ex252921 Fluorspar waste
 ex252922
GD070 ex281122 Silica waste in solid form excluding those used in foundry operations

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附表 6

Sixth Schedule

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Cap. 354**GE——非擴散性玻璃廢物**

GE010	ex700100	碎玻璃及其他玻璃廢料及碎料，但陰極射線管的玻璃和其他活性玻璃除外
GE020		玻璃纖維廢料

GF——非擴散性陶瓷廢物

GF010		製作成形燒製後的陶瓷廢料，包括陶瓷器（使用前及／或使用後）
GF020	ex811300	金屬陶瓷廢料及碎料（金屬及陶瓷的合成物）
GF030		附表 7 沒有指明或不包括在內以陶瓷為主的纖維

**GG——主要含無機成分的其他廢物
（此等廢物可能含金屬和有機物質）**

GG010		煙道氣體脫硫過程 (FGD) 產生的部分精煉的硫酸鈣
GG020		拆卸樓宇後的廢石膏牆板或灰泥板
GG030	ex2621	燃煤發電廠產生的底灰渣及爐渣
GG040	ex2621	在他處無載列或包括的燃煤發電廠產生的煤灰（由 2006 年第 6 號第 22 條修訂）
GG050		作提煉石油焦炭及／或瀝青的陽極殘留物

GE—Glass waste in non-dispersible form

GE010	ex700100	Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
GE020		Fibre glass waste

GF—Ceramic waste in non-dispersible form

GF010		Ceramic waste which has been fired after shaping, including ceramic vessels (before and/or after use)
GF020	ex811300	Cermet waste and scrap (metal ceramic composites)
GF030		Ceramic based fibres not specified or included in the Seventh Schedule

**GG—Other waste containing principally inorganic constituents,
which may contain metals and organic material**

GG010		Partially refined calcium sulphate produced from flue gas desulphurisation (FGD)
GG020		Waste gypsum wallboard or plasterboard arising from the demolition of buildings
GG030	ex2621	Bottom ash and slag tap from coal fired power plants
GG040	ex2621	Coal fired power plants fly ash, not elsewhere specified or included (Amended 6 of 2006 s. 22)

S6-13 第 354 章			附表 6	Sixth Schedule			S6-14 Cap. 354
GG060	ex2803	處理可供飲用的水及進行食品業加工及製造維他命產生的廢活性碳 (由 2006 年第 6 號第 22 條修訂)		GG050			Anode butts of petroleum coke and/or bitumen
GG080	ex262100	製銅礦渣，經化學方法穩定，含高鐵量 (逾 20%)，根據工業規格 (如 DIN 4301 和 DIN 8201) 加工，主要作建造及研磨用途		GG060	ex2803		Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (<i>Amended 6 of 2006 s. 22</i>)
GG090		固態硫		GG080	ex262100		Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
GG100		製造氰氨化鈣產生的石灰石 (pH 值少於 9)		GG090			Sulphur in solid form
GG110	ex262100	製造礬土產生的中和紅泥		GG100			Limestone from the production of calcium cyanamide (having a pH less than 9)
GG120		氯化鈉、氯化鉀、氯化鈣		GG110	ex262100		Neutralized red mud from alumina production
GG130		金剛砂 (碳化硅)		GG120			Sodium, potassium, calcium chlorides
GG140		破碎混凝土		GG130			Carborundum (silicon carbide)
GG150	ex262090	含鋰鉭和鋰鈮的玻璃碎料		GG140			Broken concrete
				GG150	ex262090		Lithium-Tantalum and Lithium-Niobium containing glass scraps

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S6-16
Cap. 354**GH——固態塑料廢物**

所有固態塑料廢物，包括（但不限於下列項目）：

GH010	3915	塑料廢料、腐皮及碎料
GH011	ex391510	—— 乙烯聚合物
GH012	ex391520	—— 苯乙烯聚合物
GH013	ex391530	—— 乙烯基氯聚合物
GH014	ex391590	—— 聚合物或共聚物，例如：
		• 聚丙烯
		• 聚對苯二甲酸乙酯
		• 丙烯腈共聚物
		• 丁二烯共聚物
		• 苯乙烯共聚物
		• 聚酰胺
		• 聚對苯二甲酸丁二醇酯
		• 聚碳酸酯
		• 聚硫苯
		• 丙烯酸聚合物
		• 石蠟 (C10-C13) ³
		• 聚氨基甲酸酯（不含氯氟烴）
		• 聚硅氧烷（硅酮）
		• 聚甲基丙烯酸甲酯
		• 聚乙烯醇
		• 聚乙烯醇縮丁醛
		• 聚乙酸乙烯酯

GH—Solid plastic waste

All solid plastic waste including but not limited to:

GH010	3915	Waste, parings and scrap of plastics of:
GH011	ex391510	—polymers of ethylene
GH012	ex391520	—polymers of styrene
GH013	ex391530	—polymers of vinyl chloride
GH014	ex391590	—polymers or co-polymers e.g.:
		• polypropylene
		• polyethylene terephthalate
		• acrylonitrile co-polymer
		• butadiene co-polymer
		• styrene co-polymer
		• polyamides
		• polybutylene terephthalates
		• polycarbonates
		• polyphenylene sulphides
		• acrylic polymers
		• paraffins (C10-C13) ³
		• polyurethane (not containing chlorofluorocarbons)
		• polysiloxanes (silicones)
		• polymethyl methacrylate
		• polyvinyl alcohol
		• polyvinyl butyral

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GH015	ex391590	• 氯化乙烯聚合物 (特氟隆、聚四氟乙烯) —— 樹脂或縮聚物, 例如: • 尿素甲醛樹脂 • 苯酚甲醛樹脂 • 密胺甲醛樹脂 • 環氧樹脂 • 醇酸樹脂 • 聚酰胺
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GI——紙張、紙板及紙品廢物

GI010	4707	下列項目的紙張或紙板廢料及碎料:
GI011	470710	—— 未漂白的牛皮紙或紙板或瓦通紙或紙板
GI012	470720	—— 主要用漂白化學木漿製成的其他紙張或紙板, 未經本體着色
GI013	470730	—— 主要用機械木漿製造的紙張或紙板 (例如報紙、雜誌及類似印刷品)
GI014	470790	—— 其他, 包括但不限於: 1) 層壓紙板 2) 未分類的廢料及碎料

GJ——紡織品廢物

GH015	ex391590	• polyvinyl acetate • polymers of fluorinated ethylene (Teflon, PTFE) ——Resins or condensation products e.g.: • urea formaldehyde resins • phenol formaldehyde resins • melamine formaldehyde resins • epoxy resins • alkyd resins • polyamides
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GI—Paper, paperboard and paper product waste

GI010	4707	Waste and scrap of paper or paperboard:
GI011	470710	—of unbleached kraft paper or paperboard or of corrugated paper or paperboard
GI012	470720	—of other paper or paperboard, made mainly of bleached chemical pulp, not colored in the mass
GI013	470730	—of paper or paperboard made mainly of mechanical pulp (e.g. newspapers, journals and similar printed matter)
GI014	470790	—other, including but not limited to: 1) laminated paperboard 2) unsorted waste and scrap

GJ—Textile waste

S6-19 第 354 章	附表 6		Sixth Schedule	S6-20 Cap. 354	
GJ010	5003	絲廢料 (包括不宜繅絲的繭、紗廢料及回收纖維)	GJ010	5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
GJ011	500310	—— 未經粗梳或精梳	GJ011	500310	——not carded or combed
GJ012	500390	—— 其他	GJ012	500390	——other
GJ020	5103	羊毛幼或粗動物毛廢料，包括紗廢料，但回收纖維除外	GJ020	5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
GJ021	510310	—— 羊毛或幼動物毛的短纖維	GJ021	510310	——noils of wool or of fine animal hair
GJ022	510320	—— 其他羊毛或幼動物毛廢料	GJ022	510320	——other waste of wool or of fine animal hair
GJ023	510330	—— 粗動物毛廢料	GJ023	510330	——waste of coarse animal hair
GJ030	5202	棉廢料 (包括紗廢料及回收纖維)	GJ030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ031	520210	—— 紗廢料 (包括線廢料)	GJ031	520210	——yarn waste (including thread waste)
GJ032	520291	—— 回收纖維	GJ032	520291	——garnetted stock
GJ033	520299	其他	GJ033	520299	——other
GJ040	530130	亞麻短束及廢料	GJ040	530130	Flax tow and waste
GJ050	ex530290	真麻 (<i>Cannabis sativa</i> L.) 的短纖維及廢料 (包括紗線廢料及回收纖維)	GJ050	ex530290	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ060	ex530390	黃麻和其他紡織韌皮纖維 (不包括亞麻、真麻和葶麻) 的短束及廢料 (包括紗廢料及回收纖維)	GJ060	ex530390	Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
GJ070	ex530490	瓊麻及其他龍舌蘭類紡織纖維的短束及廢料 (包括紗廢料及回收纖維)	GJ070	ex530490	Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i>
GJ080	ex530519	椰子短纖維及廢料 (包括紗廢料及回收纖維)			
GJ090	ex530529	蕉麻 (馬尼拉麻或麻蕉) 短束及廢料 (包括紗廢料及回收纖維)			

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GJ100	ex530599	薏麻及在他處無載列或包括的其他植物紡織纖維的短束及廢料 (包括紗廢料及回收纖維) (由 2006 年第 6 號第 22 條修訂)
GJ110	5505	下列人造纖維廢料 (包括短纖維、紗廢料及回收纖維)
GJ111	550510	——合成纖維
GJ112	550520	——人工纖維
GJ120	630900	舊衣服及其他舊紡織品
GJ130	ex6310	舊碎布、紡織物料造的線、繩、索及纜碎料，和破爛的線、繩、索或纜
GJ131	ex631010	——分類
GJ132	ex631090	——其他

GJ080	ex530519	Tow and waste (including yarn waste and garnetted stock) of coconut
GJ090	ex530529	Tow and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or Musa textilis Nee)
GJ100	ex530599	Tow and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ111	550510	——of synthetic fibres
GJ112	550520	——of artificial fibres
GJ120	630900	Worn clothing and other worn textile articles
GJ130	ex6310	Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
GJ131	ex631010	——sorted
GJ132	ex631090	——other

GK——橡膠廢物

GK010	400400	橡膠 (硬質橡膠除外) 廢料、屑皮及碎料，和從中取得的顆粒
GK020	401220	舊氣胎
GK030	ex401700	硬質橡膠廢料及碎料 (例如硬化橡膠)

GK——Rubber waste

GK010	400400	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK020	401220	Used pneumatic tyres
GK030	ex401700	Waste and scrap of hard rubber (e.g. ebonite)

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附表 6

Sixth Schedule

S6-24
Cap. 354**GL—— 未經處理的軟木及木料廢物**

GL010	ex440130	木料廢料及碎片，不論是否凝聚成圓木、煤球、小球或類似形狀
GL020	450190	軟木廢料，壓碎、粒狀或磨碎的軟木

GM—— 農業食品工業產生的廢物

GM070	ex2307	酒糟
GM080	ex2308	在他處無載列或包括的已乾水及已消毒的植物廢料、殘渣及副產品，可用於飼養動物，不論是否成小球形狀（由 2006 年第 6 號第 22 條修訂）
GM090	152200	鞣餘物處理油脂脂肪動物蠟／植物蠟所得的殘渣
GM100	050690	骨頭及角質髓部廢品，未加工的、經脫脂或簡單處理過（但無切成一定形狀），以酸性物處理過或已脫膠
GM110	ex051191	魚類廢料
GM120	180200	可可殼、莢外皮及其他可可廢料
GM130		農業食品工業的廢料，但不包括符合國家及國際所訂的人類或動物食用規定及標準的副產品

GL—Untreated cork and wood waste

GL010	ex440130	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL020	450190	Cork waste, crushed, granulated or ground cork

GM—Waste arising from agro-food industries

GM070	ex2307	Wine lees
GM080	ex2308	Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM090	152200	Degras, residues resulting from the treatment of fatty substances or animal or vegetable waxes
GM100	050690	Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
GM110	ex051191	Fish waste
GM120	180200	Cocoa shells, husks, skins and other cocoa waste

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附表 6

Sixth Schedule

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Cap. 354

GN——製革及去毛作坊及皮革使用產生的廢物

GN010	ex0502	小種豬、大種豬或牡豬的鬃毛及毛髮廢料，或獾毛及其他製刷用的毛廢料
GN020	ex050300	馬毛廢料，不論有否利用支承物料排成層狀
GN030	ex050590	鳥皮及連羽毛或絨毛的其他部分廢料，羽毛及羽毛部分（不論邊緣有否修齊）及絨毛廢料，除為防腐而清理、消毒或處理外再無其他加工
GN040	ex411000	不適宜製造皮革品及不含六價鉻化合物或生物殺傷劑的皮革或多種皮革合成品的削皮或其他廢料，但皮革淤渣除外（由 2006 年第 6 號第 22 條修訂）

GM130

Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GN—Waste arising from tanning and fellmongery operations and leather use

GN010	ex0502	Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush making hair
GN020	ex050300	Horsehair waste, whether or not put up as a layer with or without supporting material
GN030	ex050590	Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
GN040	ex411000	Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles and not containing hexavalent chromium compounds or biocides, excluding leather sludges (<i>Amended 6 of 2006 s. 22</i>)

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附表 6

Sixth Schedule

S6-28
Cap. 354**GO——主要含有機成分的其他廢物
(此等廢物可能含金屬及無機物質)**

GO010	ex050100	人類毛髮廢料
GO020		廢稻草
GO030		製造青霉素產生的滅活性菌絲體，用作動物飼料
GO040		不含銀的廢相底片及廢影片

*(由 1995 年第 14 號第 10 條增補。由 2024 年第 29 號第 8 條修訂)*¹ 該等金屬或其合金或汞齊須無汞成分。² 此條目包括用以製造二氧化鈦和鈮的礦渣。³ 此等物質不能聚合，是用作增塑劑。**GO—Other waste containing principally organic constituents,
which may contain metals and inorganic materials**

GO010	ex050100	Waste of human hair
GO020		Waste straw
GO030		Deactivated fungus mycelium from penicillin production to be used as animal feed
GO040		Waste photographic film base and waste photographic film not containing silver

*(Added 14 of 1995 s. 10. Amended 29 of 2024 s. 8)*¹ Mercury is specifically excluded as a component of these metals or their alloys or amalgams.² This entry covers the use of such slags as a source of titanium dioxide and vanadium.³ These cannot be polymerised and are used as plasticisers.

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附表 7

Seventh Schedule

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附表 7

[第 20A、20B 及 20H 條
及附表 6 及 7A]
(由 2024 年第 29 號第 9 條修訂)

為施行第 20A(1)(b) 及 20B(1)(b) 條而指明的廢物

(由 2024 年第 29 號第 9 條修訂)
(格式變更——2018 年第 2 號編輯修訂紀錄)

在本附表中——

- (a) 貨物名稱及編號協調制度(或協調制度)的代碼開首數字，會盡可能開列於條目旁的第 2 欄，以便對照協調制度；
- (b) 第 2 欄數字旁的“ex”，表示該條目屬協調制度代碼標題內的特定項目；
- (c) **含有**(containing)或**受污**(contaminated with)，就任何廢物而言，指所提述的物質，其含量水平——
 - (i) 已使該廢物變得危險；或
 - (ii) 已使該廢物不宜送往再加工、循環再造或回收或再使用；
- (d) **在他處載列或包括**(elsewhere specified or included)指本附表或附表 6 載列或包括的；及
- (e) **在他處清楚列明**(expressly listed elsewhere)指本附表或附表 6 清楚列明的。

Seventh Schedule

[ss. 20A, 20B & 20H &
Sixth Schedule &
Schedule 7A]
(Amended 29 of 2024 s. 9)

Waste Specified for Purposes of Sections 20A(1)(b) and 20B(1)(b)

(Amended 29 of 2024 s. 9)
(Format changes—E.R. 2 of 2018)

In this Schedule—

- (a) the first digits of the code number of the Harmonised Commodity Description and Coding System (or Harmonised System) are, wherever possible, listed in column 2 opposite an entry as a possible cross reference to the Harmonised System;
- (b) the indicative “ex” against a number in column 2 identifies a specific item contained within the Harmonised System code heading;
- (c) **containing** (含有) or **contaminated with** (受污), in relation to any waste, means that the substance referred to is present to an extent which—
 - (i) renders the waste hazardous; or
 - (ii) renders the waste not suitable for submission to a reprocessing, recycling or recovery operation or for reuse;
- (d) **elsewhere specified or included** (在他處載列或包括) means elsewhere specified or included in this Schedule or in the Sixth Schedule; and

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附表 7

Seventh Schedule

S7-4
Cap. 354**RA——主要含有機成分的廢物 (此等廢物可能含金屬及無機物質)**

- RA010 含有或成分有多氯聯苯及／或多氯三聯苯及／或多溴聯苯，包括該等化合物的任何其他多溴化類似物，不少於 50 毫克／公斤，或受其污染的廢料、物質及物品。
- RA020 從有機物質精煉、蒸餾和熱解處理過程中產生的廢焦油狀殘渣 (不包括瀝青膠泥)。

RB——主要含無機成分的廢物 (此等廢物可能含金屬及有機物質)

- RB010 石棉 (塵和纖維)。
- RB020 物理化學特性類似石棉，以陶瓷為主的纖維。

RC——可能含無機或有機成分的廢物

含有或成分有下列物質或受其污染的廢料。

- RC010 —— 任何多氯苯並呋喃的同系物
- RC020 —— 多氯苯並二噁英的任何同系物
- RC030 含鉛的抗震化合物淤渣。

- (c) *expressly listed elsewhere* (在他處清楚列明) means expressly listed elsewhere in this Schedule or in the Sixth Schedule.

RA—Waste containing principally organic constituents, which may contain metals and inorganic materials

- RA010 Waste, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more.
- RA020 Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials.

RB—Waste containing principally inorganic constituents, which may contain metals and organic materials

- RB010 Asbestos (dusts and fibres).
- RB020 Ceramic based fibres of physico-chemical characteristics similar to those of asbestos.

RC—Waste which may contain either inorganic or organic constituents

Waste that contains, consists of or is contaminated with any of the following.

- RC010 ——any congener of polychlorinated dibenzo-furan
- RC020 ——any congener of polychlorinated dibenzo-dioxin
- RC030 Leaded anti-knock compound sludges.

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附表 7

Seventh Schedule

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Cap. 354

RC040 除過氧化氫以外的過氧化物。

RC040 Peroxides other than hydrogen peroxide.

AA——含金屬的廢物**AA—Metal bearing waste**

AA010 ¹	ex261900	製鐵和鋼產生的熔渣、碎屑及其他廢料
AA020 ¹	ex262019	鋅灰渣及殘渣
AA030 ¹	262020	鉛灰渣及殘渣
AA040 ¹	ex262030	銅灰渣及殘渣
AA050 ¹	ex262040	鋁灰渣及殘渣
AA060 ¹	ex262050	鈮灰渣及殘渣
AA070 ¹	262090	在他處無載列或包括的含金屬或金屬化合物的灰渣及殘渣
AA080 ¹		鉍廢料及殘渣
AA090 ¹	ex280480	砷廢料及殘渣
AA100 ¹	ex280540	汞廢料及殘渣
AA110		在他處無載列或包括的製礬土過程中產生的殘渣
AA120		浸鍍淤渣
AA130		金屬酸浸產生的溶液
AA140		鋅加工產生的溶濾殘渣、塵及淤渣，例如黃鉀鐵矽、赤鐵礦、針鐵礦等
AA150		含貴金屬固態殘渣，並內含微量無機氰化物

AA010 ¹	ex261900	Dross, scalings and other waste from the manufacture of iron and steel
AA020 ¹	ex262019	Zinc ashes and residues
AA030 ¹	262020	Lead ashes and residues
AA040 ¹	ex262030	Copper ashes and residues
AA050 ¹	ex262040	Aluminium ashes and residues
AA060 ¹	ex262050	Vanadium ashes and residues
AA070 ¹	262090	Ashes and residues containing metals or metal compounds not elsewhere specified or included
AA080 ¹		Thallium waste and residues
AA090 ¹	ex280480	Arsenic waste and residues
AA100 ¹	ex280540	Mercury waste and residues
AA110		Residues from alumina production not elsewhere specified or included
AA120		Galvanic sludges
AA130		Liquors from the pickling of metals
AA140		Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc.
AA150		Precious metal bearing residues in solid form which contain traces of inorganic cyanides

S7-7 第 354 章	附表 7	Seventh Schedule	S7-8 Cap. 354
AA160	貴金屬灰渣、淤渣、塵及其他殘渣，如：	AA160	Precious metal ash, sludge, dust and other residues such as:
AA161	—— 焚化印刷電路底板產生的灰燼	AA161	—ash from incineration of printed circuit boards
AA162	—— 攝影膠卷灰燼	AA162	—photographic film ash
AA170	鉛酸蓄電池，完整或壓碎的	AA170	Lead-acid batteries, whole or crushed
AA180	在他處無載列或包括的除鉛酸蓄電池組外的舊電池或蓄電池，完整或壓碎的，以及製造電池及蓄電池產生的廢料及碎料	AA180	Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not elsewhere specified or included
AA190	含金屬羰基化合物成分的廢物（由 2006 年第 6 號第 23 條增補）	AA190	Waste having metal carbonyls as constituents (<i>Added 6 of 2006 s. 23</i>)
AA200	在他處無載列或包括的，含六價鉻化合物成分的廢物（由 2006 年第 6 號第 23 條增補）	AA200	Waste having hexavalent chromium compounds as constituents, not elsewhere specified or included (<i>Added 6 of 2006 s. 23</i>)
AA210	銅電解精煉和銅電解積聚製取過程產生的廢電解溶液（由 2006 年第 6 號第 23 條增補）	AA210	Spent electrolytic solutions from copper electrorefining and electrowinning operations (<i>Added 6 of 2006 s. 23</i>)
AA220	含有溶解銅的廢蝕刻溶液（由 2006 年第 6 號第 23 條增補）	AA220	Spent etching solutions containing dissolved copper (<i>Added 6 of 2006 s. 23</i>)
AA1181	任何以下廢物 ——	AA1181	Any of the following waste—
	(a) 廢電氣設備或廢電子設備，它含有某物質或受某物質污染，程度足以使其成為化學廢物；		(a) waste electrical equipment or waste electronic equipment that contains, or is contaminated with, a substance to an extent that renders such waste as chemical waste;
	(b) 電氣設備的廢部件或電子設備的廢部件，它含有某物質或受某物質污染，程度足以使其成為化學廢物；		

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- (c) 符合以下描述的廢物 ——
- (i) 因處理 (a) 或 (b) 段所述的廢物而產生 (例如因粉碎或拆卸而產生的碎片) ; 及
 - (ii) 含有某物質或受某物質污染, 程度足以使其成為化學廢物。 (由 2024 年第 29 號第 9 條增補)
- (由 2024 年第 29 號第 9 條修訂)

- (b) waste component of electrical equipment or electronic equipment that contains, or is contaminated with, a substance to an extent that renders such waste as chemical waste;
- (c) waste that—
- (i) arises from the processing of any waste mentioned in paragraph (a) or (b) (e.g. fractions arising from shredding or dismantling); and
 - (ii) contains, or is contaminated with, a substance to an extent that renders such waste as chemical waste. *(Added 29 of 2024 s. 9)*

*(Amended 29 of 2024 s. 9)***AB—— 主要含無機成分的廢物 (此等廢物可能含金屬及有機物質)****AB—Waste containing principally inorganic constituents, which may contain metals and organic materials**

AB010	262100	在他處無載列或包括的礦渣、灰渣及殘渣 ²
AB020		燃燒都市／住宅廢物產生的殘渣
AB030		採用非氰化物為主系統作處理金屬表面所產生的廢料

AB010	262100	Slag, ash and residues ² , not elsewhere specified or included
AB020		Residues arising from the combustion of municipal/household waste
AB030		Waste from non-cyanide based systems which arise from surface treatment of metals

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AB040	ex700100	陰極射線管及其他活性玻璃的玻璃廢物，包括來自任何顯示器、電視機及設備的廢物（不論該顯示器、電視機或設備所含有的陰極射線管是否完整無損或已破爛）（由 2006 年第 6 號第 23 條修訂）
AB050	ex252921	氟化鈣淤渣
AB060		其他液狀或淤渣狀的無機氟化合物
AB070		鑄造廠作業使用的沙
AB080		附表 6 內無包括的廢催化劑
AB090		氫氧化鋁廢料
AB100		礬土廢料
AB110		鹼性溶液
AB120		在他處無載列或包括的無機鹵素化合物
AB130		用過的噴砂
AB140		化工工序產生的石膏
AB150		從煙道氣體脫硫過程 (FGD) 產生的未精煉的亞硫酸鹽鈣及硫酸鈣
AB160		含有使燃煤發電廠產生的煤灰成為化學廢物的任何物質、物體或東西的該等煤灰（由 2006 年第 6 號第 23 條增補）

AB040	ex700100	Glass waste from cathode-ray tubes and other activated glasses, including such waste from any monitor, television and equipment (whether or not the cathode-ray tubes contained in the monitor, television or equipment is intact or broken) (<i>Amended 6 of 2006 s. 23</i>)
AB050	ex252921	Calcium fluoride sludge
AB060		Other inorganic fluorine compounds in the form of liquids or sludges
AB070		Sands used in foundry operations
AB080		Spent catalysts not in the Sixth Schedule
AB090		Waste hydrates of aluminium
AB100		Waste alumina
AB110		Basic solutions
AB120		Inorganic halide compounds, not elsewhere specified or included
AB130		Used blasting grit
AB140		Gypsum arising from chemical industry processes
AB150		Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (FGD)
AB160		Coal fired power-plant fly ash containing any substance, matter or thing that renders the fly ash as chemical waste (<i>Added 6 of 2006 s. 23</i>)

AC——主要含有機成分的廢物（此等廢物可能含金屬及無機物質）

AC—Waste containing principally organic constituents, which may contain metals and inorganic materials

S7-13 第 354 章			附表 7	Seventh Schedule			S7-14 Cap. 354
AC010	ex271390	生產／加工石油焦煤和瀝青產生的廢料，陽極殘留物除外		AC010	ex271390	Waste from the production/processing of petroleum coke and bitumen, excluding anode butts	
AC020		瀝青膠泥廢料		AC020		Asphalt cement waste	
AC030		不適合原來用途的廢油		AC030		Waste oils unfit for their originally intended use	
AC040		含鉛石油產品 (汽油) 淤渣		AC040		Leaded petrol (gasoline) sludges	
AC050		熱力 (傳熱) 液體		AC050		Thermal (heat transfer) fluids	
AC060		液壓機液體		AC060		Hydraulic fluids	
AC070		制動劑		AC070		Brake fluids	
AC080		防凍劑		AC080		Antifreeze fluids	
AC090		製造、配製及使用樹脂、乳膠、增塑劑、膠水和黏合劑產生的廢料		AC090		Waste from production, formulation and use of resins, latex, plasticisers, glues and adhesives	
AC100		硝化纖維		AC100		Nitrocellulose	
AC110		酚、酚化合物，包括液狀或淤渣狀氯酚		AC110		Phenols, phenol compounds including chlorophenol in the form of liquids or sludges	
AC120		聚氯化茶球		AC120		Polychlorinated naphthalenes	
AC130		醚類		AC130		Ethers	
AC140		固定鑄造用砂的三乙胺催化劑		AC140		Triethylamine catalysts for setting foundry sands	
AC150		含氯氟烴		AC150		Chlorofluorocarbons	
AC160		鹵化碳氫化合物		AC160		Halons	
AC170		經處理的軟木及木料廢料		AC170		Treated cork and wood waste	
AC180	ex411000	皮革塵渣、灰渣、淤渣及幼粉		AC180	ex411000	Leather dust, ash, sludges and flours	
AC190		絨毛 —— 發動器纖化的簿碎屑		AC190		Fluff—light fraction from automobile shredding	

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AC200	有機磷化合物
AC210	非鹵化溶劑
AC220	鹵化溶劑
AC230	有機溶劑回收作業所產生的鹵化或非鹵化無水的蒸餾殘渣
AC240	生產鹵化鏈脂族烴產生的廢料 (例如甲基氯類、二氯乙烷、氯乙烯、偏二氯乙烯、烯丙氯和表氯醇)
AC250	表面活性劑 (表面活化劑)
AC260	豬的液態糞肥、排泄物
AC270	污水淤渣
AC280	不適宜製造皮革品及含有六價鉻化合物或生物殺傷劑的皮革或多種皮革合成品的削皮及其他廢料 (由 2006 年第 6 號第 23 條增補)
AC290	製革前去毛皮所產生而含有六價鉻化合物或生物殺傷劑或傳染性物質的廢物 (由 2006 年第 6 號第 23 條增補)

AD——可能含無機或有機成分的廢物

AD010	生產及配製藥品所產生的廢料
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AC200	Organic phosphorous compounds
AC210	Non-halogenated solvents
AC220	Halogenated solvents
AC230	Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
AC240	Waste arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
AC250	Surface active agents (surfactants)
AC260	Liquid pig manure, faeces
AC270	Sewage sludge
AC280	Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles and containing hexavalent chromium compounds or biocides (<i>Added 6 of 2006 s. 23</i>)
AC290	Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (<i>Added 6 of 2006 s. 23</i>)

AD—Waste which may contain either inorganic or organic constituents

AD010	Waste from the production and preparation of pharmaceutical products
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S7-17 第 354 章	附表 7	Seventh Schedule	S7-18 Cap. 354
AD020	生產、配製及使用生物殺傷劑和植物藥品所產生的廢料	AD020	Waste from the production, formulation and use of biocides and phyto-pharmaceuticals
AD030	生產、配製及使用木材防腐化學製品產生的廢料	AD030	Waste from the manufacture, formulation and use of wood preserving chemicals
	含有或成分有下列物質或受其污染的廢物：		Waste that contain, consist of or are contaminated with any of the following:
AD040	——無機氰化物，內含微量無機氰化物的含貴金屬固態殘渣除外	AD040	—inorganic cyanides, except precious metal-bearing residues in solid form containing traces of inorganic cyanides
AD050	——有機氰化物	AD050	—organic cyanides
AD060	廢油／水、烴／水混合物、乳化劑	AD060	Waste oils/water, hydrocarbons/water mixtures, emulsions
AD070	生產、配製及使用油墨、染料、顏料、油漆、真漆、罩光漆生產的廢料	AD070	Waste from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
AD080	爆炸性廢物	AD080	Waste of an explosive nature
AD090	生產、配製及使用複印和攝影化學品及在他處無載列或包括的物料所產生的廢料	AD090	Waste from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD100	採用非氰化物為主系統作處理塑膠表面所產生的廢料	AD100	Waste from non-cyanide based systems which arise from surface treatment of plastics
AD110	酸性溶液	AD110	Acidic solutions
AD120	離子交換樹脂	AD120	Ion exchange resins
AD130	連電池的用完即棄相機	AD130	Single use cameras with batteries

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AD140	在他處無載列或包括的清潔工業廢氣的工業污染控制裝置產生的廢物
AD150	用作滲濾介體(例如生物過濾器)的自然產生有機物質
AD160	都市／住宅廢物
AD170	在他處無載列或包括的廢活性碳 (由 2006 年第 6 號第 23 條增補)
AD180	醫療及有關的廢物，即牙科、醫科、護理或獸醫業務或相類業務產生的廢物，以及醫院或其他設施在檢驗或治療病人時或在研究過程中產生的廢物 (由 2006 年第 6 號第 23 條增補)
AD190	含有使廢包裝及容器成為化學廢物的任何物質、物體或東西的該等包裝或容器 (由 2006 年第 6 號第 23 條增補)
AD200	由不合規格或過期化學品組成或含有該等化學品的廢物，而該等化學品是令致該廢物成為化學廢物的 (由 2006 年第 6 號第 23 條增補)
AD210	自研究及發展或教學活動中產生、並未鑑別及／或屬新的以及尚未知道對人類健康及／或環境有何影響的化學物質廢物 (由 2006 年第 6 號第 23 條增補)

AD140	Waste from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included
AD150	Naturally occurring organic material used as a filter medium (such as bio-filters)
AD160	Municipal/household waste
AD170	Spent activated carbon, not elsewhere specified or included (<i>Added 6 of 2006 s. 23</i>)
AD180	Clinical and related wastes; that is wastes arising from dental, medical, nursing or veterinary practice, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects (<i>Added 6 of 2006 s. 23</i>)
AD190	Waste packages and containers containing any substance, matter or thing that renders the packages or containers in question as chemical waste (<i>Added 6 of 2006 s. 23</i>)
AD200	Waste consisting of or containing off specification or outdated chemicals that render the waste as chemical waste (<i>Added 6 of 2006 s. 23</i>)
AD210	Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known (<i>Added 6 of 2006 s. 23</i>)

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AD220

在他處無載列或包括的化學廢物（由
2006 年第 6 號第 23 條增補）
（由 1995 年第 14 號第 10 條增補）

AD220

Chemical waste, not elsewhere specified
or included (*Added 6 of 2006 s. 23*)
(*Added 14 of 1995 s. 10*)

¹ 此條目包括灰渣、殘渣、礦渣、熔渣、浮渣、碎屑、塵、粉、淤渣及塊狀的廢物，
除在他處清楚列明者則屬例外。

² 此條目包括灰渣、殘渣、礦渣、熔渣、浮渣、碎屑、塵、粉、淤渣及塊狀的廢物，
除在他處清楚列明者則屬例外。

¹ These entries include waste in the form of ash, residue, slag, dross, skimming, scaling,
dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

² This entry includes waste in the form of ash, residue, slag, dross, skimming, scaling, dust,
powder, sludge and cake, unless a material is expressly listed elsewhere.

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附表 7A —— 第 1 部
第 1 條

Schedule 7A—Part 1
Section 1

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附表 7A

[第 20A、20B 及 20H 條]

為施行第 20A(1)(b) 及 20B(1)(b) 條而指明的廢物

第 1 部

釋義

1. 附表 7A 的釋義

在本附表中 ——

含有 (containing) 具有附表 7 所給予的涵義；

受污 (contaminated with) 具有附表 7 所給予的涵義。

Schedule 7A

[ss. 20A, 20B & 20H]

Waste Specified for Purposes of Sections 20A(1)(b) and
20B(1)(b)

Part 1

Interpretation

1. Interpretation of Schedule 7A

In this Schedule—

containing (含有) has the meaning given by the Seventh Schedule;

contaminated with (受污) has the meaning given by the Seventh Schedule.

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附表 7A —— 第 2 部

Schedule 7A—Part 2

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廢物

第 1 欄	第 2 欄
項	廢物種類
1.	任何以下廢物 —— (a) 廢電氣設備或廢電子設備，它並不在足以使其成為化學廢物的程度上含有任何物質，亦不在上述程度上受任何物質污染； (b) 電氣設備的廢部件或電子設備的廢部件，它並不在足以使其成為化學廢物的程度上含有任何物質，亦不在上述程度上受任何物質污染； (c) 符合以下描述的廢物 —— (i) 因處理 (a) 或 (b) 段所述的廢物而產生 (例如因粉碎或拆卸而產生的碎片)；及 (ii) 並不在足以使其成為化學廢物的程度上含有任何物質，亦不在上述程度上受任何物質污染。 (附表 7A 由 2024 年第 29 號第 10 條增補)

Part 2
Waste

Column 1	Column 2
Item	Kind of waste
1.	Any of the following waste— (a) waste electrical equipment or waste electronic equipment that does not contain, and is not contaminated with, any substance to an extent that renders such waste as chemical waste; (b) waste component of electrical equipment or electronic equipment that does not contain, and is not contaminated with, any substance to an extent that renders such waste as chemical waste; (c) waste that— (i) arises from the processing of any waste mentioned in paragraph (a) or (b) (e.g. fractions arising from shredding or dismantling); and (ii) does not contain, and is not contaminated with, any substance to an extent that renders such waste as chemical waste.

(Schedule 7A added 29 of 2024 s. 10)

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附表 8

Schedule 8

S8-2
Cap. 354**附表 8**

[第 2 及 37 條]

各組別的醫療廢物

(格式變更 —— 2018 年第 2 號編輯修訂紀錄)

第 1 組 —— 經使用或受污染利器

經使用或已受任何其他組別的醫療廢物污染的針筒、針咀、藥筒、裝藥水小玻璃瓶及其他鋒利器具。

第 2 組 —— 化驗所廢物

化驗所的未經消毒的傳染體儲用培養物或傳染體培養物，以及源自牙科、醫科、獸醫或病理範疇的化驗所並且有潛在傳染性及可能嚴重危害健康的廢物。

第 3 組 —— 人體和動物組織

所有人體和動物組織、器官及身體部分，以及動物屍體，但不包括 ——

- (a) 來自獸醫業務或中醫業務的動物的屍體、組織、器官及身體部分；及
- (b) 來自牙科業務的牙齒。

第 4 組 —— 傳染性物料

源自被以下病原體感染的病人的傳染性物料 ——

- 天花病毒 (Variola virus)；
- 立百病毒 (Nipah virus)；

Schedule 8

[ss. 2 & 37]

Groups of Clinical Waste

(Format changes—E.R. 2 of 2018)

Group 1—Used or contaminated sharps

Syringes, needles, cartridges, ampoules and other sharp instruments which have been used or which have become contaminated with any other group of clinical waste.

Group 2—Laboratory waste

Unsterilized laboratory stock cultures, or cultures, of infectious agents and potentially infectious waste with significant health risk from dental, medical, veterinary or pathological laboratories.

Group 3—Human and animal tissues

All human and animal tissues, organs and body parts as well as dead animals, but excluding—

- (a) dead animals and animal tissues, organs and body parts arising from a veterinary practice or a Chinese medicine practice; and
- (b) teeth arising from a dental practice.

Group 4—Infectious materials

Infectious materials from patients with the following pathogens—

Crimean/Congo haemorrhagic fever virus (克里米亞／剛果出血熱病毒);

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瓜納里托病毒 (Guanarito virus) ;
 伊波拉病毒 (Ebola virus) ;
 克里米亞／剛果出血熱病毒 (Crimean/Congo haemorrhagic fever virus) ;
 亨德拉病毒 (Hendra virus) ;
 呼寧病毒 (Junin virus) ;
 拉薩熱病毒 (Lassa fever virus) ;
 俄羅斯春夏季腦炎病毒 (Russian spring-summer encephalitis virus) ;
 庫阿撒魯爾森林病毒 (Kysanur forest disease virus) ;
 疱疹 B 病毒 (Herpesvirus simiae (B virus)) ;
 馬塞堡病毒 (Machupo virus) ;
 鄂木斯克病毒 (Omsk virus) ;
 瑪堡病毒 (Marburg virus) ;
 薩比亞病毒 (Sabia virus) ;
 嚴重急性呼吸系統綜合症冠狀病毒 (Severe Acute Respiratory Syndrome Coronavirus) ,
 以及受該等傳染性物料污染的物料。

第 5 組——敷料

滴著血液、凝有血塊或含有自由流動血液的外科敷料、棉花球或所有其他廢物。

第 6 組——其他廢物

署長根據本條例第 37(2) 條指明的其他廢物。

(附表 8 由 2006 年第 6 號第 24 條增補)

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Ebola virus (伊波拉病毒);
 Guanarito virus (瓜納里托病毒);
 Hendra virus (亨德拉病毒);
 Herpesvirus simiae (B virus) (疱疹B病毒);
 Junin virus (呼寧病毒);
 Kysanur forest disease virus (庫阿撒魯爾森林病毒);
 Lassa fever virus (拉薩熱病毒);
 Machupo virus (馬塞堡病毒);
 Marburg virus (瑪堡病毒);
 Nipah virus (立百病毒);
 Omsk virus (鄂木斯克病毒);
 Russian spring-summer encephalitis virus (俄羅斯春夏季腦炎病毒);
 Sabia virus (薩比亞病毒);
 Severe Acute Respiratory Syndrome Coronavirus (嚴重急性呼吸系統綜合症冠狀病毒);
 Variola virus (天花病毒),

and materials contaminated by any of such infectious materials.

Group 5—Dressings

Surgical dressings, swabs and all other waste dribbling with blood, caked with blood or containing free-flowing blood.

Group 6—Other wastes

Such other wastes as specified by the Director under section 37(2) of this Ordinance.

(Schedule 8 added 6 of 2006 s. 24)

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附表 9

[第 20A 及 37 條]

於 1989 年 3 月 22 日在瑞士巴塞爾締結而經不時修訂
並適用於香港的《控制危險廢物越境轉移及其處置巴塞
爾公約》(《巴塞爾公約》) 的附件 VII* 所指的國家或締
約方

(格式變更 —— 2018 年第 2 號編輯修訂紀錄)

大不列顛及北愛爾蘭聯合王國
大韓民國
土耳其
日本
比利時
丹麥
加拿大
立陶宛
匈牙利
列支敦士登
冰島
西班牙
希臘
法國
拉脫維亞
波蘭
芬蘭
美利堅合眾國
馬耳他
挪威

Schedule 9

[ss. 20A & 37]

**States or Parties Included in Annex VII of the Basel
Convention* on the Control of Transboundary
Movements of Hazardous Wastes and their Disposal
Concluded at Basel in Switzerland on 22 March 1989 as
Amended from Time to Time and as Applied to Hong
Kong (*Basel Convention*)**

(*Format changes—E.R. 2 of 2018*)

Australia
Austria
Belgium
Canada
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Japan
Latvia
Liechtenstein
Lithuania

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附表 9

第 354 章

捷克共和國
 荷蘭
 斯洛文尼亞
 斯洛伐克共和國
 瑞士
 瑞典
 意大利
 奧地利
 新西蘭
 愛沙尼亞
 愛爾蘭
 塞浦路斯
 葡萄牙
 墨西哥
 德國
 澳大利亞
 盧森堡

及屬以下組織成員的任何其他國家或《巴塞爾公約》締約方 ——

- (a) 經濟合作與發展組織；或
- (b) 歐洲聯盟

(附表 9 由 2006 年第 6 號第 24 條增補)

編輯附註：

*《巴塞爾公約》附件 VII 涵蓋屬經濟合作及發展組織或歐洲聯盟的成員的任何國家或締約方；此描述實質上包括本附表所列國家及其他任何屬該等成員的國家或締約方。

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Luxembourg
 Malta
 Mexico
 The Netherlands
 New Zealand
 Norway
 Poland
 Portugal
 Slovak Republic
 Slovenia
 South Korea
 Spain
 Sweden
 Switzerland
 Turkey
 The United Kingdom of Great Britain and Northern Ireland
 United States of America

and any other state, or party to the Basel Convention, that is a member of—

- (a) the Organization for Economic Co-operation and Development; or
- (b) the European Union

(Schedule 9 added 6 of 2006 s. 24)

Editorial Note:

* Annex VII of the Basel Convention covers any state or party that is a member of OECD or EU, which in effect includes the countries set out in this Schedule and any other state or party that is such a member for the time being.

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第 1 條Schedule 10
Section 1S10-2
Cap. 354**附表 10**

[第 23(1A) 及 37 條]

廢物收集牌照的條款及條件可關乎的事宜

(格式變更 —— 2018 年第 2 號編輯修訂紀錄)

1. 一般事宜

- (1) 牌照有效期。

2. 運作管制

- (1) 收集或接收的廢物的類型、數量及來源。
- (2) 將廢物送往以作重新包裝、貯存、回收、處置或輸出的地方或將廢物送往以作重新包裝、貯存、回收、處置或輸出的廢物收集當局或廢物處置當局提供的設施，以及可如此送往的時間或期間。
- (3) 收集廢物的時間及收集廢物的路線，以及收集廢物的時限。
- (4) 收集站接收、料理和貯存廢物的地點、時間或期間。
- (5) 處置所收集的廢物的方法。
- (6) 收集、接收、貯存、移交和運輸廢物時所採用的安排或所使用的容器、貯存盛器、車輛及船隻 (包括由有關牌照的持有人監督該等容器、盛器、車輛及船隻的使用、人手配置水平、關於料理廢物的程序方面的規定以及容器或盛器可留置於公眾地方的時間及方式) 。
- (7) 在廢物未能在指明的時限內送至廢物處置設施的情況下暫時貯存廢物的方法。

Schedule 10

[ss. 23(1A) & 37]

Matters to which Terms and Conditions of Waste Collection Licence may Relate

(Format changes—E.R. 2 of 2018)

1. General

- (1) The validity period of the licence.

2. Operation control

- (1) The types, quantities and sources of waste which may be collected or received.
- (2) The places, or facilities provided by the collection authority or the waste disposal authority, to which waste may be delivered for repackaging, storage, recovery, disposal or export, and times or periods at or during which waste may be so delivered.
- (3) The times during which, and the routes along which, waste may be collected, and the time allowed for such collection.
- (4) The places, times or periods at or during which waste may be received, handled and stored at a collection point.
- (5) The method of disposal of collected waste.
- (6) The arrangements, containers, storage receptacles, vehicles and vessels to be employed or used in the collection, reception, storage, transfer and transportation of waste (including the supervision of their use by the holder of the licence, manning levels, requirements regarding waste

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第 2 條

- (8) 由有關牌照的持有人採用或使用以收集、移去、貯存、接收和運輸廢物的任何容器、貯存盛器、裝置、設備、衣物、車輛或船隻的設計、構造、標識、保養、操作、清潔及消毒。
- (9) 在接收、移去、貯存和運輸過程中將廢物分隔、包裝、標識和料理的標準、實務及限制。
- (10) 關於遭接收站拒收的廢物的料理的安排。
- (11) 提供予從事廢物收集、接收、貯存、移交及運輸或有關作業的人員的培訓及再培訓，以及從事或受聘進行所涉及的作業的人員的人數及資格。
- (12) 確保在收集、接收、貯存、移交和運輸廢物或進行有關作業過程中的作業質素以及令人滿意的環境衛生及污染管制的水平，運作計劃的製備、修訂及遵行。
- (13) 每一批次的廢物須附隨的文件，或須載於就所涉及的活動而使用的任何車輛或船隻上的文件。
- (14) 須就每一批次在收集站接收的廢物而發出的文件。
- (15) 以指明格式備存和保留有關牌照的持有人就所涉及的活動向廢物收集當局提供的紀錄及資料（包括填寫和備存以及向廢物收集當局呈交由廢物收集當局及廢物處置當局發出的運載紀錄）。

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- handling procedures and the time interval and the manner in which containers or receptacles may be left in a public place).
- (7) Methods of temporary storage of waste if it cannot be delivered to the waste disposal facility within the specified time limit.
- (8) The design, construction, labelling, maintenance, operation, cleansing and disinfection of any container, storage receptacle, plant, equipment, clothing, vehicle or vessel employed or used by the holder of the licence to collect, remove, store, receive and transport waste.
- (9) The standards, practices and restrictions on segregation, packaging, labelling and handling of waste during reception, removal, storage and transportation.
- (10) The arrangements for handling waste that is rejected at a reception point.
- (11) The training and retraining to be provided to persons involved in the collection, reception, storage, transfer and transportation of waste or related operations, and the number of persons and qualifications of persons involved or employed in carrying out the operations concerned.
- (12) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the collection, reception, storage, transfer and transportation of waste or related operations.
- (13) The documentation that shall accompany each consignment of waste or that shall be carried on any vehicle or vessel which is used for the activities concerned.
- (14) The documentation that shall be issued in respect of each consignment of waste received at a collection point.

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第 3 條

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Section 3

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3. 安全及保險

- (1) 所提供、維持和使用的安全設備及設施，以及須展示和提供予從事或受聘進行所涉及的作業的人員的安全資料。
- (2) 為所有從事廢物料理的人而備有的防止潛在危險的個人防護衣物。
- (3) 為應付廢物的收集、接收、貯存、移交及運輸及有關作業所引致的人身傷害或財產損毀而投購的任何保險的投保金額、保單有效期及其他條件。
- (4) 緊急應變計劃的擬備、會為應付緊急情況而調撥的資源、就事故及會為應付緊急情況而採取的行動作出報告，以及就應付緊急情況而培訓員工。

4. 污染管制

- (1) 為防止可能引致空氣污染、土地污染或水污染的任何物質的釋出而採取的預防措施。
- (2) 污染管制及對可能產生的排放物，包括空氣及有害污染物、塵埃、噪音及液體的濺溢、漏出、排出或積聚的監測，以及為防止或以其他方式減輕因廢物收集、接收、

- (15) The keeping and preservation of records and the information in specified format to be supplied to the collection authority by the holder of the licence in relation to the activities concerned, including the filling in and keeping and submission to the collection authority of trip tickets issued by the collection authority and the waste disposal authority.

3. Safety and insurance

- (1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.
- (2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.
- (3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the collection, reception, storage, transfer and transportation of waste and related operations.
- (4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

4. Pollution control

- (1) Precautions to be taken to prevent the release of any substance that may cause air pollution or land or water contamination.
- (2) Pollution control and the monitoring of possible emissions including air and noxious pollutants, dust, noise and liquid spillage, leakage, discharge or deposit, and the precautions to

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貯存、移交及運輸而產生的任何類型的滋擾所採取的預防措施。

- (3) 向廢物收集當局報告任何污染事故。

5. 其他

- (1) 廢物收集當局認為為保護環境及保障公眾衛生屬必要的其他條件。

(附表 10 由 2006 年第 6 號第 24 條增補)

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be taken to prevent or otherwise mitigate any type of nuisance arising from the collection, reception, storage, transfer and transportation of waste.

- (3) The reporting of any pollution incidents to the collection authority.

5. Others

- (1) Other conditions that the collection authority thinks necessary to protect the environment and public health.

(Schedule 10 added 6 of 2006 s. 24)

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第 1 條Schedule 11
Section 1S11-2
Cap. 354**附表 11**

[第 23(1B) 及 37 條]

廢物處置牌照的條款及條件可關乎的事宜

(格式變更——2018 年第 2 號編輯修訂紀錄)

1. 一般事宜

- (1) 牌照有效期。

2. 運作管制

- (1) 就處理或處置廢物而採用的技術或方法。
- (2) 可予接收、料理、分析、處理、貯存、處置或運輸的廢物的類型、數量及來源。
- (3) 接收、料理、處理、貯存、處置或運輸廢物的地點、時間或期間。
- (4) 關於接收廢物前對該等廢物進行分析的安排，包括擬備廢物分析計劃和遵行該計劃，實驗室就進行該等分析而須遵從的規定，以及將分析結果與有關批次的廢物所附隨的廢物運載紀錄或其他紀錄予以核實。
- (5) 廢物及由於持牌的作業而可能產生的物質的料理的安排，包括該等廢物或物質的使用、再使用、循環再造、貯存、處置或運輸。
- (6) 可能用於接收、處理、貯存、處置或運輸廢物的任何盛器、裝置、設備、船隻或車輛的位置、設計、構造及操作。
- (7) 在接收、處理、貯存、處置或運輸過程中對廢物的包裝、標識及料理的標準、實務及限制。

Schedule 11

[ss. 23(1B) & 37]

Matters to which Terms and Conditions of Waste Disposal Licence may Relate

(Format changes—E.R. 2 of 2018)

1. General

- (1) The validity period of the licence.

2. Operation control

- (1) The technology or method to be employed for treatment or disposal of waste.
- (2) The types, quantities and sources of waste which may be received, handled, analysed, treated, stored, disposed of or transported.
- (3) The places, times or periods at or during which waste may be received, handled, treated, stored, disposed of or transported.
- (4) The arrangement for the analysis of waste prior to its reception, including the preparation of and the compliance with a waste analysis plan, the requirements for laboratories to be observed for carrying out the analysis, and verification of the analysis results against trip tickets or other records of waste that accompany the waste consignment.
- (5) The arrangements for handling waste and the substances that may result from the licensed operation, including the use, reuse, recycling, storage, disposal or transportation of the waste or such substances.

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第 2 條

- (8) 任何盛器、裝置、設備、船隻、車輛、衣物及地方的清潔及消毒。
- (9) 提供予從事廢物處理、處置或有關作業的人員的培訓及再培訓，以及從事或受聘進行所涉及的作業的人員的人數及資格。
- (10) 確保在處理或處置廢物或進行有關作業過程中的作業質素以及令人滿意的環境衛生及污染管制的水平，運作計劃的製備、修訂及遵行。
- (11) 於廢物處置設施進行的試行運作及測試，以及在任何試行運作或測試顯示該設施在料理及處理廢物方面有不足之處時須採取的跟進行動。
- (12) 就以下事宜以指明格式備存和向廢物處置當局提供紀錄：所接收、料理、處理、貯存或處置的廢物以及自接收站移出的廢物的類型、數量及來源；該等廢物的微生物、物理及化學成分、送交該等廢物的人、車輛或船隻；接收廢物的時間、處理或處置廢物的方式、時間及地點，以及持牌的作業所產生的物質。該等紀錄可包括廢物收集當局及廢物處置當局為追蹤廢物的移運而發出的運載紀錄。

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- (6) The location, design, construction and operation of any receptacles, plant, equipment, vessels or vehicles that may be used in the reception, treatment, storage, disposal or transportation of waste.
- (7) The standards, practices and restrictions on packaging, labelling and handling of waste during reception, treatment, storage, disposal or transportation.
- (8) The cleansing and disinfection of any receptacles, plant, equipment, vessels, vehicles, clothing and places.
- (9) The training and retraining to be provided to persons involved in the waste treatment, disposal or related operations, and the number of persons and qualifications of persons involved or employed in carrying out the operations concerned.
- (10) The production and revision of, and the compliance with, an operation plan to assure the quality of operation and a satisfactory level of environmental hygiene and pollution control during the waste treatment or disposal or related operations.
- (11) Trial runs and testing to be conducted on the waste disposal facility, and the follow-up actions to be taken if any trial run or testing shows any deficiency of the facility in handling and treating waste.
- (12) The keeping and the provision to the waste disposal authority of records in specified format in relation to the types, quantities and sources of waste received, handled, treated, stored, disposed of and transferred out of the reception point, their microbiological, physical and chemical compositions, the persons, vehicles or vessels delivering the waste, the times of reception of waste, the manner, times and places of treatment or disposal of waste and the substances resulting from the licensed operation. Such records may include trip

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tickets issued by the collection authority and the waste disposal authority for tracking the movement of waste.

3. 廢物處置地點的管理及保養

- (1) 廢物處置地點及其周邊範圍，以及在該地點的相關構築物、通訊設備及設施的管理及保養。
- (2) 在所涉及的作業中採用的任何設備及設施的看顧、保養及保安。
- (3) 廢物處理或處置作業及所有有關活動的管理及監督。

4. 安全及保險

- (1) 所提供、維持和使用的安全設備及設施，以及須展示和提供予從事或受聘進行所涉及的作業的人員的安全資料。
- (2) 為所有從事廢物料理的人而備有的防止潛在危險的個人防護衣物。
- (3) 為應付廢物的處理、循環再造、處置、移交及有關作業所引致的人身傷害或財產損毀而投購的任何保險的投保金額、保單有效期及其他條件。
- (4) 緊急應變計劃的擬備、會為應付緊急情況而調撥的資源、就事故及會為應付緊急情況而採取的行動作出報告，以及就應付緊急情況而培訓員工。

5. 污染管制

- (1) 排放空氣污染物或排出或積聚物體的地方、時間或期間。

3. Site management and maintenance

- (1) The management and maintenance of the site and its surrounding areas and associated structures, communication equipment and facilities on the site.
- (2) The care and maintenance and security of any equipment and facilities to be used in the operations concerned.
- (3) The management and supervision of the waste treatment or disposal operation and all related activities.

4. Safety and insurance

- (1) The safety equipment and facilities to be provided, maintained and used, and the safety information to be displayed and provided to persons involved or employed in carrying out the operations concerned.
- (2) The personal protective clothing against any potential hazard for all persons engaged in handling waste.
- (3) The amount, validity period and other conditions of any insurance to be taken out to cover injuries to persons or damages to properties that may arise in connection with the waste treatment, recycling, disposal, transfer and related operations.
- (4) The drawing up of an emergency plan, the resources to be deployed for dealing with emergency, the reporting of incidents and the actions to be taken in response to an emergency, and the training of staff in respect of response to an emergency.

5. Pollution control

- (1) The places, times or periods at or during which the emission

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第 5 條

- (2) 與所排出或積聚的物體有關的任何污染物或該等污染物的任何構成物進入空氣、水域、公共污水渠或公共排水渠的排出速率或總量或積聚速率或總量。
- (3) 任何可能排放、排出或積聚的物質或該物質的任何構成物的性質、成分、顏色、溫度、極限或濃度。
- (4) 排放、排出或積聚第 (3) 款提述的物質前對該等物質的處理，以及為此而提供、維持和使用的煙囪或有關裝置或設備。
- (5) 為防止任何指明物質排進或積聚於任何指明的香港水域的部分或任何公共污水渠或公共排水渠而採取的預防措施。
- (6) 為防止可能引致泥土或地下水受污染的任何物質的釋出而採取的預防措施。
- (7) 容許發出某一水平的噪音的地方、時間或期間。
- (8) 為減低噪音而提供、維持和使用的裝置、設備及措施。
- (9) 為防止雀鳥、有害物或齧齒類動物在廢物處置地點吞食廢物而採取的預防措施。
- (10) 為防止或以其他方式減輕因廢物處置作業而可能產生的任何滋擾所採取的預防措施。
- (11) 向廢物處置當局報告任何污染事故。
- (12) 在廢物處置當局指明的時間內以該當局指明的方式清理和修復受廢物污染的土地、處所、排水渠、水道、前濱及海域的規定。

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- of air pollutants may take place or the discharge or deposit of matters may be made.
- (2) The rate of discharge or deposit of any pollutants, or any constituent of the pollutants, into the air, the waters, a public sewer or public drain or the total amount in relation to the matter discharged or deposited.
 - (3) The nature, composition, colour, temperature, limit or concentration of any substance that may be emitted, discharged or deposited or of the constituents of the substance.
 - (4) The treatment of the substance referred to in paragraph (3) before it is emitted, discharged or deposited and the chimney or relevant plant or equipment to be provided, maintained and used therefor.
 - (5) Precautions to be taken so that any specified substance may not be discharged or deposited into any specified part of the waters of Hong Kong or any public sewer or public drain.
 - (6) Precautions to be taken to prevent the release of any substance that may cause contamination to soil or ground water.
 - (7) The places, times or periods at or during which a certain noise level may be generated.
 - (8) The plant, equipment and measures to be provided, maintained and used for noise mitigation.
 - (9) Precautions to be taken to prevent birds, pest or rodents from feeding on waste on the site.
 - (10) Precautions to be taken to prevent or otherwise mitigate any nuisance that may arise from the waste disposal operation.
 - (11) The reporting of any pollution incidents to the waste disposal authority.

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6. 環境監測

- (1) 為對任何排放物、排出物、積聚物或處理過程中產生的產品或其任何構成物進行查察、提取樣本或進行量度而提供的設備及設施以及所使用的方法及程序。
- (2) 就排出或積聚的物質、處理過程中產生的產品或排放的空氣污染物（或可能演變成空氣污染物的任何物質）而提取樣本和分析其構成物的地方、時間或頻密程度；對其他環境參數（例如噪音水平）進行量度的地方、時間或頻密程度。
- (3) 可用以進行第 (2) 款提述的分析或量度的實驗室，以及由合資格人員對該等分析或量度的結果進行查核和核證。
- (4) 向廢物處置當局提供第 (2) 款提述的樣本以及分析和量度的結果，並在適當的情況下向公眾發放有關的資料。
- (5) 獲授權人員對本條提述的設備、設施及紀錄的取用。

7. 環境評審

- (1) 環境評審的安排及規定，包括對環境管制以及設施是否符合規定方面的查核，以及為改善設施表現而採取的跟進行動。

- (12) Requirements for cleaning up and restoration of the land, premises, drain, water course, foreshore and the sea contaminated by the waste within such time and in such manner as specified by the waste disposal authority.

6. Environment monitoring

- (1) The equipment and facilities to be provided, and the methods and procedures to be used, for inspecting, sampling or measuring any emission, discharge, deposit or treatment products or any constituents of such products.
- (2) The places, times or frequencies at which samples of substances discharged or deposited, or of treatment products, or of air pollutants (or any materials that may evolve into air pollutants) emitted, are to be taken and analysed for their constituents; and the places, times or frequencies at which other environmental parameters (e.g. noise levels) are to be measured.
- (3) The laboratories that may be employed for carrying out the analyses or measurements referred to in paragraph (2), and the checking and certification of the results of such analyses and measurements by qualified personnel.
- (4) The provision to the waste disposal authority of samples, and of the results of the analyses and measurements referred to in paragraph (2), and the release of related information to the public where appropriate.
- (5) The access of authorized officers to the equipment, facilities and records referred to in this section.

7. Environmental audit

- (1) Environmental audit arrangements and requirements, including the checking of environmental control and

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- (2) 可受聘進行第 (1) 款提述的環境評審的人員，以及由合資格人員對上述評審的結果進行查核和核證。
- (3) 向廢物處置當局提供環境評審的結果及任何有關的資料，並在適當的情況下向公眾發放上述結果及紀錄。

8. 紀錄的備存及報告

- (1) 就設施的運作及管理備存紀錄方面的安排 (包括須備存的紀錄的類型、備存紀錄的地方及期限) 及就該等運作及管理作出報告方面的安排 (包括報告的類型、作出報告的頻密程度、詳情及文本數目)。

9. 廢物處置地點的修復

- (1) 在廢物處置設施關閉之前或之後，對有關的廢物處置地點進行修復、作出補救及進行保養的規定。
- (2) 在終止作業後繼續進行第 5 條提述的污染管制。
- (3) 在終止作業後繼續進行第 6 條提述的環境監測。

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compliance status of the facility, and the follow-up actions to improve its performance.

- (2) The personnel that may be employed for carrying out the environmental audit referred to in paragraph (1), and the checking and certification of the results of such audit by qualified personnel.
- (3) The provision of the result of, and any related information on, the environmental audit to the waste disposal authority and the release of such result and records to the public where appropriate.

8. Record keeping and reporting

- (1) Record keeping arrangements (including the types, locations and duration of records to be kept) and reporting arrangements (including the types, frequency, details and number of copies of reports) relating to the facility's operation and management.

9. Site Restoration

- (1) Requirements for the restoration, remediation and maintenance of the site before and after the closure of the waste disposal facility.
- (2) The continual pollution control referred to in section 5 after termination of the operations.
- (3) The continual environmental monitoring referred to in section 6 after termination of the operations.

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10. 其他

- (1) 廢物處置當局認為為保護環境及保障公眾衛生屬必要的其他條件。

(附表 11 由 2006 年第 6 號第 24 條增補)

10. Others

- (1) Other conditions that the waste disposal authority thinks necessary to protect the environment and public health.

(Schedule 11 added 6 of 2006 s. 24)

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附表 12

[第 37 及 43 條]

第 43 條適用的設施

(格式變更 —— 2015 年第 1 號編輯修訂紀錄)

項	名稱	地址	劃定該設施範圍 而由署長持有的 平面圖或圖則 編號
1.	屯門第 38 區臨時建築廢物篩選分類設施	新界屯門第 38 區南面近內河碼頭	圖則編號 P 20332-1
2.	將軍澳第 137 區臨時建築廢物篩選分類設施	新界將軍澳第 137 區南面	圖則編號 P 20332-2

(附表 12 由 2004 年第 17 號第 11 條增補)

Schedule 12

[ss. 37 & 43]

Facilities to which Section 43 Applies

(Format changes—E.R. 1 of 2015)

Item	Name	Address	Number of drawing or plan held by the Director by which boundaries of the facility are delineated
1.	Tuen Mun Area 38 Temporary Construction Waste Sorting Facility	Southern side of Tuen Mun Area 38, near River Trade Terminal, Tuen Mun, N.T.	Plan Number P 20332-1
2.	Tseung Kwan O Area 137 Temporary Construction Waste Sorting Facility	Southern side of Tseung Kwan O Area 137, N.T.	Plan Number P 20332-2

(Schedule 12 added 17 of 2004 s. 11)

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附表 13

[第 16B 及 37 條]

為施行第 16B(1)(b) 條而指明的成文法則

1. 《建築物條例 (新界適用) 條例》(第 121 章)
2. 《建築物條例》(第 123 章)
(附表 13 由 2013 年第 19 號第 10 條增補)

Schedule 13

[ss. 16B & 37]

Enactments Specified for Purposes of Section 16B(1)(b)

1. Buildings Ordinance (Application to the New Territories)
Ordinance (Cap. 121)
2. Buildings Ordinance (Cap. 123)
(Schedule 13 added 19 of 2013 s. 10)

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附表 14 —— 第 1 部

Schedule 14—Part 1

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[第 20U 及 20V 條]

第 1 部
指定袋的售價

第 1 欄 指定袋的容量	第 2 欄 每個袋的售價
3 公升	\$0.3
5 公升	\$0.6
10 公升	\$1.1
15 公升	\$1.7
20 公升	\$2.2
35 公升	\$3.9
50 公升	\$5.5
75 公升	\$8.5
100 公升	\$11
240 公升	\$26
660 公升	\$73

Schedule 14

[ss. 20U & 20V]

Part 1
Prices of Designated Bags

Column 1 Capacity of designated bag	Column 2 Price per bag
3 litres	\$0.3
5 litres	\$0.6
10 litres	\$1.1
15 litres	\$1.7
20 litres	\$2.2
35 litres	\$3.9
50 litres	\$5.5
75 litres	\$8.5
100 litres	\$11
240 litres	\$26
660 litres	\$73

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附表 14 —— 第 2 部

Schedule 14—Part 2

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第 2 部

指定標籤的售價

每個標籤 \$11

(附表 14 由 2021 年第 25 號第 9 條增補)

Part 2

Price of Designated Label

\$11 per label

(Schedule 14 added 25 of 2021 s. 9)