

Environmental Laws & Regulations in Hong Kong

Attention

1. The framework presented in this legal register is for reference only; users shall include legal and other requirements applicable to the activities, services and products of their operations.
2. In general, the major environmental legislations in Hong Kong cover the following areas:
 - Air emission control
 - Noise control
 - Waste management
 - Water pollution control
 - Environmental Impact Assessment

As a starting point, users may visit the following websites of the Environmental Protection Department for an overview of the environmental legislations, standards and guidelines of Hong Kong:

- Environmental Legislations
(http://www.epd.gov.hk/epd/english/laws_regulations/envir_legislation/laws_relatedleg.htm)
 - Environmental Standards and Guidelines
(http://www.epd.gov.hk/epd/english/envir_standards/esg_maincontent.html)
3. For the purpose of providing more background information on the linkage between the relevant legislation and environmental aspects, the column of “Description” and “Area of Applicability” are listed as assisting tools.

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A. Air Emission Control

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
A1.	<i>Air Pollution Control Ordinance (Cap. 311)</i>	Provides for the control of air pollution from stationary sources and motor vehicles. Also enables promulgation of regulations	Use of fuels for stationery combustion sources (e.g. boiler, motor vehicles).
A2.	<i>Air Pollution Control (Dust and Grit Emission) Regulations</i>	Stipulates the emission standards, assessment procedures and requirements for particulate emissions from stationary combustion sources.	See above.
A3.	<i>Air Pollution Control (Fuel Restriction) Regulations</i>	Prohibits the use of high sulphur content solid and liquid fuel for commercial and industrial appliances. (In Shatin, only gaseous fuel is allowed except for the appliances used in construction sites or for emergency purposes.)	See above.
A4.	<i>Air Pollution Control (Furnaces, Oven and Chimneys) (Installation and Alteration) Regulation</i>	Requires prior approval to ensure suitable design for the installation and alteration of furnaces, ovens and chimneys.	Air emission from the chimneys of boiler.
A5.	<i>Air Pollution Control (Motor Vehicle Fuel) Regulation</i>	Sets out the specifications of motor vehicle fuel to be used in motor vehicles and prohibits the sale of leaded petrol.	Use of fuel for registered vehicles.
A6.	Air Pollution Control (Emission Reduction Devices for Vehicles) Regulation	Requires pre-Euro light diesel vehicles up to 4 tonnes to have emission reduction devices for licence renewal.	Install emission reduction devices for pre-Euro light diesel vehicles up to 4 tonnes.
A7.	<i>Air Pollution Control (Smoke) Regulation</i>	Restricts emission of dark smoke from stationary combustion sources.	Air emission from the boiler.

No.	Title	Descriptions	Area of Applicability
A8.	<i>Technical Memorandum for Issuing Air Pollution Abatement Notices to Control Air Pollution from Stationary Polluting Process</i>	Specifies principles, methods, standards and guidelines for assessing air pollution from stationary polluting sources.	Air emission from the boiler, chemical fume from plating baths
A9.	<i>Air Pollution Control (Volatile Organic Compounds) Regulation</i>	Products required to be sold with a label detailing their VOC content. Maximum VOC limits of regulated products will take effect in stages, together with other requirements such as annual reporting of their sales data.	Use of VOC contained products.
A10.	<i>Ozone Layer Protection Ordinance (Cap. 403)</i>	To give effect to Hong Kong's international obligations under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; to provide for the prohibition of the manufacture of, and to control the importation and exportation of, and to conserve the resources of, substances that deplete the ozone layer and of products containing or made with those substances; and to provide for related matters.	Use of 'scheduled' refrigerants for building (R22) air-conditioning units.
A11.	<i>Ozone Layer Protection (Controlled Refrigerants) Regulation</i>	Requires the conservation of controlled refrigerants used in large from all countries, scale installations and motor vehicles.	Use of 'Controlled' refrigerants for air-conditioning systems for vehicles.
A12	<i>Road Traffic Ordinance (Cap. 374)</i>	Regulates road traffic, vehicles and users of roads and related matters; includes provisions to limit pollution from vehicles.	Use of service vehicles.
A13	<i>Road Traffic (Construction and Maintenance of Vehicles) Regulations</i>	Specifies smoke levels for in-service vehicles.	Use of service vehicles.

2. Other Requirements

2.1. Code of Practice

No.	Title	Descriptions	Area of Applicability
A14.	<i>Code of Practice for the Prevention of Legionnaires' Disease in Hong Kong</i> (Source : Electrical & Mechanical, Service Department)	Provides practical guidelines for the proper design, operation and maintenance of the related facilities to prevent the possible outbreak of Legionnaires' Disease.	Indoor area ventilation.

2.2. Professional Guidelines

No.	Title	Descriptions	Area of Applicability
A15.	ProPECC Practice Note PN 1/92 <i>Impingement of Plumes from Boiler Chimneys on Adjacent Buildings</i>	Chimneys serving boilers and furnaces can emit noxious and harmful polluting matters. These emissions may impinge directly onto buildings located up to 200m, from the chimney concerned and can give rise to severe nuisances or to adverse health effects. This factor must be taken into account when designing a new building that will be located near to existing chimneys or when installing a chimney on an existing building.	Install a chimney on existing building
A16.	ProPECC Practice Note PN 4/94 <i>Air Conditioning Refrigerants – A Time for Change</i>	To alert professionals involved with the air-conditioning of buildings to the impending shortage of conventional CFC-based refrigerants; To provide advice on the urgent measures which need to be taken to eliminate dependence on CFC-based refrigerants.	Use of ozone depleting refrigerants for air-conditioning units, vehicles

No.	Title	Descriptions	Area of Applicability
A17.	<i>A Guide to the Air Pollution Control (Volatile Organic Compounds) Regulation</i> [Source: Environmental Protection Department]	To give the general introduction on the Air Pollution Control (Volatile Organic Compounds) Regulation (hereunder referred to as the "Regulation") which regulates the VOC contents in certain products/processes.	Use of VOC contained products.

2.3. Technical Circular

No.	Title	Descriptions	Area of Applicability
A18	<i>Guidance notes for management of Indoor Air Quality in office and public places</i> (Source : Environment, Transport and Works Bureau)	Guidelines for the total management of indoor air quality. It is designed to enable owner/management of premises/building to prevent and successfully manage most of the common indoor air quality problems encountered in buildings in Hong Kong, for the health and well-being of all.	Indoor area ventilation.

B. Noise Control

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
B1.	<i>Noise Control Ordinance (Cap. 400); Noise Control (General) Regulations</i>	To provide for the prevention, minimizing and abatement of noise; the appointment of a Noise Control Authority; the powers and duties of the Noise Control Authority relating to the control of noise; the creation of offences; and for connected purposes.	Noise from industrial premises (e.g. noise from pump and maintenance operation, etc). In the event of a complaint by the public in relation to noise from our premises.
B2.	<i>Noise Control (Motor Vehicles) Regulation</i>	Requires all motor vehicles, including buses, commercial vehicles, lorries & motorcycles, first registered in Hong Kong to meet with stringent noise emission standards.	Purchasing of registered vehicles.
B3.	<i>Road Traffic (Construction and Maintenance of Vehicles) Regulation</i>	The regulations prohibit the use of motor vehicles without silencers or with a modified or defective silencer.	Use of service vehicles.
B4.	<i>Factories and Industrial Undertakings Ordinance (Cap. 59) Factories and Industrial Undertakings (Noise at Work) Regulations Occupational Safety and Health Ordinance (Cap. 509)</i>	Controls noise generated inside a factory or other industrial undertaking which affects employees in the work place	Use of noisy plant and equipment (e.g. board drilling, cutting machine, air compressor etc.).

2. Other Requirements

2.1. Technical Memorandum

No.	Title	Descriptions	Area of Applicability
B5.	<i>Technical Memorandum for the Assessment of Noise from Places Other Than Domestic Premises, Public Places or Construction Sites</i>	for the measurement and assessment of noise emanating from places other than domestic premises, public places or construction sites; for the issuing of Noise Abatement Notices; and for determining whether or not any Noise Abatement Notice is being complied with.	Noise from industrial premises (e.g. noise from pump and maintenance operation, etc). In the event of a complaint by the public in relation to noise from our premises.

C. Waste Management

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
C1.	<i>Waste Disposal Ordinance (Cap. 354)</i>	Provides for the licensing of collection services and disposal facilities for all types of waste, the prohibition of livestock keeping in urban areas, the control on livestock keeping in restriction areas, the control on discharge or deposit of livestock waste in designated control areas, the control scheme on chemical waste, the control on illegal dumping of waste, the control on import and export of waste and for the establishment of a system whereby specified wastes must be notified to the relevant authority who may give directions as to the method of disposal. Requires also the production of a comprehensive plan for the collection and disposal of wastes.	Production and disposal of general solid waste (e.g. general refuse, recyclable wastes, etc.) and chemical waste (e.g. spent plating bath, sludge, spent flux, etc.).
C2.	<i>Waste Disposal (Chemical Waste) (General) Regulation</i>	Provides for control of all aspects of chemical waste disposal, including storage, collection, transport, treatment and final disposal.	Production, storage and disposal of chemical waste (e.g. spent plating bath, acids, sludge, flux, etc.).
C3.	<i>Waste Disposal (Charges for Disposal of Chemical Waste) Regulation</i>	Requires payment of charges for disposal of chemical waste at the Chemical Waste Treatment Centre thus creating an economic incentive towards waste minimisation.	Charges for chemical wastes disposal.

2. Other Requirements

2.1. Code of Practice

No.	Title	Descriptions	Area of Applicability
C4.	<i>Code of Practices on the Packaging, Labelling and Storage of Chemical Wastes</i>	Provides guidance to chemical waste producer for arranging proper packaging, labelling and storage of chemical waste before they are transported off-site to disposal facilities; and also apply to temporary storage of chemical waste prior to on-site or in-house treatment	Storage and disposal of chemical waste (e.g. spent plating bath, acids, sludge, flux, etc.).

2.2. Professional Guidelines

No.	Title	Descriptions	Area of Applicability
C5.	<i>A Guide to the Chemical Waste Control Scheme</i> [Source: Environmental Protection Department]	To introduce and explain the legislative controls over the management of chemical waste in Hong Kong	Production, storage and disposal of chemical waste (e.g. spent plating bath, acids, sludge, flux, etc.).
C6.	<i>A Guide to the Registration of Chemical Waste Producers</i> [Source: Environmental Protection Department]	To introduce the registration provisions of the Waste Disposal (Chemical Waste) (General) Regulation and the procedure for identifying chemical waste generation.	Disposal of chemical waste (e.g. spent plating bath, acids, sludge, flux, etc.).

D. Water Pollution Control

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
D1.	<p><i>Water Pollution Control Ordinance (Cap. 358)</i></p> <p><i>Water Pollution Control (General) Regulations</i></p> <p><i>Technical Memorandum Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters (Cap 358AK)</i></p>	<p>Provides for the designation of water control zones within which discharge of effluent other than domestic sewage into a foul sewer must be licensed.</p> <p>Gives practical effect to the ordinance</p> <p>Specifies legal limits for quality (physical, chemical and microbial) of effluent discharged into foul sewers, storm water drains, inland and coastal waters.</p>	<p>Relevant to all activities resulting in wastewater discharges (e.g. rinsing water after etching, plating, deburr, desmea, cleaning water etc.).</p>
D2.	<p><i>Sewage Services Ordinance (Cap. 463)</i></p>	<p>Provides for the imposition of sewage charges and trade effluent surcharges and other related matters.</p>	<p>Discharge of wastewater (e.g. rinsing water after etching, plating, deburr, desmea, cleaning water etc.).</p>

E. Dangerous Goods Management

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
E1.	<p><i>Dangerous Goods Ordinance (Cap. 295)</i></p> <p><i>Dangerous Goods (Application & Exemption) Regulations</i></p> <p><i>Dangerous Goods (General) Regulations</i></p>	Defines dangerous goods by category. Controls storage and transport of dangerous goods.	Use and storage of DGs (e.g. sulphuric acid, ammonia, caustic soda, hydrogen peroxide, etc.)
E2.	<i>Pesticides Ordinance (Cap. 133)</i>	Controls the supply and use of agricultural pesticides.	Use of pesticides.
E3.	<i>Radiation Ordinance (Cap. 303)</i>	Controls the use and disposal of radioactive substances.	Use and dispose of radioactive substances (e.g. x-ray metal thickness testing machine, laser drilling machine, etc.).

2. Other Requirements

2.1. Professional Guidelines

No.	Title	Descriptions	Area of Applicability
E4	ProPECC Practice Note PN 2/94 <i>Potentially Hazardous Installations</i> [Source: Environmental Protection Department]	To single out potentially hazardous installations which can give rise to major accidents and to impose on their special requirements.	Storage large quantity of DGs (e.g. sulphuric acid, ammonia, caustic soda, hydrogen peroxide, etc.)
E5	Fire Protection Notice No.4 <i>Dangerous Goods General</i> [Source: Fire Services Department]	Provide general guide on the licensing system for manufacture, store, convey or use of any dangerous goods.	Storage of DGs (e.g. sulphuric acid, ammonia, caustic soda, hydrogen peroxide, etc.)

F. Others

1. Ordinances and Regulations

No.	Title	Descriptions	Area of Applicability
F1.	<i>Control of Chemicals Ordinance (Chapter 145)</i>	A licence is required to import, export, supply, procure, deal in or with, possess or manufacture controlled chemicals.	Controlled purchase of chemicals (e.g. potassium permanganate, cyanide, etc.).
F2.	<i>Public Health and Municipal Services Ordinance (Cap. 132)</i>	Makes provision for urban services and public health; including control of nuisance caused by emission of dust and fumes, discharges of hazardous materials to sewers and littering, and places restrictions on the storage of wastes in buildings.	Applicable to potential nuisance claims from our activities (e.g. improper disposal of general refuse, noise, odour, etc.).
F3.	<i>Summary Offences Ordinance (Cap. 228)</i>	Contains provisions relating to littering offences including marine littering.	Applicable to potential nuisance claims from our activities (e.g. improper disposal of general refuse, noise, odour, etc.).
F4.	<i>Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)</i>	Fixed penalty is set out opposite to the offence of marine littering, unlawful depositing of waste, depositing of litter in public places, country parks and special areas, etc.	Depositing of litter / waste in public places
F5.	<i>Energy Efficiency (Labelling of Products) Ordinance (Cap. 598)</i>	Energy labels must be shown on the selected products to inform consumers of their energy efficiency performance.	Use of room air conditioners, refrigerating appliances and compact fluorescent lamps.
F6.	<i>Product Eco-responsibility Ordinance</i>	Require manufacturers, importers, wholesalers, retailers, consumers or any other parties to share the responsibility for the reduction in the use, recovery, recycling and proper disposal on selected products.	Use of plastic shopping bags, vehicle tyres, electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries;

