

MUNICIPAL SOLID WASTE CHARGING
BEST PRACTICE GUIDE

Rural Villages/ Rural Areas



環境保護署
Environmental
Protection Department

垃圾收費
MSW CHARGING



The purpose of this Best Practice Guide is to introduce the legislative requirements for municipal solid waste (MSW) charging, and how relevant stakeholders may complement the implementation of MSW charging.

The purpose of this Best Practice Guide (Guide) is to introduce the legislative requirements for MSW charging, and how stakeholders in the rural villages/rural areas (e.g., Rural Committee members, rural representatives) may complement the implementation of MSW charging in rural villages/rural areas¹.

This Guide is for reference only. The actual operation may vary depending on the individual circumstances. 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.



¹ This Guide is applicable to residential premises or small shops in rural villages/rural areas without property management companies, where the residents or business operators usually dispose of their waste at the nearby refuse collection points or bin sites managed by the Food and Environmental Hygiene Department (FEHD). For individual residential premises with property management companies, please refer to MSW Charging Best Practice Guide – Residential Premises with Property Management Organisations.

² For the contact details of the EPD, see Back Cover of this Guide.

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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 and all 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.



Domestic waste



Commercial and industrial waste

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.

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").

"To comply with the "polluter-pays" principle, regardless of which of the following charging mode(s) is/are adopted, the waste producers (e.g., individual owners/households/villagers) are responsible for the concerned charges."

Charging by designated bags/designated labels		Charging by weight through "gate-fee"
Food and Environmental Hygiene Department (FEHD)'s collection services	Private waste collectors (PWCs)' collection services	Private waste collectors (PWCs)' collection services
FEHD's refuse collection vehicles (RCVs)	RCVs with rear compactors	RCVs without rear compactors
FEHD's refuse collection points (RCPs)		

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>

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).

"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 buildings⁶, 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 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, bookshelves or mattresses, 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 refuse collection points. (If oversized waste is collected by PWCs using RCVs without rear compactors, please refer to Section 1.2.2 "Charging by Weight" below.)

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.

FEHD's RCVs	FEHD's contractors' RCVs	PWC's RCVs
 FEHD's RCVs with rear compactors	 FEHD's contractors' RCVs with rear compactors	 PWC's RCVs with rear compactors
 FEHD's RCVs without rear compactors ⁵	 FEHD's contractors' RCVs without rear compactors ⁵	
FEHD's RCPs		
 Off-street RCPs	 Village-type RCPs	 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.

6 In rare cases, the general household waste in some residential buildings is collected by private waste collectors using RCVs without rear compactors. For details, please refer to Section 1.2.2.

"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."

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.

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

Design and price of the designated label



\$11

Capacity, design and price of the designated bags



3-litre \$0.3



5-litre \$0.6



10-litre \$1.1



15-litre \$1.7



20-litre \$2.2

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.

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



35-litre \$3.9



50-litre \$5.5



75-litre \$8.5



100-litre \$11

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.

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.

According to the disposal location, the "gate-fee" charged by weight of the waste is as follows:⁸

- \$395 Per Tonne
- \$365 Per Tonne

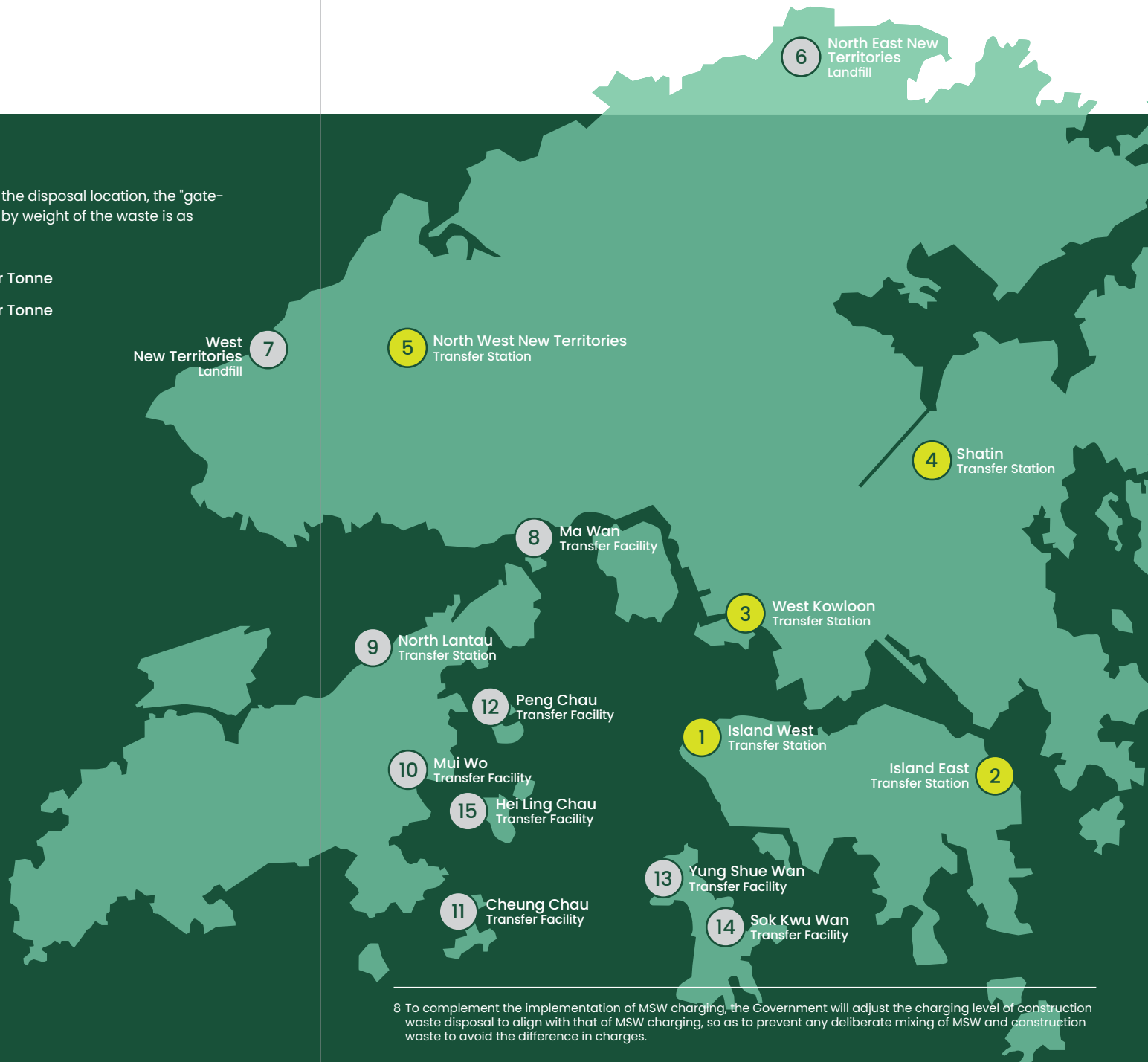
PWC's RCVs



PWC's RCVs without rear compactors⁵

"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.



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.

Legislative Requirements

2.1 Villagers (including households or commercial tenants)

Under "charging by designated bags", any person commits an offence⁹ if the person deposits waste that is not properly wrapped in designated bags or affixed with designated labels (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,

It also constitutes an offence if any person 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 "provision of removal services"¹⁰), including staff from the FEHD's RCPs or its contractors, and drivers and staff of relevant RCVs¹¹.

In addition, apart from any person who disposes of the waste, the relevant legislation is also applicable to any person who causes or permits another person to commit the offence, for instance, an employer who instructs a domestic helper to dispose of waste in a non-compliant manner.

For frequently asked questions regarding legislative requirements, please refer to **Annex 1**.

2.2 Penalty

Any person 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).

Contravenes or causes others to contravene the requirements

A fixed penalty of \$1,500

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

On the first conviction

A fine at level 4
\$25,000 and
imprisonment for
6 months

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 under Section 2.1 mentioned above to establish that¹³:

- (i) the person took all reasonable precautions and exercised all due diligence to avoid committing the offence mentioned in Section 2.1 above;
- (ii) the 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 person took all steps reasonably open to him/her to avoid committing the offence mentioned in Section 2.1 above;

(iii) the 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 person can see from the outer bag of the NCW being disposed that all the waste inside has been properly wrapped by individual designated bags (e.g., because the outer bag is a transparent bag); or

(v) the person 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).

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 service".

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

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.

Implementation of MSW Charging in Rural Villages/Rural Areas

The successful implementation of MSW charging relies on the support and participation of different stakeholders (including Rural Committee members, rural representatives, villagers, etc.). Rural Committee members/ rural representatives can refer to the suggestions and guidelines in Sections 3.1 to 3.3 below to assist villagers to adapt to the new requirements regarding the use of designated bags/designated labels for waste disposal, as well as to encourage the practicing of waste reduction at source and clean recycling in order to reduce waste charges, and achieve the goal of "Dump Less, Save More".

3.1 Assisting Villagers in Getting Ready

"In general, villagers living in rural villages/rural areas dispose of their household waste and/or a small amount of commercial waste at the FEHD's village-type RCPs or bin sites. As such, charging by designated bags will be applicable to most rural villages/ rural areas after the implementation of MSW charging."

To facilitate a gradual adaptation to MSW charging and drive behavioural changes among the sectors, a preparation period is put in place before the implementation of MSW charging, in order to provide appropriate time for the Government, various stakeholders and members of the public to prepare for the charging.

3.1.1 Establishment of MSW Charging Concern Group

The key to the smooth implementation of MSW charging is to cultivate villagers' environmental protection and law-abiding awareness. Stakeholders in rural villages/rural areas can make good use of the preparation period to encourage villagers to form MSW charging concern groups, the duties of which may include:

- (i) explaining to villagers that MSW charging is premised on quantity-based and the "polluter-pays" principle. Our policy intent is that it is primarily the responsibility of individual waste producer to bear the charges for designated bags and designated labels, so as to drive behavioural changes for achieving waste reduction. Under the charging by designated bags mode, villagers should purchase designated bags designated labels for waste disposal from a few thousand sales points authorised by the EPD;
- (ii) coordinating various activities (e.g., briefings, promotion booths) to promote and explain to villagers the purpose and the implementation arrangements of MSW charging, to cultivate villagers' environmental protection and law-abiding awareness, and to continuously disseminate the latest information on MSW charging;

(iii) assisting villagers to understand the use and requirements of designated bags by exhibiting the designated bag patterns and specifications at prominent locations (e.g., village office), and producing/posting information leaflets provided by the Government which introduce the proper way to use the designated bags;

(iv) enhancing communication with villagers, such as organising regular sharing events or forums in the villages, or creating online social media accounts to encourage villagers to share their waste reduction experience, as well as appointing waste reduction ambassadors to provide waste reduction and recycling information to villagers;

(v) encouraging villagers to keep track of the information provided by the Government, such as the dedicated website for MSW charging, posters and leaflets, etc., and to actively participate in waste reduction measures and related events of the Government, such as briefings, competitions and waste reduction campaigns, etc.;

(vi) setting up a dedicated hotline and/or email, or conducting surveys during the preparation period and early stage of implementation of MSW charging to collect the opinions from villagers and other stakeholders and relay them to the Government.



3.2 Implementing "Charging by Designated Bags"

"After the implementation of MSW charging, the concern groups can continue to play the coordination role, organise regular meetings and assist villagers to implement the charging by designated bags in rural villages/rural areas."



3.2.1 Continuous Publicity and Education

(i) assist in the distribution of leaflets or pamphlets published by the Government regarding MSW charging to villagers' mailboxes to help them know more about MSW charging;

(ii) hold collaborative activities with district organisations/bodies, e.g., by inviting them to organise publicity events in the villages;

(iii) work with the Government to organise briefings to maintain and strengthen communication with villagers;

(iv) encourage villagers to keep track of the information provided by the Government, and to actively participate in the waste reduction measures and related events organised by the Government.

3.2.2 Assisting Villagers in Complying with Legislative Requirements

(i) remind villagers not to dispose of waste indiscriminately and to properly wrap it in designated bags or affix it with designated labels before depositing it at FEHD's RCPs/bin sites;

(ii) post notices at prominent locations in the villages or distribute leaflets, to provide the information of the nearby sales points of the designated bags/designated labels authorised by the EPD and the locations of FEHD's RCPs/bin sites in the vicinity to the villagers;

(iii) arrange volunteers to conduct regular check-ups in the vicinity of the RCPs/bin sites during the early implementation stage of MSW charging for providing reminders and advice;

(iv) record and report repeated non-compliant cases to the EPD. Following the risk-based enforcement approach, the Government will draw up a list of black spots based on intelligence and complaints received from villagers/concern groups, and conduct surveillance and enforcement actions accordingly.

The concern groups/villagers should try their best to provide the following information when reporting non-compliant cases to the EPD:



Locations of the RCPs/bin sites concerned



Frequency, date, and time of NCW discovery



Site photos that show the severity of the non-compliance



Timeslots with more villagers are disposing of NCW at the concerned RCPs/bin sites

3.2.3 Tackling Littering/Fly-tipping in Public Places

During the early implementation stage of MSW charging, littering/fly-tipping may occur in public places in rural villages/ rural areas. Concerted efforts and active cooperation of concern groups or stakeholders of the rural villages/rural areas as well as cooperation of villagers are essential in the fight against these activities such as:

(i) For waste from unknown sources, record relevant information (e.g., location, date, and time of discovery) and report to the Government;

(ii) proactively cooperate with the Government's enforcement action, e.g., provide information of the ownership, the owner/legal occupier of the non-compliant location (if the non-compliant location is a private premises), and cooperate with the enforcement officers to enter the villages/premises for investigation;

(iii) step up publicity and education to cultivate positive values, attitudes and behaviours, and to raise villagers' awareness and develop habits of keeping the environment clean.

3.2.4 Regular Review and Collection of Feedback

(i) villagers may have different views in view of the different characteristics of individual rural village/rural area. A regular review mechanism could be set up for conducting regular meetings with the villagers to review the execution and operation of MSW charging;

(ii) 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.

3.3 Waste Reduction and Recycling Arrangements

Implementation of MSW charging provides more incentives for villagers to practise waste reduction and waste separation at source as well as clean recycling, which in turn reduces the overall expenditures on MSW charging. The concern groups may refer to the content below in assisting and supporting villagers to carry out waste reduction and recycling.

3.3.1 Community Recycling Support of the EPD

To enhance support on waste reduction and recycling at the community level, the EPD has established a new community recycling network "Green@Community", with its service coverage expanded to all 18 districts in Hong Kong. This new network comprises "Recycling Stations" that focus on both environmental protection education and recycling, "Recycling Stores" that are near residential areas, and "Recycling Spots" which operate at fixed times and locations in the form of kerbside booths every week. They all accept at least eight common types of recyclables, including plastics, glass bottles, regulated electrical equipment (REE), small electrical appliances, fluorescent lamps and tubes, rechargeable batteries, waste paper and metals, etc. to instil a green living culture in the community. The recyclables collected will be sorted and then delivered to downstream recyclers for subsequent handling.

The "Recycling Spots" and the kerbside booths with self-service recycling service of the "Green@Community" have been progressively extending to rural areas. Moreover, the EPD has introduced the GREEN\$ Electronic Participation Incentive Scheme ("GREEN\$ ePIS") to encourage more members of the public to reduce waste and take part in recycling. They can earn "GREEN\$" points and redeem gifts when recycling in the facilities under the community recycling network "Green@Community".

The EPD has also launched different recycling programmes and services, including waste glass containers collection and treatment services, Plastic Recycling Pilot Scheme, Producer Responsibility Scheme (PRS) on Waste Electrical and Electronic Equipment (WEEE), Rechargeable Battery Recycling Programme and Fluorescent Lamp Recycling Programme, which provide door-to-door collection services for residential premises participating in these schemes and services.

In addition, the "Green Outreach" set up by the EPD has gradually rolled out community outreach services since late 2018, including rural villages/rural areas, which provides on-site assistance and support, as well as organises different forms of publicity and promotional activities, to encourage rural residents in putting waste separation at source and clean recycling into practice.

Community Recycling Support of the EPD



Recycling Stations



GREEN\$



Recycling Stores



Recycling Spots



Green Outreach

3.3.2 Review of Recycling Facilities

The quality and quantity of recyclables collected in recycling bins in public places in rural areas are generally better than those in urban areas. The EPD will closely monitor the use of rural recycling bins and actively explore other measures to provide effective recycling support in rural areas. The concern groups can work with EPD to review the existing waste separation and recycling facilities in villages. Moreover, the concern groups/rural representatives can also ask the "Green Outreach" of the EPD to provide on-site assistance on waste separation at source and clean recycling, and offer practical advice on enhancing the relevant works.

Regarding the recycling support of the EPD at the district level and guidelines on clean recycling of the above eight types of recyclables, please refer to **Annex II**.



3.3.3 Enhancement of Awareness of Waste Reduction and Recycling of Villagers

The concern groups may step up education and promotion efforts in their respective villages to encourage and assist villagers to recycle, and organise different types of green activities to enhance the awareness of waste reduction and clean recycling of villagers and further achieve "Dump Less, Save More".

Among others, the concern groups may educate villagers to correctly sort and identify recyclables, and non-recyclables (e.g., waste glass seasoning containers without rinsing properly) so as to avoid the recycling facilities being misused as dumping grounds of NCW, and also affect the quality of the recyclables and the effectiveness of recycling. Some other suggestions are listed below for consideration by the concern groups:

(i) collaborate with the Government/community/environmental organisations to organise recycling activities in the villages, such as barter events, waste upcycling workshops, second-hand goods donations, waste reduction carnival etc., and other publicity events that involve competition (e.g., waste reduction competitions);

(ii) organise regular sharing events or forums in the villages to share waste reduction experiences and appoint waste reduction ambassadors to provide waste reduction and recycling information to villagers;

(iii) post notices at prominent locations in the villages or distribute leaflets to inform villagers of the locations of nearby recycling facilities;

(iv) discuss with villagers to set up targets on waste reduction and recycling for the villages, and report the progress including the quality and quantity of recyclables on a regular basis;

(v) set up publicity and information booths to introduce to the newly moved-in villagers the arrangement of the recycling facilities in the villages and information on proper waste separation and clean recycling;

(vi) enhance communication among villagers, e.g., disseminating newsletters, setting up a dedicated website/creating an online social media account, and regularly announcing achievements on waste reduction and updates on MSW charging, etc.;

(vii) organise recycling facilities tours for villagers to know more about the overall recycling procedures and enhance their trust in recycling arrangements of the premises.

For more information on waste reduction and recycling, please refer to **Annex II**.



Annex

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

Villagers



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

When disposing of general household waste using designated bags, villagers should make sure that no part of the waste (e.g., handle of long umbrella/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. Villagers 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. When a villager wants to dispose of a piece of furniture that has been separated into different parts (e.g., feet and bed base of a bed), 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, villagers 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 of 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 household waste tightly bound together cannot be regarded as one article based on their nature. Therefore, such household waste should be properly wrapped in several designated bags but not just affixed with a designated label.

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

3. Are villagers allowed to dispose of their household waste which is properly wrapped in designated bags in roadside litter containers or those placed in public places?

No designated bags or designated labels are required when disposing of waste in roadside litter containers or those placed in public places.

However, litter containers placed in public places are for pedestrians to dispose of litter, but not for disposal of household waste.

Littering, including disposal of any waste (such as household waste) at the side or on top of litter containers placed in public places or pleasure grounds, is an offence under section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK) and section 23(b) of the Pleasure Grounds Regulation (Cap. 132BC)¹⁵. In order to discourage abusive use of litter containers as a means to evade MSW charging, starting from June 2016, the FEHD has introduced in batches newly-designed litter containers with smaller openings for disposal of litter with a view to discouraging the public from disposing of household waste in the litter containers. Bigger warning notices are also affixed to litter containers to publicise the messages that such waste should not be discarded at the side or on top of litter containers.

4. If villagers have already properly wrapped their waste in designated bags or affixed with designated labels before placing it at FEHD's RCPs/bin sites, but the designated bags/ designated labels are damaged/detached during normal handling and transportation, and renders the waste falling within the definition of NCW, have the households committed an offence?

If villagers have followed the legal requirement of "wrapping waste properly in designated bags" (see Note 14 for the definition) before waste disposal, they will not commit an offence even if the designated bags/designated labels are damaged subsequently during the handling and transportation by other persons (which leads to escape of the waste from the designated bags/ detachment of the designated labels from the waste).

¹⁵ Illegal disposal of household waste in litter containers located in public areas contravenes litter offences and public cleanliness. The Fixed Penalty (Public Cleanliness and Obstruction) Ordinance empowers enforcement officers to issue \$3,000* fixed penalty notices for minor cleanliness offences.

5. Under "charging by designated bags", what circumstances can be exempted from the legislation on the use of designated bags/designated labels?

Under "charging by designated bags", if satisfied that it is reasonable to do so, the Director of Environmental Protection (DEP) may, on application, grant exemption from the legislation on the use of designated bags/designated labels to those depositing waste for or on behalf of the Government¹⁶ and in the course of providing service for collecting recyclables¹⁷. Moreover, the DEP may, on the Director's own initiative, exempt any person from the legislation on the use of designated bags/ designated labels when the exemption is necessary for public safety, environmental hygiene or environmental protection, or when exceptional circumstances render it impracticable or unreasonable for the person to comply with the provisions related to the use of designated bags/designated labels¹⁸. Generally speaking, waste collected from rural villages/rural areas may not meet the relevant exemption criteria¹⁹.



Hong Kong Waste Reduction Website
<https://www.wastereduction.gov.hk/en/index.htm>

¹⁶ Example includes waste that is generated as a direct and inevitable result of the delivery of public services, such as street waste collected by the FEHD.

¹⁷ For example, recyclers/recycling organisations may have to deliver the collected recyclables to landfills for disposal when recyclables treatment facilities fail to operate properly and cannot continue to accept and handle recyclables, so as to avoid causing environmental hygiene problems.

¹⁸ For example, recyclers/recycling groups may have to deliver the collected recyclables to landfills for disposal when recyclables treatment facilities fail to operate properly and cannot continue to accept and handle recyclables due to unforeseeable reasons, so as to avoid causing environmental hygiene problems. Operationally, it is not feasible to require the related persons to file an application to the DEP for exemption, especially under emergency situations.

¹⁹ See sections 20Q and 20R in Division 2 of Part IVB of the amended WDO for the legislation.

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 enquiry@epd.gov.hk.



EPD's dedicated website for MSW charging
<https://www.mswcharging.gov.hk/en/>