

Municipal Solid Waste (MSW) Charging Best Practice Guide

Single-Occupier Premises

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Introduction

The Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 has been passed by the Legislative Council in August 2021. The purpose of this Best Practice Guide (Guide) is to introduce the legislative requirements for municipal solid waste (MSW) charging, and how relevant stakeholders may complement the implementation of MSW charging.

This Guide aims at single-occupier premises¹. This Guide is for reference only. The actual operation may vary depending on the individual circumstances of the premises. Please contact² the Environmental Protection Department (EPD) if you have any questions. In addition, the EPD has set up a dedicated website for MSW charging (<https://www.mswcharging.gov.hk/>) to provide the latest information for the public and the industry.

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- 1 For the purpose of this Guide, a single-occupier premises refers to a premises managed, used, and/or operated by a single organisation to provide various services, and the premises is either a standalone building or group of buildings. Generally speaking, single-occupier premises include schools with independent buildings and their dormitories, private hospitals, commercial and industrial buildings without individual floors/units rented out to other individual tenants, and social welfare institutions operating in independent buildings, etc. If parts of the premises have been rented out to individual tenants to provide other services (such as restaurants, shops, etc.), depending on the nature of the business, please refer to the EPD's Best Practice Guide for "Commercial and Industrial Buildings" and/or "Catering".
 - 2 For the contact details of the EPD, see Chapter 4 of this Guide.

1 MSW Charging Overview

1.1 Coverage

MSW charging covers the following waste:

- (i) Domestic waste - such as household waste and waste generated from daily activities in institutional premises (e.g., schools); and
- (ii) Commercial and industrial waste - such as waste arising from shops, restaurants, hotels, offices, markets in private housing estates and industrial activities.

However, construction waste, chemical waste and clinical waste are not subject to the MSW charging regime but are subject to their existing charging regimes³.

1.2 Charging Mechanism

MSW charging is based on the "polluter-pays" principle. All waste disposed of by residential and non-residential premises (including commercial and industrial sectors) in Hong Kong will be subject to charging based on its quantity, so as to drive behavioural changes in waste generation and hence reduce overall waste disposal. In other words, the more waste you dispose of, the more you have to pay.

To comply with the "polluter-pays" principle, regardless of which of the following charging mode(s) is/are adopted, the waste producers are responsible for the concerned charges, which should not be passed on to any party among the PMCs/cleansing contractors/private waste collectors.

3 (a) For details of the Construction Waste Disposal Charge Scheme, please visit:

<https://www.epd.gov.hk/epd/misc/cdm/scheme.htm>

(b) For details of the Chemical Waste Control Scheme, please visit:

https://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_cwc.html

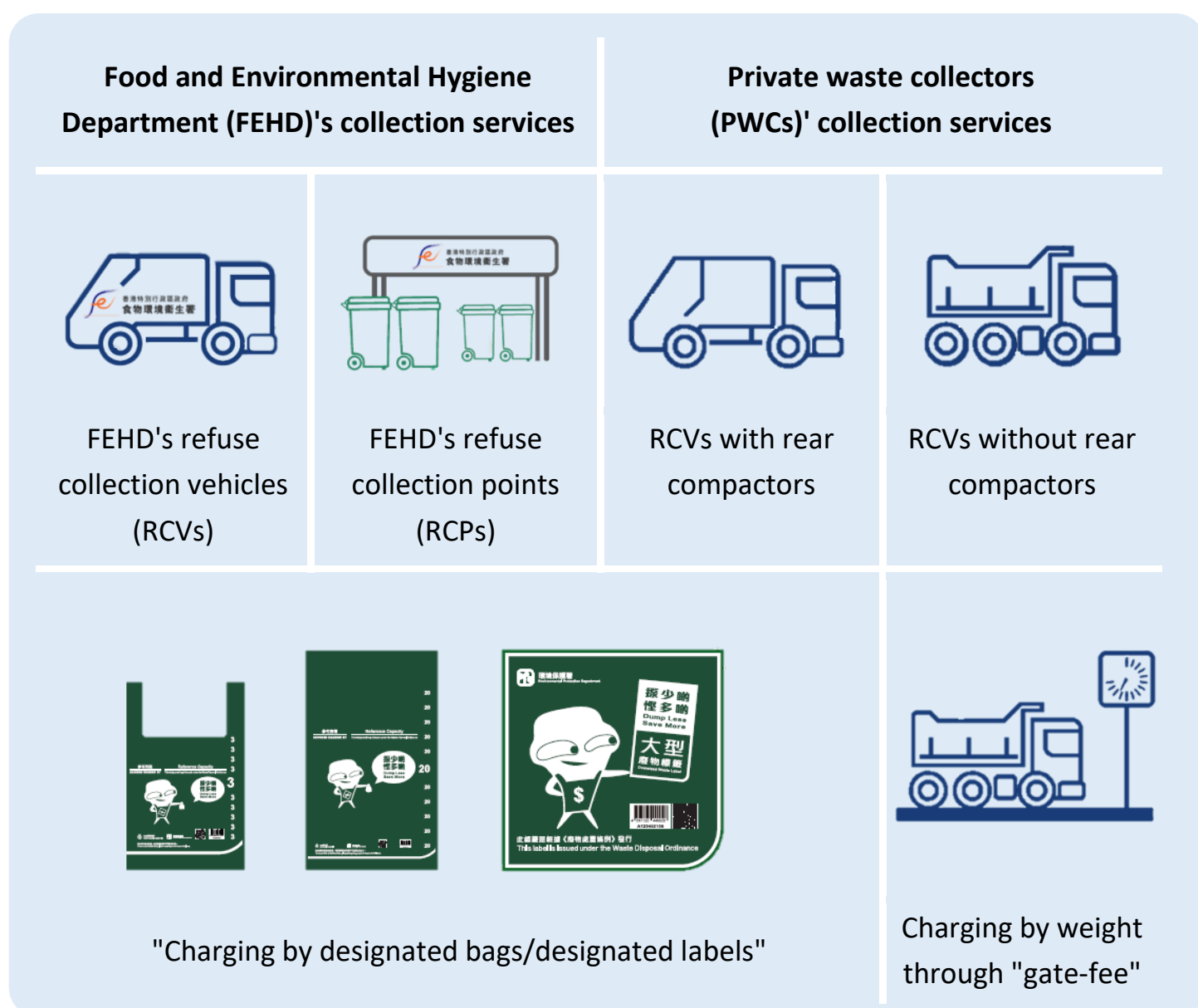
(c) For details of the Clinical Waste Control Scheme, please visit:

<https://www.epd.gov.hk/epd/clinicalwaste/en/scheme.html>

MSW charging is levied in two modes, namely:

- (i) charging by pre-paid designated garbage bags (hereinafter referred to as "designated bags")/ designated labels ("charging by designated bags") – "pre-paid" means the government charges fees through the sale of designated bags/ labels before waste disposal. The price of a designated bag is linked to its capacity (i.e., also linked to the quantity of waste); and
- (ii) charging by weight-based "gate-fee" at refuse transfer stations or landfills (hereinafter collectively referred to as "waste disposal facilities").

Please see the figure below for the application of the two charging modes:



1.2.1 Charging by Designated Bags

“Charging by designated bags” is applicable under the following waste collection modes:

- (i) waste collected by the RCVs of the FEHD or its contractors (whether or not RCVs with rear compactors are used);
- (ii) waste collected by PWCs using RCVs with rear compactors; and
- (iii) waste disposed of by waste producers themselves/waste collection staff at the FEHD’s RCPs (including bin sites⁴).

Illustration of variety of RCVs/facilities applicable to “charging by designated bags”

I. FEHD's RCVs



FEHD's RCVs with rear compactors



FEHD's RCVs without rear compactors⁵

II. FEHD's contractors' RCVs



FEHD's contractors' RCVs with rear compactors



FEHD's contractors' RCVs without rear compactors⁵

III. PWC's RCVs



PWC's RCVs with rear compactors

IV. FEHD's RCPs



Off-street RCPs



Village-type RCPs



Bin Sites

⁴ Since some RCPs in rural areas have no building structures and only some large waste collection bins (usually of 240-litre or 660-litre capacity) are placed there, they are known as bin sites.

⁵ In this Guide, "RCVs without rear compactors" refers to RCVs without installation of rear compactors, such as grab lorries, demountable trucks, tippers, box vans or flatbed trucks, etc. Only one of them is shown in the figure for reference.

Members of the public are required to first purchase designated bags to wrap their waste properly before disposal.

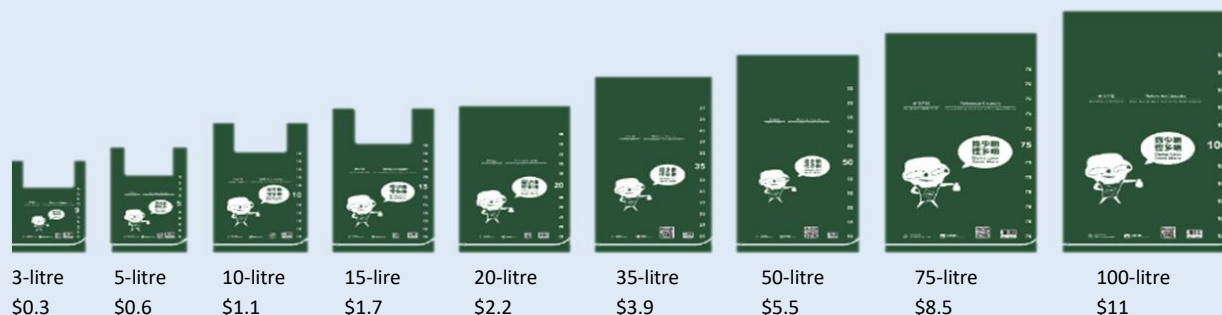
Generally, “charging by designated bags” applies to most residential buildings, commercial and industrial buildings, village houses, street-level shops, and institutional premises, etc. Members of the public are required to properly wrap their waste in designated bags before disposing of it at the communal waste reception areas (e.g., staircase landings, refuse rooms, the inlets of refuse chutes, etc.)⁶ of relevant premises or the RCPs/bin sites of the FEHD.

As for oversized waste which cannot be wrapped in designated bags (e.g., large furniture such as dining tables or bookshelves, etc.), if they are to be collected through one of the waste collection modes mentioned in (i)-(iii) above, members of the public are required to affix with a designated label on each piece of oversized waste before they can be disposed of at the oversized waste reception areas. (If oversized waste is collected by PWCs using RCVs without rear compactors, please refer to Section 1.2.2 “Charging by Weight” below.)

6 I.e., the "common area for waste" in section 20N in Division 2 of Part IVB of the Waste Disposal Ordinance (Cap. 354) as amended by the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Ordinance 2021(hereinafter referred to as the amended WDO), which refers to a common area of any premises that is used for depositing waste pending removal from the premises for disposal.

There are 9 different sizes of designated bags, ranging from 3-litre to 100-litre⁷, to cater for the needs of different users. Designated bags are charged at \$0.11 per litre. See figure below for details.

Capacity, design and price of the designated bags



Each designated label is priced at a uniform rate of \$11. A designated label is required to be affixed to each oversized waste.

Design of the designated label



Designated bags and designated labels are available for sale on authorised online platforms and at a few thousands of authorised sales points, including supermarkets, convenience stores, pharmacies, and vending machines, etc.

Any company, organisation or individual member of the public should only purchase designated bags and designated labels from sales points/online platforms authorised by the EPD to avoid purchasing counterfeit products.

In addition, if you need to purchase designated bags and/or designated labels in bulk, you can visit the EPD's sales online platform. For the details of specific sales

7 Designated bags are also available in 240 litre and 660 litre in capacity, they are mainly sold for use by residential buildings with refuse chutes such that frontline cleansing workers would not have to unnecessarily put the waste that is not properly wrapped in designated bags collected at the bottom of the chutes into designated bags for further disposal. As for other organizations or industrial and commercial premises, the EPD will consider based on their operational needs. Designated bags of 240-litre and 660-litre are priced at \$26 and \$73 per bag respectively. For the details of the sales arrangements of designated bags of these two capacities please visit to the dedicated website for MSW charging.

arrangements of designated bags and designated labels, please visit the dedicated website for MSW charging.

1.2.2 Charging by Weight

For the waste collected by PWCs using RCVs without rear compactors and disposed of at waste disposal facilities, a "gate-fee" will be charged based on its weight. The "charging by weight" arrangement is mainly applicable to oversized waste or waste in irregular shape disposed of by commercial and industrial premises, and also some residential buildings.

Illustration of a PWC's RCVs without rear compactors 錯誤! 尚未定義書籤。



Designated bags/designated labels are not applicable under the "charging by weight" arrangement. Members of the public do not need to wrap their waste in designated bags or affix with a designated label on each piece of oversized waste; otherwise it would lead to double payment.

When a person needs to dispose of waste at a waste disposal facility, registration for the "gate-fee" account is required according to the legislation. The Government is adopting a hybrid system to allow both PWCs and waste producers to register as account holders for paying the "gate-fee" in a flexible manner. Please refer to Section 3.5.1 for details on account opening and operation of "gate-fee".

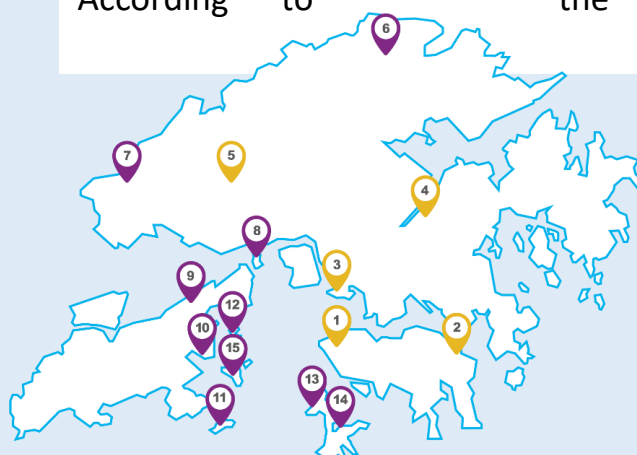
\$395 per tonne:

1. Island West Transfer Station
2. Island East Transfer Station
3. West Kowloon Transfer Station
4. Shatin Transfer Station
5. North West New Territories Transfer Station

\$365 per tonne:

6. North East New Territories Landfill
7. West New Territories Landfill
8. Ma Wan Transfer Facility
9. North Lantau Transfer Station
10. Mui Wo Transfer Facility
11. Cheung Chau Transfer Facility
12. Peng Chau Transfer Facility
13. Yung Shue Wan Transfer Facility
14. Sok Kwu Wan Transfer Facility
15. Hei Ling Chau Transfer Facility

According to the



disposal location, the "gate-fee" charged by weight of the waste is as follows⁸:

⁸ To complement the implementation of MSW charging, the Government will adjust the charging level of construction waste disposal to align with that of MSW charging, so as to prevent any deliberate mixing of MSW and construction waste to avoid the difference in charges.

2 Legislative Requirements

2.1 Depositing non-compliant waste prohibited

Under “charging by designated bags”, any person (including cleansing workers) depositing waste that is not properly wrapped in a designated bag or affixed with a designated label (hereinafter referred to as non-compliant waste (NCW)) at the following waste reception areas/enforcement points:

- (i) RCVs of the FEHD or its contractors;
- (ii) RCVs with rear compactors of PWCs; or
- (iii) The FEHD’s RCPs/bin sites,

constitutes an offence⁹

It also constitutes an offence if any person (including cleansing workers) handover the NCW to the frontline staff carrying out their duties at the three types of enforcement points mentioned above to remove the waste (hereinafter referred to as "providing removal services"¹⁰), including staff from the FEHD’s RCPs or its contractors, and drivers and staff of relevant RCVs¹¹.

When collecting and handling the waste, the cleansing workers of a single-occupier premises and/ or its cleansing contractor (cleansing workers) should ensure that the waste is properly wrapped in designated bags or affixed with designated labels before it can be disposed of at the three types of enforcement points above or handed over to the frontline staff who is providing removal services at these enforcement points. The FEHD, its contractors and PWCs will reject the receipt of NCW.

In addition, apart from cleansing workers, the relevant legislation is also applicable to any person who causes or permits another person to commit the offence, for instance, the management staff of the premises or the cleansing contractor who instructs the cleansing workers to dispose of waste in a non-compliant manner.

For frequently asked questions regarding legislative requirements, please refer to **Annex I**.

9 For relevant legislation, see Section 20K in Division 2 of Part IVB of the amended WDO.

10 See section 2(1) of the amended WDO for the new definition of "removal services".

11 For relevant legislation, see section 20M in Division 2 of Part IVB of the amended WDO.

2.2 Penalty

Any management staff of the premises /staff of the premises /cleansing contractor/cleansing worker who contravenes or causes others to contravene the above-mentioned requirements of the relevant legislation on MSW charging will be subject to a fixed penalty of \$1,500 under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570).

Prosecution by way of summons may also be brought against serious or repeated offenders. The penalties are as follows¹²:

- (i) on the first conviction — a fine at level 4 (\$25,000) and imprisonment for 6 months; and
- (ii) on a subsequent conviction — a fine at level 5 (\$50,000) and imprisonment for 6 months.

2.3 Statutory Defences

It is a statutory defence for a person charged with an offence (e.g. a cleansing worker/staff of the premises) under Section 2.1 mentioned above to establish that¹³:

- (i) that person took all reasonable precautions and exercised all due diligence to avoid committing the offence mentioned in Section 2.1 above;
- (ii) that person did the act constituting the offence mentioned in Section 2.1 above at the instruction of his/her employer or was not provided by his/her employer with the necessary means (e.g. designated bags and / or designated labels) for compliance; and the cleansing worker took all steps reasonably open to him/her to avoid committing the offence;
- (iii) that person did the act/ caused / permitted to be constituting the offence mentioned in Section 2.1 above in an emergency to avoid danger to the public; and informed the EPD in writing of the act as soon as reasonably practicable;
- (iv) the cleansing worker can see from the outer bag of the NCW being handled that all the waste inside has been properly wrapped in designated bags (e.g., because the outer bag is a transparent bag);

12 For relevant legislation, see section 20P in Division 2 of Part IVB of the amended WDO.

13 For relevant legislation, see section 20O in Division 2 of Part IVB of the amended WDO.

- (v) the cleansing worker handled the relevant NCW in an honest and reasonable belief that such waste will not be disposed of at a waste disposal facility, based on the fact that such waste is reasonably suitable for recycling or otherwise (e.g., such waste can be reused); or
- (vi) the cleansing worker can establish that the relevant NCW escaped from a designated bag that had been damaged or unfastened:
 - (a) during the compaction by a device for compacting waste; or
 - (b) when it was deposited into a refuse chute.

For other details related to the above-mentioned statutory defences, please refer to **Annex I**.

3 Implementation of MSW charging in the Premises

The successful implementation of MSW charging relies on the support and participation of different stakeholders (including management staff of the premises, frontline staff, cleansing contractors and cleansing workers, etc.). The management staff of the premises should act as the coordinator of the premises to formulate and implement work plans with reference to the implementation details of various aspects as described in Sections 3.1 to 3.6 below as well as according to the charging mode(s) applicable to the premises.

3.1 Determination of the Applicable Charging Mode(s) for the Premises

Management staff should determine the applicable charging mode(s) according to the existing waste collection arrangements in the premises, such as the type of RCVs used, or the use of RCPs/ bin sites, and the disposal method(s) of oversized waste, etc. For details on the charging modes, please refer to Section 1.2 on "Charging Mechanism". Special circumstances that may be encountered when determining the applicable charging mode(s) for the premises are explained below.

- (i) Equipped with mobile refuse compactor(s) or stationary refuse compaction system(s)

Some premises are equipped with refuse compactor(s) or stationary refuse compaction system(s) in the central refuse collection points to reduce the volume of waste before being removed. For the charging modes applicable to these premises, please refer to **Annex II**.

- (ii) More than one applicable MSW charging modes

There may be more than one applicable MSW charging modes depending on the existing waste collection modes of the premises. For example, some general waste is collected by RCVs with rear compactors or PWCs and oversized waste is collected through RCVs without rear compactors or PWCs. In other words, general waste of these premises will be charged by designated bags, and oversized waste will be charged by weight-based "gate-fee" instead of by designated labels.

(iii) Collect oversized waste in a mixed mode

Some premises may collect oversized waste in a mixed mode, that is, most of the non-compactable oversized waste (e.g., large furniture) is collected by PWCs' RCVs without rear compactors ("charging by weight") while a small portion of compactable oversized waste (e.g., brooms/long-handled umbrellas) is collected by PWCs' RCVs with rear compactors ("charging by designated labels"). In order to avoid confusion, for example, cleansing workers mistakenly consider that the oversized waste that should be charged by designated labels is charged by weight so that designated label is not affixed before disposal; or they mistakenly consider that the oversized waste that should be charged by weight is charged by designated labels and affix a designated label to the oversized waste, resulting in double payment. According to the actual situation, management staff of the premises may consider adopting only one way to collect all the oversized waste that cannot be properly wrapped in designated bags in the premises so as to avoid misunderstandings. For example, all oversized waste is only collected by PWCs' RCVs without rear compactors and is charged by weight.

If the management staff consider it necessary to collect oversized waste in the above-mentioned mixed mode, they should formulate detailed guidelines in advance to set out the charging modes and collection arrangements for different types of oversized waste and inform the cleansing workers of the relevant arrangements in advance to avoid confusion.

3.2 Staff Training

Management staff of the premises and cleansing contractors should provide their staff with appropriate trainings and formulate relevant guidelines, specify the scope of work for their staff in different positions, and arrange briefings for new staff and circulate relevant notices regularly to ensure that they have a clear understanding on the relevant legislative requirements and guidelines, as well as the corresponding work procedures and arrangements. For example, cleansing workers should know how to ensure that all waste is properly wrapped in designated bags or affixed with designated labels.

Management staff of the premises should make good use of the various training programmes and materials provided by the EPD to assist the sector in implementing MSW charging. Please visit the EPD's dedicated website for MSW charging for details.

For suggestions on providing training to staff, please refer to **Annex III**.

3.3 Preparation for the implementation of MSW charging

Management staff of the premises can coordinate activities to promote MSW charging within the premises and disseminate relevant information. For suggestions on preparation for the implementation of MSW charging, and waste separation and recycling, please refer to Annex IV.

3.4 Implementing “Charging by Designated Bags”

3.4.1 Purchase of Designated Bags/Designated Labels

Management staff of the premises should purchase appropriate-sized designated bags/designated labels for disposing of waste through a few thousands of sales points across the territory and online platforms authorised by the EPD or EPD's sales online platform (please refer to Section 1.2.1 for details). Management staff of the premises may also consider, based on operational needs, to require the cleansing contractor to purchase designated bags/designated labels on their behalf as part of the cleansing service contract. However, when drafting the relevant cleansing service contract, the cleansing contractor should not be required to bear all related costs on an "all-inclusive" basis without providing any calculation methods or mechanisms for the estimation of the said expenditures. Both parties should jointly conduct regular surveys on the daily waste load and garbage bags usage data and incorporate provisions in the cleansing service contracts to provide an estimation on the basic usage, and reimburse cleansing contractors for any extra expenditures of designated bags/designated labels on top of the basic usage. For details on contractual arrangements for cleansing/waste collection services in relation to MSW charging, please refer to Annex V.

3.4.2 Waste Collection

Management staff of the premises / cleansing contractors shall instruct the cleansing workers to ensure all waste collected within the premises has been properly wrapped in designated bags or affixed with designated labels before handing it over to the FEHD, the FEHD's contractors, or PWCs using RCVs with rear compactors.

(i) Waste generated within the premises

When collecting waste generated within the areas directly managed by the premises, the cleansing workers are not required to line each litter containers with designated bags in advance or check for NCW, they can use large

designated bags (e.g. 100L designated bags) to collect and wrap the waste in one go.

(ii) Waste generated in accommodation facilities within the premises

For student dormitories, the amount of waste generated is generally relatively small, and the accommodation fee charged by the premises has already included the cost of handling the waste generated by the students. Students only need to dispose of their waste in the litter containers in their rooms or in the common areas of the premises for the collection by the cleansing workers. Students are not required to use designated bags or designated labels when disposing of their waste in the litter containers in the dormitories.

For staff quarters, under "charging by designated bags", households are required to properly wrap their general household waste in designated bags or affix oversized waste with designated labels before disposing of it at the communal waste reception areas e.g., refuse rooms on individual floors, staircase landings, oversized waste reception areas, etc. for the collection by the cleansing workers. Depending on the actual management mode (such as staff quarters with property management organization), management staff of the premises may refer to the EPD's Best Practice Guide for Residential Premises with Property Management Organisations.

The waste generated in other accommodation facilities (such as patient wards in private hospitals, residential care service institutions, etc.) is considered as waste generated during the service operation by the relevant organizations. Therefore, management staff of the premises should handle it according to the principles of waste generated within the premises as described in section (i) above.

(iii) Waste generated by individual tenants who are not directly managed by the premises

If parts of the premises have been rented out to individual tenants to provide other services, depending on the nature of the business, please refer to the EPD's Best Practice Guide for "Commercial and Industrial Buildings" and/ or "Catering".

3.5 Implementing “Charging by Weight”

3.5.1 Arrangements for Opening Billing Accounts

There are two types of "Gate-fee" billing accounts, namely "Type A Account" and "Type B Account".

(i) "Type A Account"

Mainly applicable to companies or individuals (e.g., PWCs) with RCVs registered in their names. Upon approval of the application, "Type A Account" holders can use the vehicles registered under their accounts to transfer waste to waste disposal facilities for disposal. Management staff of the premises may engage PWCs with "Type A Account" direct to collect and dispose of waste on their behalf.

Management staff of the premises should discuss with PWCs about the arrangements for waste collection services, such as confirming the type(s) of RCVs, relevant details of fee settlement, including billing arrangements (e.g., on a per service or monthly basis so as to relieve the cash flow pressure on small-sized waste collectors. In the case of regular settlement, the settlement date, payment method, payment period, etc. should be set), how to calculate the fee by quantity of the waste and how to verify the fee, etc., and list out the relevant arrangements and calculation methods in the contract, in order to protect the interests of both parties.

(ii) "Type B Account"

Mainly applicable to large-scale waste producers (i.e. premises with a large amount of waste generated daily, e.g., factories, warehouses, hospitals, etc.). When applying for a "Type B Account", the applicant is required to pay a deposit according to the required number of chits issued under the MSW Charging Scheme (hereinafter referred to as "e-chits"). Upon approval of the application, "Type B account" holders can hire vehicles registered under "Type A Accounts" to dispose of waste at the waste disposal facilities. The drivers of the relevant vehicles are required to present the e-chits provided by the above-mentioned "Type B Account" holders when entering the waste disposal facilities to allow the weighbridge computer systems to record the gate-fee direct in the accounts of the "Type B Account" holders, so that the relevant fees can be charged direct to the "Type B Account" holders via monthly statements afterwards. E-chits are only applicable to "Type B Accounts".

For details on the account opening and “gate-fee” payment arrangements of the two types of accounts, please refer to **Annex VI**.

We encourage large-scale waste producers to apply for "Type B Account" direct. "Type B Account" holders may use the registered vehicles of "Type A Account" holders to transfer waste to the waste disposal facilities, and then pay the relevant fees direct to the EPD.

In this way, the "Type B Account" holders do not need to work out separate arrangements for apportioning the "gate-fee" with the "Type A Account" holders. This arrangement may also reduce the problems of fee splitting, cash flow and bad debts arising from the "gate-fee" advance payment by the "Type A Account" holders.

3.5.2 Arrangements for "Gate-Fee" Apportionment Mechanism(s)

If the amount of waste generated by the premises is not large, which is not suitable for the organization to apply for "Type B Account", the organization would need to directly engage a PWC holding a Type A Account” to collect and dispose of the waste on their behalf.

In this case, the management staff of the premises should make advance arrangements with the PWC for the payment of "gate fees" to them afterwards. Since each waste collection trip by the PWC usually involves multiple different premises, individual tenants may need to discuss with the PWC on how to apportion the corresponding "gate fees" based on their actual amount of waste.

Management staff of the premises should discuss with PWCs the billing arrangements (e.g., on a per service or monthly basis so as to relieve the cash flow pressure on small-sized waste collectors. In the case of regular settlement, the settlement date, payment method, payment period, etc. should be set), how to verify the fees calculated based on the amount of waste, etc., and list out the relevant arrangements and calculation methods in the contract, in order to protect the interests of both parties.

3.5.3 **Waste Handled by “Gate Fee”**

Designated bags/designated labels are not applicable under the “charging by weight” arrangement. Management staff of the premises/cleansing contractors can provide frontline cleansing workers with ordinary garbage bags to collect and dispose of the above-mentioned waste, just like the practices before the implementation of MSW charging.

3.6 Waste Reduction and Recycling Arrangements

Implementation of MSW charging provides more incentives for citizens to practise waste separation at source and clean recycling, which in turn reduces the overall expenditures on MSW charging. Management staff of the premises and cleansing contractors may refer to the content below to carry out waste reduction and recycling.

3.6.1 Review of Recycling Facilities

Management staff of the premises should review their existing waste separation and recycling facilities. Apart from placing three coloured waste separation bins (i.e., waste paper, plastics, metals), they may also consider increasing the types of recyclables from the traditional three types to other common recyclables (including glass bottles, fluorescent lamps and tubes, rechargeable batteries, etc.) to facilitate the cleansing workers to separate recyclables from waste, thus reducing the amount of overall waste disposal.

3.6.2 Review of Recyclables Collection Arrangements

Management staff of the premises or cleansing contractors should ensure that the collected items are properly separated and suitable for recycling, and the recyclables are properly handled, including handling and storing separately from other waste (e.g., checking and removing any sundries or waste inside recycling facilities). They should also deliver the recyclables to reliable recyclers downstream for subsequent handling and recycling.

Regarding the guidelines on clean recycling of the above recyclables, please refer to **Annex VII**.

3.6.3 Enhancement of Awareness of Waste Reduction and Recycling of Premises Users

Management staff of the premises should step up the education and promotion efforts within their premises by organising different types of green activities, for example, promoting the reduction of the usage of disposable products within the premises, to enhance the awareness of waste reduction and clean recycling of the premises users and further achieve "Dump Less, Save More". Besides, management staff of the premises should educate the premises users to correctly sort and identify recyclables, non-recyclables (e.g., contaminated recyclables) and waste, so as to avoid the recycling facilities being misused as dumping grounds of NCW, which affects the quality of the recyclables and the effectiveness of recycling.

3.6.4 Reducing and recycling waste generated by catering services within the premises

Regarding details on good food waste management, measures to curb disposable plastic tableware, glass bottle recycling please refer to Section 3.5 of Best Practice Guide for “Catering”.

3.6.5 General Waste Reduction and Recycling Information

Please refer to Annex VII for more waste reduction and recycling information.

4 Contact the EPD

If you have any questions regarding this Guide, or need to seek support for the implementation of MSW charging, please call the EPD hotline at 2838 3111 or send an email to mswcharging@epd.gov.hk.

Disclaimer

This Guide is for general reference only and has no legal effect and should not be regarded as legal advice. All legislative requirements are subject to the Waste Disposal Ordinance (Cap. 354), Laws of Hong Kong.

5 Annex

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Annex I Frequently Asked Questions on the Legislative Requirements on MSW Charging

Cleansing workers

1. What should be taken note of when "wrapping waste in designated bags"?

When disposing of general waste using designated bags, cleansing workers should make sure that no part of the waste (e.g., handle /skewer) is protruded from the opening of the bags or pierced through the body of the bags. In the meantime, the opening of the bags must be tied so that no waste can escape from the bags. Cleansing workers should use designated bags of appropriate size to ensure that the relevant waste is completely and properly wrapped¹⁴.

Demonstration on how to properly "wrap waste in a designated bag"



Examples of waste not properly "wrapped in a designated bag"



Some of the waste protrudes from the opening of the bag



Some of the waste pierces through the body of the bag



The opening of the bag is not tied well and the waste inside escapes

¹⁴ According to section 2(1) of the amended WDO, "wrapped in a designated bag" means "completely contained in a designated bag with the bag's opening tied so that no solid contents can escape from the bag during handling and transportation".

- 2. If dispose of a piece of furniture that has been separated into different parts (e.g., for example, a bed being dismantled into bed feet and bed board, or a dining table being taken apart into different components), is it necessary to affix a designated label to each part? Or is it acceptable to simply tie all parts together with a rope and affix with just one designated label?**

In determining the number of designated labels required, cleansing workers should consider the properties of the oversized waste, including its structure, functions, design, overall size, and quantity, before deciding whether such oversized waste should be considered as one or several articles. The Government will take into account the above factors and adopt a common-sense approach when deciding whether irregularities are involved.

For example, subject to the actual facts and circumstances, the dismantled parts of the same abandoned furniture firmly tied together by a rope is likely to be regarded as one article of waste requiring one designated label for disposal. However, in case of a table and some chairs, or a bed and a mattress, they are likely to be regarded as separate articles even being tied together, and one designated label is required for each article for disposal.

In addition, multiple bags of general waste tightly bound together cannot be regarded as one article based on their nature. Therefore, such waste should be properly wrapped in several designated bags but not just affixed with a designated label.

- 3. Is it illegal for cleansing workers to deposit waste without being wrapped in designated bags into refuse compaction systems (i.e., the systems mentioned in Annex II)?**

As for the premises using refuse compactors or automatic refuse collection systems (ARCSs) mentioned in Annex II, "charging by designated bags" applies in some cases. Under this charging mode, it will be an offence for cleansing workers to deposit waste without being wrapped in designated bags into refuse compaction systems or refuse chute inlets that are linked to ARCSs as the workers may be considered as causing NCW to be deposited onto the RCVs¹⁵. Cleansing workers should ensure that all of the waste collected from the premises is properly wrapped in designated bags or affixed with designated labels before depositing it into the above refuse compaction systems/ ARCSs.

15 See section 20K(1)(b) in Division 2 of Part IVB of the amended WDO for the legislation.

Cleansing workers deposit waste properly wrapped in designated bags into inlets that are linked to ARCSs



Cleansing workers deposit waste properly wrapped in designated bags into a refuse compaction system



- 4. If a designated bag containing waste is damaged (e.g., with small cracks or holes) but no waste escapes or protrudes from the designated bag, is it necessary for the cleansing workers to use another designated bag to wrap the waste afresh?**

Depending on the actual circumstances, if the designated bag collected by the cleansing workers is damaged but the waste is still completely contained inside the designated bag with the bag's opening tied so that no solid content escapes from the bag during handling and transportation, such waste still meets the definition of "wrapped in a designated

bag" ¹⁶(see footnote 14) and cleansing workers can still follow the normal procedures to handle that bag of waste.

If the designated bag is severely damaged to the extent that waste escapes or protrudes from the designated bag and it is no longer "wrapped in a designated bag", cleansing workers are required to properly wrap the waste in a designated bag before handing it over the waste to the FEHD, the FEHD's contractors or PWCs using RCVs with rear compactors.

- 5. Is it illegal if cleansing workers accidentally damage the designated bags or designated labels during normal handling and transportation? Moreover, is it illegal for cleansing workers to handle waste of which the designated bags are damaged during normal handling and transportation (e.g., dropping from refuse chutes) or the designated labels are damaged/detached during the said processes? Are cleansing workers required to properly wrap NCW in designated bags or affix with designated labels again before depositing that waste onto the vehicles of the FEHD, the FEHD's contractors or PWCs using RCVs with rear compactors?**

If cleansing workers accidentally damage designated bags or designated labels during normal handling and transportation, it may render the concerned waste falling within the definition of NCW (i.e., "municipal solid waste that neither is properly wrapped in a designated bag nor has a designated label attached to it", see footnote 14).

However, generally speaking, cleansing workers will not commit any offence when handling NCW during the process of waste collection services, and they can continue to handle waste that escaped from designated bags which have been damaged during normal handling and transportation, or waste with its designated labels detached during normal handling and transportation. However, cleansing workers should properly wrap such waste in designated bags or affix with new designated labels before handing it over to the FEHD, the FEHD's contractors or PWCs using RCVs with rear compactors. Otherwise, they may commit an offence.

Generally speaking, the workers of the FEHD, the FEHD's contractors or PWCs using RCVs with rear compactors will check whether the waste is properly wrapped in designated bags/affixed with designated labels and reject waste which is not properly wrapped in designated bags/affixed with designated labels. However, the law stipulates that when NCW escapes from a designated bag that has been damaged or unfastened during the compaction of the designated bag by a device designed for compacting waste or when the designated bag is deposited into a refuse chute, a statutory defence can be

¹⁶ See section 20N(1) and 20N (3)(d) in Division 2 of Part IVB of the amended WDO for the legislation.

established (please see Section 2.3 for the details of statutory defences)¹⁷. Therefore, if some waste has been properly wrapped in designated bags and the waste escapes from the designated bags damaged in refuse chutes or during compaction, the staff of the FEHD, the FEHD's contractors or PWCs may still collect the waste, depending on the actual circumstances, the cleansing workers are not required to properly wrap the waste in designated bags again.

Cleansing workers collect waste properly wrapped in designated bags at the bottom of refuse chutes



6. **Is it illegal to dispose of recyclables without properly wrapped in designated bags/ affixed with designated labels? Besides, if the premises have already participated in the food waste collection and recycling program, is it necessary to first wrap the source-separated food waste in designated bags and wait for the collection of food waste collectors?**

Properly recycled recyclables are not subject to MSW charging. If the premises properly separate the food waste, those food waste delivering to food waste recycling facilities is not subject to MSW charging, as in the case that MSW charging is not applicable to properly recycled recyclables by members of the public. Thus, if the premises have already participated in the food waste collection and recycling program, the food waste to be collected by the food waste collector are not required to be wrapped in designated bags

Management Staff of the Premises/ Cleansing Contractors/ Cleansing Workers

7. **What specific measures can management staff of the premises, cleansing contractors and cleansing workers take to establish the statutory defence of having taken "all**

¹⁷ See section 20O(3)(b) in Division 2 of Part IVB of the amended WDO for the legislation.

reasonable precautions and exercised all due diligence to avoid committing the offence"¹⁸ (see Section 2.3 for details of statutory defences)?

The specific measures to be taken by management staff of the premises, cleansing contractors and cleansing workers depend on the actual circumstances of each premises/case.

For example, they should refer to this Guide and adopt the measures that are suitable for their premises. Management staff of the premises, cleansing contractors and cleansing workers should keep proper records (e.g., records on training and provision of designated bags to frontline staff by cleansing contractors) to show that they have followed the relevant guidelines. This would help them establish the relevant statutory defence.

18 See section 20O(1)(a) in Division 2 of Part IVB of the amended WDO for the legislation.

Annex II Charging Modes for Premises with Refuse Compactors

The following are four common types of refuse compaction systems. Regardless of the type of refuse compaction systems being used, the charging mode for premises with refuse compaction systems is determined by the type of RCVs that collect the waste. The respective charging modes are as follows:

Charging by Designated Bags

- Collection by RCVs of the FEHD or its contractors; or
- Collection by PWCs using RCVs with rear compactors

Charging by weight through "gate-fee"

- Collection by PWCs using RCVs without rear compactors (e.g., delivery by hook-lift trucks)

Common Types of Refuse Compaction Systems



Mobile refuse compactor

The refuse skip possesses built-in compacting device and no other fixed external device is required to be installed in the refuse room.



Stationary refuse compactor

The refuse skip does not possess a built-in compacting device and fixed external compacting device is required to be installed in the refuse room.



Rotary drum refuse compactor

The fixed compactor is installed inside the refuse room. Waste can be discharged onto a RCV for onward delivery after compaction.



Automatic refuse collection system

The system uses underground suction pipes to convey waste that is deposited into the refuse chute inlets on individual floors to the centrifugal chamber at the central refuse collection station. The waste will be collected for onward delivery after compaction.

Annex III Staff Training

Enhancing the knowledge of staff on MSW charging helps management staff of the premises and cleansing contractors in smooth implementation of MSW charging with the Government. Management staff of the premises and cleansing contractors may refer to the following suggestions on staff training to ensure that they clearly understand the legislative requirements and guidelines, and the related workflow and arrangements.

Staff	Suggested training content	
Management t staff of the premises and cleansing contractors	<ul style="list-style-type: none"> – Relevant legislative requirements <ul style="list-style-type: none"> • Legal responsibilities of their companies • Legal responsibilities of frontline staff • Relevant penalties • Statutory Defences 	
Management staff of the premises	<ul style="list-style-type: none"> – Formulation of work plans <ul style="list-style-type: none"> • Stakeholders who need to take part in formulating the plans • Contents of the work plans • How to seek support from stakeholders to implement the plans – Formulation of guidelines for frontline cleansing workers with the cleansing contractors <ul style="list-style-type: none"> • How to formulate the guidelines, e.g., review of the current waste collection workflow and identification of the required changes • How to ensure that frontline cleansing workers understand and familiarise with the guidelines well 	<ul style="list-style-type: none"> – Provision of recycling support <ul style="list-style-type: none"> • How to review and enhance the existing recycling support and the handling process of recyclables • How to make good use of different channels/ resources to improve recycling facilities – Communication with the EPD <ul style="list-style-type: none"> • Publicity and education resources provided by the EPD • Recycling support provided by the EPD

Frontline staff of the premises	<ul style="list-style-type: none"> - Assisting the cleansing workers for execution of guidelines <ul style="list-style-type: none"> • Changes in waste collection arrangements and the requirements in the guidelines • How to cooperate with cleansing workers to implement work guidelines • Situations which require reporting to supervisors 	<ul style="list-style-type: none"> - Information on waste reduction and recycling <ul style="list-style-type: none"> • Promote correct use of recycling facilities in the premises and provide the EPD's information on clean recycling • Answer the premises users' enquiries on recycling arrangements
Cleansing workers	<ul style="list-style-type: none"> - Waste collection arrangements <ul style="list-style-type: none"> • Changes in waste collection arrangements and the requirements in the guidelines 	<ul style="list-style-type: none"> - Handling of recyclables <ul style="list-style-type: none"> • How to ensure the increased amount of recyclables after implementation of MSW charging are properly handled • How to properly handle waste and items unsuitable for recycling that are mixed inside recycling bins

Annex IV Preparation for the implementation of MSW charging and waste separation and recycling

During the preparation period and after the implementation of MSW charging, management staff of the premises and cleansing contractors may make reference to the following examples to make suitable arrangements to get ready for MSW charging and waste separation and recycling.

	Type	Examples
1.	Prior communication	<ul style="list-style-type: none"> • Discuss with stakeholders the details of implementing MSW charging in the premises and formulate work plans with the responsibilities and roles of different stakeholders defined • Organise briefings and/or set up publicity corners to promote the related arrangements of MSW charging • Provide location maps of recycling facilities within the premises, types of recyclables accepted by different recycling facilities and items unsuitable for recycling
2.	Dissemination of Information	<ul style="list-style-type: none"> • Disseminate information on MSW charging and other waste reduction through different channels, for example: <ul style="list-style-type: none"> ■ Briefings ■ Publicity corners ■ Questionnaires ■ Notices, posters, leaflets, newsletters, etc. • Print or distribute leaflets prepared by the Government
3.	Publicity and Education	<ul style="list-style-type: none"> • Keep track of the information provided by the Government, e.g., dedicated website for MSW charging, posters, leaflets, etc., and to actively participate in waste reduction measures and related events as promoted by the Government, e.g., briefings, competitions, waste reduction campaigns, etc.
4.	Regular review/report	<ul style="list-style-type: none"> • Stakeholders may have different opinions and the measures formulated beforehand may not achieve the expected outcome. Therefore, a regular review system is necessary • Conduct regular meetings with stakeholders to review the implementation and operation of MSW charging in the premises • Take follow-up actions to further improve the ancillary measures on MSW charging and waste reduction and recycling in the premises after considering the review results and opinions of stakeholders

Annex V Contractual Arrangements for Cleansing/ Waste Collection Services in Relation to MSW Charging

The EPD provides the following suggestions on contractual arrangements for cleansing/waste collection services in relation to MSW charging:

Management staff of the premises should not include in their cleansing/ waste collection services contracts (contracts) with "all-inclusive" provisions requiring cleansing/ waste collection services contractors to bear all costs incurred by the implementation of MSW charging, i.e., all additional costs incurred by the implementation of MSW charging during the contract period such as expenditures on the purchase of designated bags/designated labels for handling waste in common areas of the premises as well as NCW, and expenditures on "gate-fee", etc., without providing any calculation methods or mechanisms for the estimation of the said expenditures. Such kind of contractual arrangement is not consistent with the "polluter-pays" principle and will undermine the effectiveness of MSW charging. Moreover, the cleansing/ waste collection service contractors may tend to offer higher bids for new contracts to balance the related uncertain risks, which will not be in the interest of the premises and the cleansing contractors.

Management staff of the premises may consider to conduct regular (e.g., every 6 months) joint surveys with cleansing contractors to collect the daily waste load and garbage bags usage data in their premises. This would facilitate management staff of the premises to provide cleansing contractors with more accurate waste data for their reference in working out their bids. On the other hand, such data may also provide references for management staff of the premises on the effectiveness of waste reduction measures in the premises.

In view of the above, management staff of the premises should at this stage incorporate provisions in the new contracts on estimation of the basic usage of designated bags/designated labels based on the current usage of garbage bags and amount of oversized waste in common areas of the premises, and reimburse cleansing/waste collection service contractors for any extra expenditures of designated bags/designated labels on top of the basic usage. Management staff of the premises may also consider including new terms on conducting regular joint surveys with cleansing/ waste collection service contractors on the daily waste load and garbage bags usage data in the contracts.

Templates of the provisions in Government cleansing/waste collection service contracts have been uploaded to the dedicated website for MSW charging for reference.

Annex VI Suggested Preparatory Measures for Premises under "Charging by Weight"

1. Arrangements for opening "gate-fee" accounts

- The EPD has set up an online platform for account opening and the required documents can be uploaded to the system for submission. Please visit the dedicated website for MSW charging for details.

Type A Account	Type B Account
<ul style="list-style-type: none"> Mainly targets at companies or individuals with RCVs registered under their names, e.g., PWCs Pay deposit according to the number of registered vehicle(s) (\$3,000 per vehicle) The system will issue a designated QR code for that vehicle to the account holder upon successful registration. When the vehicle transfers waste to the waste disposal facilities on behalf of a "Type A Account" holder, the driver is required to show the QR code for the weighbridge computer system to identify the corresponding "Type A Account" 	<ul style="list-style-type: none"> Mainly targets at large scale waste producers (i.e., premises that generate large amount of daily waste, e.g., large facilities, factories, etc.) Pay deposit according to the required number of e-chit(s) (\$550 per e-chit) The drivers of the relevant vehicles are required to present the e-chits provided by the above-mentioned "Type B Account" holders when entering the waste disposal facilities, allowing the weighbridge computer system to record the gate-fee direct to the accounts of the "Type B Account" holders

2. Payment Arrangements

- The EPD will issue monthly statements to account holders by mail or email. They are required to make payment within 30 days from the issue date of the statement. Otherwise, a surcharge on top of the "gate-fee" will become payable.
- Different payment methods will be available, e.g., through automated teller machines (ATMs), PPS, and Faster Payment System (FPS), post offices and convenience stores, etc.

Annex VII Suggested Measures on Waste Reduction and Recycling in the Premises

1. Review and Enhancement of Recycling Facilities

- Apart from the traditional three coloured (i.e., waste paper, plastics, metals) recycling bins, management staff of the premises may also actively consider participating in other recycling programmes of the EPD to collect other common recyclables (e.g., glass bottles, regulated electrical equipment (REE), fluorescent lamps and tubes, rechargeable batteries, small electrical appliances, etc.).
- Should place recycling facilities at prominent and highly accessible locations together with eye-catching notices. Location maps of recycling facilities should also be posted in the premises to inform the premises users of the locations of nearby recycling facilities and encourage them to use the recycling facilities.
- May consider posting location maps of nearby public recycling facilities at prominent locations if there is not sufficient space to place different kinds of recycling facilities within the premises to encourage premises users to use those facilities.

2. Review of Arrangements for Collection of Recyclables

- Should arrange cleansing workers to regularly collect recyclables from different recycling points within the premises and deliver them to the locations for the temporary storage of recyclables before they are collected by recyclers, and maintain cleanliness and hygiene of the recycling points.
- May designate several recyclables temporary storage areas in the central refuse collection points for the proper storage of different types of recyclables pending for collection by recyclers. When necessary, cleansing workers may be instructed to sort and clean the recyclables to ensure that they are suitable for subsequent handling.
- Should discuss the recycling arrangements with recyclers (e.g., types of recycling facilities (bins/boxes/bags), number and locations of recycling facilities, collection frequency, etc.), review the arrangements from time to time and make corresponding adjustments on the collection frequency according to the amount of recyclables, so as to avoid overflowing of recycling facilities.
- Should set up recycling facilities (especially storage areas for recyclables) at locations highly accessible by recycling vehicles for loading/ unloading as far as possible to

safeguard the occupational health and safety of frontline recycling staff and enhance recycling efficiency.

- Should provide cleansing workers with guidelines and training, arrange placing of recyclables at designated locations pending door-to-door collection services at the agreed date and time. No disposal of recyclables is allowed.
- Management staff of the premises or cleansing workers should regularly check whether only appropriate recyclables are found inside the recycling points/recycling facilities, and properly handle any contaminated recyclables, items unsuitable for recycling or waste, to ensure that the recyclables are suitable for subsequent handling.
- May consider the credibility of recycling contractors when selecting the contractors and should put the recycling service requirements into services contracts to ensure that recyclables will be properly recycled. The following provisions should be included:
 - (a) Arrange recyclers to regularly collect recyclables from recycling points and maintain the cleanliness and hygiene there;
 - (b) State clearly that recyclers shall ensure that the recyclables will be re-used or recycled, instead of disposal of in landfills; and
 - (c) Require recyclers to regularly provide receipts showing the types and quantities of recyclables collected in each trip for record purposes.
- Should properly keep track of the quantities of recyclables and the related income/expenditure records. They may also consider announcing the information at prominent locations of the premises/ designated notice boards to enhance transparency and effectively monitor and understand the overall recycling performance of their premises.

3. Suggested Measures on Enhancing Awareness on Waste Reduction and Recycling

- Work with the Government/community organisations/green groups to organise publicity events.
- Set up designated notice boards or green information corners at prominent locations such as lobbies of the premises to provide updates on the Government's messages on waste reduction and recycling.

- Provide correct "clean recycling" information, including identification and sorting of recyclables, clean recycling, no waste to be deposited into recycling facilities, etc., to ensure that the communal recycling points are hygienic, and recyclables are suitable for subsequent handling. This can increase the overall recycling efficiency.

4. Notes for source separation and clean recycling of catering service

- Regarding on the details on notes for food waste source separation and glass bottle recycling, please refer to the Annex VII of the "Municipal Solid Waste (MSW) Charging Best Practice Guide for Catering".

5. General Waste Reduction and Recycling Information

Information	QR code/website link
Hong Kong Waste Reduction Website	 https://www.wastereduction.gov.hk/en/index.htm Relevant guidelines/information within the website: <ul style="list-style-type: none"> ➤ "Waste Less" free mobile application ➤ Information of 8 Types of Recyclables
Food Wise Hong Kong Website	 https://www.foodwisehk.gov.hk/en/index.php
Waste glass container collection service	 https://www.epd.gov.hk/epd/english/environmentinhk/waste/pro_responsibility/gprs_gmc.html
Food Waste Management Strategy	 https://www.epd.gov.hk/epd/english/environmentinhk/waste/prob_solutions/food_waste_challenge.html