

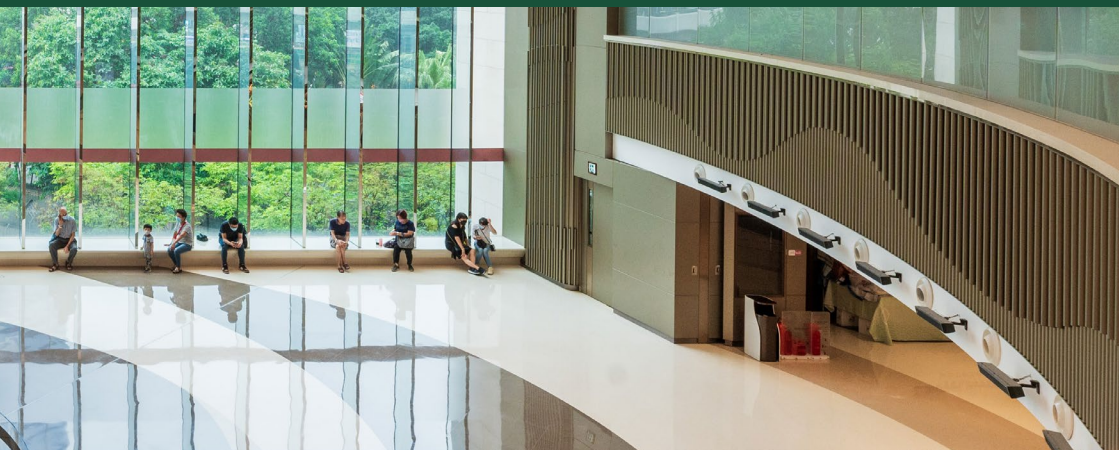
MUNICIPAL SOLID WASTE CHARGING
BEST PRACTICE GUIDE

Shopping Mall/ Market Premises



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 relevant stakeholders may complement the implementation of MSW charging.

This Guide targets at property management companies (PMCs), owners, as well as cleansing contractors, which provide waste collection services for shopping mall/market¹ premises.

This Guide is for reference only. The actual operation may vary depending on the individual circumstances of the shopping mall/market 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 reference of the public and the industry.



¹ The good practices introduced in this Guide are applicable to general shopping mall/market premises under the management of management organisations, excluding markets managed by the Food and Environmental Hygiene Department (FEHD).

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

1	MSW Charging Overview	1.1 Coverage	1
		1.2 Charging Mechanism	2
		1.2.1 Charging by Designated Bags	3
		1.2.2 Charging by Weight	9
2	Legislative Requirements	2.1 Applicable to General Tenants	11
		2.2 Applicable to Cleansing Contractors' Staff (Cleansing workers)	12
		2.3 Penalty	13
		2.4 Statutory Defences	14
3	Implementation of MSW Charging in Shopping Mall/Market Premises	3.1 Determination of the Applicable Charging Mode(s) for the Premises	15
		3.2 Assisting Tenants in Getting Ready	17
		3.3 Staff Training	17
		3.4 Implementing "Charging by Designated Bags"	17
		3.4.1 Arrangements for the supply of designated bags/labels and associated charges	17
		3.4.2 Clear Delineation on Communal Waste Reception Areas	18
		3.4.3 Waste Collection	19
		3.4.4 Arrangements for the Expenditures on Handling of Waste in Common Areas and NCW	21
		3.5 Implementing "Charging by Weight"	21
		3.5.1 Arrangements for Opening Billing Accounts	21
		3.5.2 Arrangements for "Gate-Fee" Apportionment Mechanism(s)	22
		3.5.3 Waste Collection	22

		3.6 Tackling Fly-tipping in Common Areas	22
		3.7 Waste Reduction and Recycling Arrangements	23
		3.7.1 Review of Recycling Facilities	23
		3.7.2 Review of Recyclables Collection Arrangement	23
		3.7.3 Enhancement of Awareness of Waste Reduction and Recycling of Tenants	24
4	Annex	Annex I Frequently Asked Questions on the Legislative Requirement on MSW Charging	25
		Annex II Charging Modes for Premises with Refuse Compaction Systems	39
		Annex III Assisting Tenants in Getting Ready	41
		Annex IV Staff Training	46
		Annex V Contractual Arrangements for Cleansing/Waste Collection Services in Relation to MSW Charging	48
		Annex VI Suggested Measures in Response to NCW in Premises under the "Charging by Designated Bags"	49
		Annex VII Suggested Preparatory Measures for Premises under "Charging by Weight"	56
		Annex VIII Suggested Measures on Waste Reduction and Recycling in Shopping Centre/Market Premises	59

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 generated from shops, restaurants, hotels, offices, markets and all commercial and all industrial activities.

However, construction waste, chemical waste and clinical waste are not subject to the MSW charging regime but are regulated by their existing charging mechanism³.



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 (hereinafter collectively referred to as "Charging by Designated Bags") – "pre-paid" means the government charges fees through the sale of designated bags/labels before handling 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 commercial tenants) are responsible for the related charges, which should not be passed on to any party among PMCs/cleansing contractors/private waste collectors who handle the waste on their behalf."

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 FEHD’s RCV 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).

FEHD’s RCVs



FEHD’s RCVs with rear compactors



FEHD’s RCVs without rear compactors⁵

FEHD’s RCPs



Off-street RCPs

FEHD’s contractors’ RCVs



FEHD’s contractors’ RCVs with rear compactors



FEHD’s contractors’ RCVs without rear compactors⁵

PWC’s RCVs



PWC’s RCVs with rear compactors

Village-type RCPs



Bin Sites



4 Since some RCPs in rural areas have no building structures and only some large waste collection bins (usually large waste collection bins 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 purchase designated bags first 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, public institutions premises and some shopping malls/markets, etc. If the waste collection modes mentioned in (i) to (iii) above are used, members of the public are required to properly wrap their waste in designated bags before disposing of it at the communal waste reception areas⁶ of relevant premises (hereinafter collectively referred to as communal waste reception areas) (e.g., staircase landings, refuse rooms, the inlets of refuse chutes, etc.) or at the FEHD's RCPs/bin sites. As for oversized waste which cannot be wrapped in designated bags, e.g., waste display racks, waste trolleys, members of the public are required to affix with a designated label on each piece of oversized waste before it 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.

Communal waste reception areas



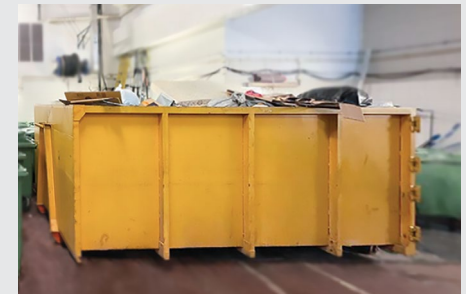
Waste collection bin at staircase landing (i)



Waste collection bin at staircase landing (ii)



Refuse rooms on individual floor



Oversized waste reception areas

"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 and pharmacies, 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 details of specific sales arrangements for designated bags and designated labels, please visit the dedicated website for MSW charging.

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 the picture 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.

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



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, mainly sold to residential premises 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 institutional or industrial and commercial premises, the EPD will consider based on their operational needs. Application details would be announced later. 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 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.

Please refer to Section 3.5.1 for details on account opening and operation of "gate-fee". According to the disposal location, the "gate-fee" charged by weight of the waste is as follows:⁸

● \$395 Per Tonne

● \$365 Per Tonne

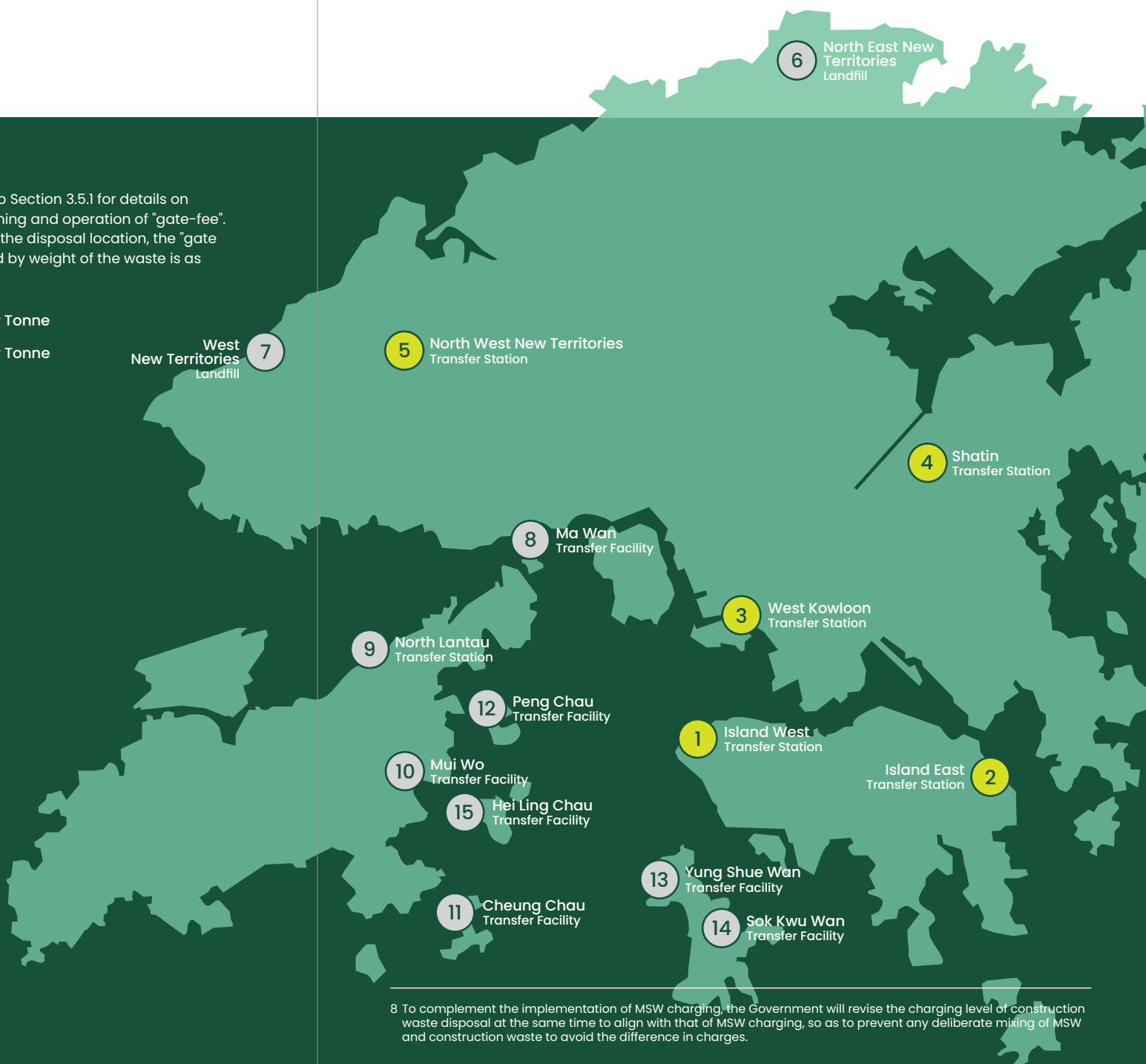
PWC's RCVs



PWC's RCVs without rear compactors⁵

"Designated bags/designated labels are not applicable under the "Charging by Weight" arrangement. Commercial tenants (hereinafter collectively referred to as tenants) do not need to wrap their waste in designated bags or affix with a designated label on each piece of oversized waste to avoid double payment."

When a person needs to dispose of waste at a waste disposal facility, he must register for the "gate-fee" account according to the legal requirements. 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 revise the charging level of construction waste disposal at the same time 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 Applicable to General Tenants

Under “Charging by Designated Bags”, tenants and their staff are required to use designated bags to wrap their general waste or affix designated labels to oversized waste before depositing it at the communal waste reception areas, e.g., refuse rooms on individual floors, oversized waste reception areas, etc. to be collected by cleansing contractors, and then handed over to PWCs that collect waste using RCVs with rear compactors. Otherwise, it constitutes an offence.

If there are refuse chutes on individual floors of shopping malls, tenants are also required to wrap their general C&I waste in accordance with the above requirements before it is deposited into the refuse chutes, otherwise, it constitutes an offence.

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 staff to dispose of waste in a non-compliant manner.

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

2.2 Applicable to Cleansing Contractors’ Staff (Cleansing Workers)

Waste producers (i.e., tenants) are the main targets to be regulated by the legislation. Under “charging by designated bags”, in order to prevent the cleansing workers from being requested or instructed by the tenants to assist in disposing of waste that is not properly wrapped in designated bags or affixed with designated labels (hereinafter referred to as non-compliant waste (NCW)), and to maintain the integrity of the MSW charging regime, the legislation provides the same that such cleansing workers shall also not deposit NCW while working at certain enforcement points.

Any person (including cleansing workers) shall not deposit 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 sites⁹, otherwise, it constitutes an offence¹⁰.

It also constitutes an offence if the 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”¹¹), including staff from the FEHD’s RCPs or its contractors, and drivers and staff of relevant RCVs¹².

If the cleansing workers discover NCW from unknown sources at the communal waste reception areas when collecting waste, they may still continue to handle the relevant waste, including collection and depositing it into refuse chutes, and deliver to central refuse collection points, without violating the legislation mentioned in Section 2.1 above regarding NCW being deposited at the communal waste reception areas¹³.

However, after collecting the NCW, the cleansing workers are required to properly wrap it in designated bags or affix it 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’ RCVs with rear compactors (hereinafter referred to as the FEHD or waste collectors) will reject NCW. For frequently asked questions regarding legislative requirements, please refer to **Annex I**.

⁹ Under normal circumstances, C&I tenants would arrange PWCs to provide waste collection services. In rare case where some tenants would arrange cleansing workers to deliver their trade waste to the FEHD’s RCPs, it should be noted that no person shall deposit trade waste exceeding 100 litre in quantity at the FEHD’s RCPs in one day.

¹⁰ For relevant legislation, see section 20K in Division 2 of Part IVB of the amended WDO.

¹¹ See section 2(1) of the amended WDO for the new definition of “removal services”.

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

¹³ For relevant legislation, see section 20N(3)(C) in Division 2 Part of IVB of the amended WDO.

2.3 Penalty

Any tenant/PMC/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 follows¹⁴:

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

2.4 Statutory Defences

"The main purpose of MSW charging is to regulate waste producers rather than cleansing workers. Cleansing workers do not need to overly concern about breaching the law inadvertently because of their work."

It is a defence for cleansing worker charged with an offence under Section 2.2 mentioned above to establish that¹⁵:

- (i) the cleansing worker took all reasonable precautions and exercised all due diligence to avoid committing the offence mentioned in Section 2.2 above;
- (ii) the cleansing worker did the act committing the offence mentioned in Section 2.2 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) the cleansing worker did the act/caused/ permitted to be constituting the offence mentioned in Section 2.2 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 by the individual tenants in designated bags (e.g., because the outer bag is a transparent bag);

(v) the cleansing worker, handled the relevant NCW, in an honest and reasonable belief that such waste would 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 Questions 11 and 14 of **Annex I**.

¹⁴ For relevant legislation, see Section 20P in Division 2 of Part IVB of the amended WDO.

¹⁵ For relevant legislation, see Section 20O in Division 2 of Part IVB of the amended WDO.

Implementation of MSW Charging in Shopping Mall/ Market Premises

The successful implementation of MSW charging relies on the support and participation of different stakeholders (including owners, PMCs, cleansing contractors and tenants, etc.). PMCs should play the role of a coordinator to formulate and implement work plans, with reference to the implementation details of various aspects as described in Sections 3.1 to 3.7 below and according to the charging mode(s) applicable to the premises.

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

PMCs should determine the applicable charging mode(s) according to the existing waste collection arrangements in the premises, such as the type of RCVs, or the use of RCPs, and the disposal method(s) of oversized waste, etc. For details of 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 (such as some PRH estates, shopping malls, industrial buildings, etc.) 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, general waste is collected by PWCs using RCVs with rear compactors, while oversized waste is collected by PWCs using RCVs without rear compactors. In other words, general waste of these premises will be “Charging by Designated Bags”, and oversized waste will be charged by weight-based “gate-fee” instead of by designated labels.

Regardless of the charging mode(s) adopted, PMCs should clearly inform tenants in advance of the collection arrangements and charging mode(s) of all different types of waste in their premises, to avoid tenants being at a loss of what to do when they dispose of the waste.

(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”), but also 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”).

To avoid confusion, e.g., tenants mistakenly believe that oversized waste that should be charged by designated labels is charged by weight, so no designated label is affixed before disposal; or they mistakenly believe that oversized waste that should be charged by weight is charged by designated labels and affix a designated label on the disposed oversized waste, resulting in double payment. PMCs, may according to the actual situation consider adopting only one mode to collect all oversized waste in the premises that cannot be properly wrapped in designated bags so as to avoid misunderstanding. For example, all oversized waste will only be delivered by PWCs’ RCVs without rear compactors and charged by weight.

If PMCs consider that it is necessary to collect oversized waste in the above-mentioned mixed mode, detailed guidelines should be formulated in advance setting out the charging modes and collection arrangements for different types of oversized waste, and inform tenants of the relevant arrangements in advance to avoid confusion.



3.2 Assisting Tenants in Getting Ready

The key to the smooth implementation of MSW charging is to cultivate tenants' (including their staff) environmental protection and law-abiding awareness. PMCs may coordinate activities promoting MSW charging within the premises, and proactively contact the tenants and distribute relevant information. Cleansing contractors should also actively cooperate and assist tenants in getting ready. For advice on assisting tenants in getting ready, please refer to **Annex III**.

3.3 Staff Training

PMCs and/or 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 deal with NCW found during work.

PMCs and/or cleansing contractors should make good use of various training programmes and materials provided by the EPD to assist the industry in implementing MSW charging. Please visit the EPD's dedicated website for MSW charging for details. For suggestions on providing trainings to staff, please refer to **Annex IV**.

3.4 Implementing "Charging by Designated Bags"

3.4.1 Arrangements for the supply of designated bags/labels and associated charges

Currently, the PMCs in some shopping malls have been purchasing garbage bags on behalf of tenants and distributing those bags to them regularly. After the implementation of MSW charging, the most effective way to drive waste reduction is to allow tenants to purchase appropriate-sized designated bags/designated labels through sales points and online platforms authorised by the EPD for disposing of waste, allowing them to experience "Polluter- pays" and "Dump Less, Save More" direct. Besides, PMCs should make good use of the preparatory period prior to the implementation of MSW charging to publicise and explain the purpose of MSW charging to tenants, as well as the arrangements after the implementation of MSW charging, assisting tenants in getting ready, e.g., consider posting notices to provide websites/posters/publicity leaflets on MSW charging for tenants' reference and information on sales points of designated bags.

However, during the initial implementation of MSW charging, OCs/OOs/PMCs may also choose to assist tenants in purchasing and distributing designated bags (As for designated labels, since the expected sales volume will be much lower than that of designated bags, tenants may purchase them from PMCs when necessary.) This arrangement facilitates households to develop a new habit of using designated bags for waste disposal, which in turn enhances compliance rate. Possible confrontation between frontline PMC staff and tenants in case of non-compliance or complaints from tenants would also be reduced.

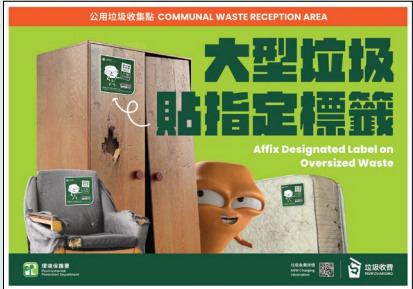
3.4.2 Clear Delineation on Communal Waste Reception Areas

The communal waste reception areas of the premises are the enforcement points under the relevant legislation on MSW charging. When disposing of waste at the relevant locations, tenants are required to wrap their waste in designated bags properly or affixed it with designated labels. PMCs should work with cleansing contractors to delineate the communal waste reception areas in the premises (e.g., staircase landings, refuse rooms on individual floors/ground floor, central refuse collection points, and oversized waste reception areas) according to the waste collection arrangements of the premises, and displaying signages at prominent locations (For the signages please visit the dedicated website for MSW charging for download) to remind tenants (including their staff) that they are required to properly wrap their waste using designated bags or affix it with designated labels when disposing of waste at these reception areas.

Signages



Applicable to staircase landings, refuse rooms on individual floors on individual floors within the premises



Applicable to oversized waste reception areas within the premises



3.4.3 Waste Collection

(i) Door-to-door waste collection by cleansing workers – If PMCs/cleansing contractors provide door-to-door waste collection modes for individual tenants, cleansing workers are required to check whether the waste disposed of is wrapped in designated bags or affixed with designated labels, and reject NCW when collecting waste.

PMCs/cleansing contractors may reach an agreement with tenants in advance. When collecting waste from tenants, the cleansing workers can prepare a small number of extra designated bags for use by tenants who cannot wrap their waste properly in designated bags immediately. Cleansing workers shall record the information of the relevant tenants to facilitate PMCs/cleansing contractors to recover the relevant fees of designated bags from them.



(ii) Direct disposal of waste at communal waste reception areas by tenants – PMCs/cleansing contractors must instruct cleansing workers to check whether the general waste/oversized waste disposed of by individual tenants have been properly wrapped in designated bags or affixed with designated labels when collecting waste from the communal waste reception areas in shopping malls/markets and reject any NCW that is being handed over to them in person. NCW includes waste that is not “wrapped in designated bags”, please refer to Question 1 of **Annex I** for relevant examples. To maintain environmental hygiene, PMCs/cleansing contractors may instruct cleansing workers to collect NCW from unknown sources found at the communal waste reception areas for further handling.

To facilitate the monitoring of NCW, PMCs should consider posting warning signs around the communal waste reception areas (e.g., outside refuse rooms, oversized waste reception areas, etc.), providing pictures of waste properly wrapped and disposed and setting out the legal penalties, to remind tenants to comply with the law and encourage them to report the illegal acts to the EPD or PMCs. If necessary, closed-circuit televisions (CCTVs) can also be installed at the communal waste reception areas to facilitate monitoring.

As for market premises, it is recommended to provide the same designated waste collection bins for use by individual/several market stalls to facilitate monitoring and let them remind each other if circumstances allow. In addition, it is also recommended that waste collection bins are placed at suitable locations or CCTVs are installed to prevent other outsiders from disposing of NCW.

In addition, PMCs should review whether the waste/oversized waste collection services, e.g., the type of vehicles (using PWCs' RCVs with rear compactors or RCVs without rear compactors), collection time and frequency, number of collection points, location, opening hours, etc. need to be adjusted.



(iii) Other common areas – According to the law, waste disposed of in small litter containers (e.g., small litter containers that are usually placed in the lift lobbies of premises) placed in common areas (e.g., recreational facilities of shopping malls, etc.) for collecting small quantity of small-sized waste (e.g., used tissue paper) is not required to be wrapped properly in designated bags or affixed with designated labels. In other words, PMCs/cleansing contractors are not required to instruct cleansing workers to check for NCW when collecting waste from such litter containers,

or line the relevant containers with designated bags in advance. However, PMCs should instruct cleansing workers to ensure that all waste collected from this kind of small litter containers should be eventually wrapped properly in designated bags or affixed with designated labels before handing it over to the FEHD or waste collectors.

Meanwhile, in order to maintain environmental hygiene, PMCs/cleansing contractors may instruct cleansing workers to collect NCW from unknown sources found in common areas (including communal recyclables collection points (hereinafter referred to as “recycling points”)) for further handling.

PMCs and cleansing contractors should instruct cleansing workers to ensure that all waste collected (including waste from the above-mentioned small litter containers placed in common areas for collecting small quantity of small-sized waste, and NCW found at the communal waste reception areas and common areas) in the premises have been properly wrapped in designated bags or affixed with designated labels before handing it over to the FEHD or waste collectors. PMCs and cleansing contractors should provide designated bags or designated labels for cleansing workers to handle the above waste.

3.4.4 Arrangements for the Expenditures on Handling of Waste in Common Areas and NCW

As it is difficult for cleansing contractors to accurately estimate and include the expenditures on designated bags and designated labels for handling the NCW and waste generated in common areas within the premises into the relevant services contracts, PMCs **should not** require cleansing contractors to bear all the related costs on an "all-inclusive" basis when drafting relevant cleansing services contracts.

The PMCs should work out an appropriate plan with the OCs/OOs for the tenants to apportion the relevant expenditures. For example, PMCs may consider purchasing designated bags/ designated labels themselves to provide to the cleansing service contractors for handling the relevant waste.

For details on handling waste generated in common areas and NCW within the premises as set out in Sections 3.4.3 and 3.4.4, please refer to **Annex V** and **Annex VI**.

3.5 Implementing "Charging by Weight"

3.5.1 Arrangements for Opening a Billing Account

There are two types of "gate-fee" 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 deliver waste to waste disposal facilities for disposal. General PMCs and cleansing contractors may engage PWCs with "Type A Account" direct to collect and dispose of waste on their behalf.

PMCs and cleansing contractors should discuss with PWCs 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, to relieve 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 the relevant arrangements and calculation methods in the contract, to protect the interests of both parties.

(ii) "Type B Account" – Mainly applicable to large scale waste producers (i.e. premises that generate a large amount of daily waste, e.g., large-scale facilities, factories, shopping malls, 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 abovementioned "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 VII**.

"We encourage large PMCs to apply for "Type B Account" direct. "Type B Account" holders may use the registered vehicles of "Type A Account" holders to deliver 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 separately verify the relevant "gate-fee" amount with the "Type A Account" holders and arrange for subsequent reimbursement. This arrangement may also reduce the cash flow and bad debt problems which the "Type A Account" holders would otherwise face as they have to pay the "gate fee" in advance.

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

PMCs should discuss the arrangements for apportioning the "gate-fee" and formulate guidelines or rules for the apportionment mechanism(s) for tenants' reference with the OCs/OOs. Meanwhile, the application and fairness of the apportionment mechanism(s) should also be regularly reviewed. For suggestions on the apportionment mechanisms, please refer to **Annex VII**.

3.5.3 Waste Collection

PMCs/cleansing contractors **are not required** to instruct cleansing workers to check whether the waste disposed of by individual tenants has been wrapped properly in designated bags or affixed with designated labels. PMCs can provide cleansing workers with ordinary garbage bags to collect and dispose of the above-mentioned waste and waste from unknown sources, just like the practices before the implementation of MSW charging.

3.6 Tackling Fly-tipping in Common Areas

Experiences of other cities show that after the implementation of MSW charging, fly-tipping of waste may occur in common areas of the premises, e.g., waste from tenants and visitors. In addition, non-recyclables or waste may be found at recycling points of the premises. To maintain environmental hygiene of the premises, PMCs and cleansing contractors may instruct cleansing workers to clear away waste from unknown sources without properly wrapped in designated bags or affixed with designated labels in common areas of shopping malls/markets.

If PMCs and cleansing contractors receive reports from cleansing workers that waste from **unknown** sources is frequently found in common areas, or non-recyclables or waste are found at recycling points, PMCs should consider adopting appropriate follow-up measures, such as erection of warning signs at the locations concerned, installation of closed circuit televisions (CCTVs), etc. to deter such cases.

Moreover, PMCs may consider improving the design of litter containers in common areas by adopting “litter containers with small openings” to reduce disposing of waste by tenants/visitors in public litter containers to evade MSW charging. PMCs may also review the number and location of communal litter containers within the premises, reduce/adjust the number of litter containers in common areas as appropriate.

When feasible, PMCs may consider placing public litter containers/recycling facilities within areas covered by CCTVs to monitor whether any tenants/visitors disposing of their waste in the public litter containers/recycling facilities.

3.7 Waste Reduction and Recycling Arrangements

Implementation of MSW charging provides more incentives for tenants to practise waste reduction at source and waste separation at source, as well as clean recycling, which in turn reduces the overall expenditures on MSW charging. PMCs and/or cleansing contractors may refer to the content below in supporting tenants to carry out waste reduction and recycling.

3.7.1 Review of Recycling Facilities

PMCs should review their existing waste separation and recycling facilities (e.g., types of recyclables, number and location of recycling bins). Apart from the traditional three-colour waste (i.e., waste paper, plastics, metals) recycling bins, they may also actively consider participating in other recycling programmes of the EPD to collect other common types of recyclables, e.g., glass bottles, styrofoam boxes, etc. to facilitate tenants to separate recyclables from waste and thus reduce the overall quantity of waste disposal.

3.7.2 Review of Recyclables Collection Arrangements

PMCs and/or cleansing contractors should ensure that recyclables collected from tenants are properly sorted and suitable for recycling, and that they should be properly handled, including handling and storing recyclables separately from other waste (e.g., checking and removing sundries or waste inside recycling facilities). They should also deliver recyclables to reliable recyclers downstream for subsequent handling and recycling.

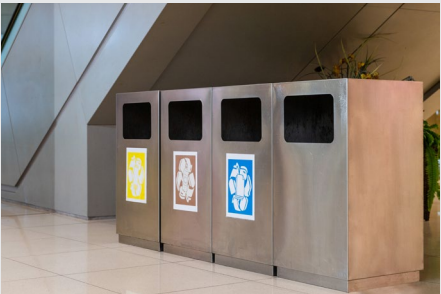
3.7.3 Enhancement of Awareness of Waste Reduction and Recycling of Tenants

PMCs/cleansing contractors should step up the education and promotion efforts within their premises by organising different types of green activities, e.g., promoting the reduction on the use of disposable items in shopping malls/markets, to enhance the awareness of tenants and their staff/visitors on waste reduction and clean recycling to further achieve the effect of

“Dump Less, Save More”. Moreover, they should educate tenants/visitors to correctly sort and identify recyclables, non-recyclables (e.g., contaminated recyclables) and waste, so that to avoid the recycling facilities being misused as dumping grounds of NCW, which affects the quality of the recyclables and the effectiveness of recycling.

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

Waste Reduction and Recycling Arrangements



Review of Recycling Facilities



Review of Recyclables Collection Arrangements



Enhancement of Awareness of Waste Reduction and Recycling of Tenants

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

Tenants



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

When disposing of general waste in designated bags, tenants should make sure that no part of the waste (e.g., handle/bamboo stick) 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. Tenants should use designated bags of appropriate size to ensure that the relevant waste is completely and properly wrapped.¹⁶

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



2. Is it illegal for tenants to dispose of recyclables that are not properly wrapped in designated bags/affixed with designated labels at the communal waste reception areas?

If the containers/locations for collecting recyclables are located within the communal waste reception areas (e.g., also located at refuse rooms or staircase landings), tenants are required to place the recyclables inside the containers/areas for collecting recyclables (e.g., waste separation bins/boxes/bags).

Otherwise, it will be an offence for tenants to dispose of any waste (including recyclables) without properly wrapped in designated bags or affixed with designated labels at the communal waste reception areas.¹⁷

Examples of separation and recycling facilities in shopping malls



¹⁶ 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".

¹⁷ For relevant legislation, see Sections 20N(1) and 20N(3)(d) in Division 2 of Part IVB of the amended WDO.

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

3. When a tenant disposes of a piece of oversized waste that has been separated into different parts (e.g., dismantling a small display rack into multiple different parts), 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, tenants should consider the properties of the oversized waste, e.g., 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 oversized waste 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 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 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.

4. Are tenants required to wrap the waste in designated bags or affix with designated labels when disposing of it in waste collection bins which have been lined with designated bags at the communal waste reception areas of shopping malls/markets?

MSW charging is premised on quantity-based and the "polluter-pays" principles. Our policy intent is that it is primarily the responsibility of individual tenants to bear the charges for designated bags and designated labels, so as to drive behavioural changes for achieving waste reduction. Tenants can purchase designated bags of suitable sizes/designated labels for waste disposal through a few thousands of sales points authorised by the EPD.

Even if PMCs/cleansing contractors have lined waste collection bins at the communal waste reception areas with large designated bags in advance, tenants are still required to wrap their waste in designated bags or affix with designated labels before disposing of it at the communal waste reception areas to meet the legislative requirements¹⁸. If PMCs/cleansing contractors line the bins with designated bags in advance, extra costs will be involved.

¹⁸ For relevant legislation, see Section 20N(1) in Division 2 of Part IVB of the amended WDO for the legislation.

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

5. The law stipulates that no designated bags or designated labels are required for waste (e.g., used tissue paper) placed inside litter containers in common areas (e.g., small litter container placed in lift lobbies) for collection of small quantity of small-sized waste. What volume of waste would fit the description of "small quantity" of "small-sized" waste under the Ordinance?¹⁹

PMCs usually place small litter containers in areas with high pedestrian flow in shopping malls/markets so as to facilitate individual visitors to dispose of small quantity of small-sized waste, e.g., used tissue paper. These small litter containers are however not designed for individuals to dispose of daily waste from individual tenants or domestic waste from individual visitors. Hence, only when disposing of waste in the above-mentioned containers for collection of small quantity of small-sized waste would members of the public be exempted to use designated bags or designated labels.

The Government will take into account the actual facts and circumstances and adopt a common-sense approach when deciding whether individual litter containers serve the above purpose.



19 For relevant legislation, see Section 20N(3)(a) in Division 2 of Part IVB of the amended WDO for the legislation.

6. Are tenants allowed to dispose of their waste which is properly wrapped in designated bags in roadside litter containers outside shopping malls or those placed in public places?

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

However, litter containers placed in public places are for the convenience of pedestrians/visitors to dispose of litter, but not for disposal of tenants' waste.

Littering, including disposal of any waste (e.g., tenants' waste) at the side or on top of litter containers, 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).²⁰ In order to prevent people from abusive use of litter containers as a means to evade MSW charging, PMCs should purchase newly designed litter containers with smaller openings with a view to avoiding the public from disposing of domestic waste in the litter containers. Bigger warning notices should also be affixed to litter containers to publicise the messages that such waste should not be discarded at the side or on top of litter containers.

7. If tenants have already properly wrapped their waste in designated bags or affixed with designated labels before placing it at the communal waste reception areas, but the designated bags/designated labels are damaged/detached during normal process of handling and transportation, and renders the waste falling within the definition of NCW, have tenants committed an offence?

If tenants have followed the legal requirement of "wrapping waste properly in designated bags" (see Note 16 for the definition) for waste disposal, they will not commit an offence even if designated bags/designated labels are damaged subsequently during the process of handling and transportation by other persons (which leads to escape of the waste from designated bags/detachment of designated labels from the waste).

20 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.

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

Cleansing/
PMC's Frontline Staff



8. Is it illegal for cleansing workers to temporarily deposit NCW pending to be handled at the communal waste reception areas of the premises?

The law has already provided exemption for cleansing workers regarding the above scenario.

Generally speaking, cleansing workers will not commit any offence regarding deposition of NCW at the communal waste reception areas when temporarily depositing NCW pending to be handled at the communal waste reception areas²¹ (for depositing waste into refuse compactors, please refer to Question 9 below). However, cleansing workers are required to properly wrap NCW in designated bags or affix with designated labels before handing it over to the FEHD or waste collectors.

9. Is it illegal for cleansing workers to deposit NCW into refuse chutes? Also, is it illegal for cleansing workers to deposit NCW into refuse compaction systems (i.e., the systems mentioned in Annex II)?

Cleansing workers can still continue handling NCW found at the communal waste reception areas with unknown sources and deliver it to central refuse collection point (including transportation of such NCW through refuse chutes). This act does not contravene the law regarding deposition of NCW at the communal waste reception areas. However, cleansing workers are required to properly wrap such waste in designated bags or affix with designated labels before handing it over to the FEHD or waste collectors. For arrangements on monitoring and handling NCW when refuse chutes are used, please refer to **Annex VI**.

As for shopping malls using refuse compactors mentioned in **Annex II**, "charging by designated bags" applies in some cases. Under this charging mode, it will be an offence²² for cleansing workers to deposit NCW into refuse compactors who may be considered to have caused NCW to be deposited onto RCVs. Cleansing workers should first check whether the waste disposed of by individual tenants complies with the law when collecting it from the communal waste reception areas such as staircase landings, refuse rooms, etc., and properly wrap all NCW in designated bags or affix with designated labels before depositing it into the

²¹ See Section 20N(3)(c) of Division 2 of Part IVB of the amended WDO.

²² See Section 20K(1)(b) of Division 2 of Part IVB of the amended WDO.

above-mentioned refuse compactors. They are also required to ensure that all waste collected in common areas of the premises is properly wrapped in designated bags or affixed with designated labels before depositing it into the above refuse compactors.

Cleansing workers deposit waste which are properly wrapped in designated bags into refuse chute inlets



10. 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, should cleansing workers collect the waste?

Depending on the actual circumstances, if 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" (see footnote 16) and cleansing workers can still follow the normal procedures to handle that bag of waste.

If designated bag is severely damaged to the extent that waste escapes or protrudes from 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 to the FEHD or waste collectors.

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

11. Is it illegal when cleansing workers accidentally damage 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 damaged during normal handling and transportation (e.g., dropping from refuse chutes) or the designated labels are damaged/detached during the said process? 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 or waste collectors?

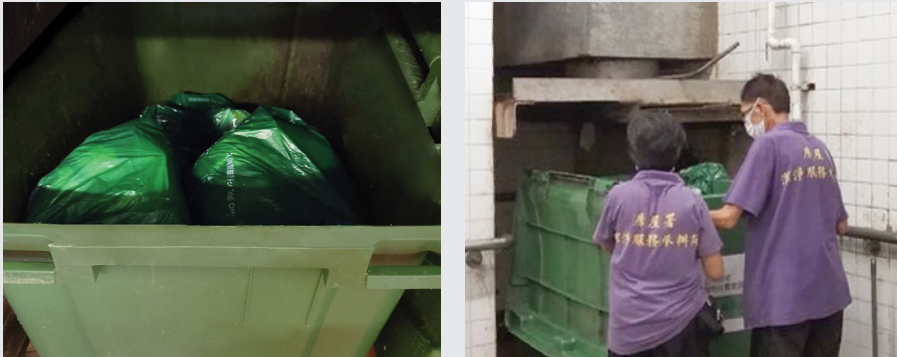
If cleansing workers accidentally damage designated bags or designated labels during normal handling and transportation, it may render the concerned waste falling within the definition of NCW.²³

However, as mentioned in Question 8, generally speaking, cleansing workers will not commit any offence when depositing NCW pending to be handled at the communal waste reception areas, 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, including delivering the waste from the bottom of refuse chutes to a designated location for collection by RCVs. However, cleansing workers should properly wrap such waste in designated bags or affix with new designated labels before handing it over to the FEHD or waste collectors. Otherwise, they may commit an offence.

²³ See section 2(1) about the definition of "non-complaint waste" of the amended WDO for the legislation, i.e. "means municipal solid waste that neither is wrapped in a designated bag nor has a designated label attached to it".

Generally speaking, the workers of the FEHD or waste collectors 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 established (please see Section 2.4 for the details of statutory defences)²⁴. 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 or waste collectors may still collect the waste, depending on the actual circumstances, without requiring the cleansing workers to properly wrap the waste in designated bags again.

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



²⁴ See section 20O(3)(b) in Division 2 of Part IVB of the amended WDO for the legislation.

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

12. Is it illegal for cleansing workers to break open designated bags and deposit the waste into refuse chutes to avoid blockage of refuse chutes?

If cleansing workers break open the designated bags that have been properly wrapped in compliance with the law by tenants, and then deposit the waste inside the bags into refuse chutes, this may be considered as causing NCW to be deposited on RCVs under certain circumstances and committing an offence (see Question 9 above). Under other circumstances, if cleansing workers do not properly re-wrap NCW in designated bags again before handing it over to the FEHD or waste collectors, they may also commit an offence. Simultaneously, breaking open designated bags to deposit the waste may also easily lead to environmental hygiene problems.

PMCs/cleansing contractors should provide appropriate guidance to tenants so that suitably sized designated bags can be used to fit the size of refuse chute inlets when disposing of waste inside. If individual tenants require larger designated bags, PMCs/cleansing contractors should discuss the waste collection arrangements with the tenants in advance (i.e., cleansing workers to transfer the waste of those tenants using means other than refuse chutes) to avoid having to break open the designated bags to deposit the waste inside into refuse chutes, and thus reduce environmental hygiene problems. PMCs/cleansing contractors may also suggest tenants to take the initiative to practice waste reduction and recycling by properly separating and recycling plastics, glass bottles, metals and other recyclables which may easily cause blockage of refuse chutes. The volume of waste can then be reduced and smaller designated bags can be used to avoid blockage of refuse chutes.

PMCs/ Cleansing Contractors



13. Does the law allow PMCs/cleansing contractors/cleansing workers to line waste collection bins with large designated bags in advance at the communal waste reception areas of the premises (please also refer to Question 4 above)?

MSW charging is premised on quantity-based and the "polluter-pays" principles. Our policy intent is that it is primarily the responsibility of individual tenants to bear the charges for designated bags and designated labels, so as to drive behavioural changes for achieving waste reduction.

Even if PMCs have lined waste collection bins at the communal waste reception areas with large designated bags in advance, tenants are still required to wrap their waste properly in designated bags or affix with designated labels before disposing of it to meet the legislative requirements.²⁵ PMCs line the bins in advance, extra costs will be involved.

Depending on the needs of individual premises, PMCs/cleansing contractors may separately use transparent garbage bags to collect waste which has been wrapped in designated bags by individual tenants. This helps ensure that all the waste inside transparent bags is wrapped in designated bags.²⁶

14. What specific measures can PMCs, cleansing contractors and cleansing workers take to establish the statutory defence of having taken "all reasonable precaution and exercised all due diligence to avoid committing the offence"²⁷ (see Section 2.4 for details of defences)?

The specific measures to be taken by PMCs, 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 guides that are suitable to their premises. PMCs and cleansing contractors should also keep proper records (e.g., records on training and provision of designated bags by PMCs to cleansing contractors) to show that they have followed the relevant guides. This would help them establish the relevant statutory defence.

²⁵ See Section 20N(1) of Division 2 of Part IVB of the amended WDO.

²⁶ See Section 20O(2) of Division 2 of Part IVB of the amended WDO.

²⁷ See section 20O(1)(a) in Division 2 of Part IVB of the amended WDO.

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

15. Are PMCs required to clearly delineate the locations of the communal waste reception areas? Can the Government still enforce the law against tenants for not using designated bags/ designated labels during waste disposal, even if PMCs have not delineated the locations of the communal waste reception areas?

PMCs and cleansing contractors can jointly delineate the locations of communal waste reception areas within the premises, i.e. communal waste reception areas on individual floors (e.g., refuse rooms, staircase landings, etc.) and oversized waste reception areas according to the waste collection arrangements of the premises. Signages of the EPD should be displayed at prominent locations (see Section 3.4.2 of this Guide) to remind tenants to properly wrap the waste in designated bags or affix with designated labels when disposing of the waste in those reception areas.

This helps clearly inform tenants of the statutory enforcement points within the premises in relation to MSW charging so as to avoid breaching the law inadvertently. This also helps facilitate the evidence collection work of enforcement officers on suspected breaches. However, they can still investigate and collect evidence on suspected breaches and prosecute suspected offenders when evidence is sufficient even if PMCs do not clearly delineate the locations of the communal waste reception areas, and charge suspected offenders when evidence is sufficient.

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

Under the mode of "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 regulation on the use of designated bags/designated labels to those depositing waste for or on behalf of the Government²⁸ and in the course of providing service for collecting recyclables²⁹. 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 labels.³⁰ Generally speaking, waste collected from shopping malls/markets may not meet the relevant exemption criteria.³¹

28 Example of relevant situation includes waste that is generated as a direct and unavoidable result in the course of the delivery of public services, e.g., street waste collected by the FEHD.

29 Example of relevant situation includes 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, and the relevant service providers have no other feasible means, so as to avoid causing environmental hygiene problems.

30 For example, recyclers/recycling groups may have to deliver the collected recyclables to landfills for disposal when due to unforeseeable reasons, recyclables treatment facilities fail to operate properly and cannot continue to accept and handle recyclables, and the relevant service providers have no other feasible means, so as to avoid causing environmental hygiene problems. Operationally, it is not feasible to require the relevant persons to file an application to the DEP for exemption, especially under emergency situations.


31 See Sections 20Q and 20R in Division 2 of Part IVB of the amended WDO.

Annex II: Charging Modes for Premises with Refuse Compaction Systems

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.

Common Types of Refuse Compaction Systems and Their Corresponding Waste Charging Modes:

Mobile Refuse Compaction System (Refuse Compactor)



Types of RCVs – Refuse compactor is collected by RCVs of the FEHD – or its contractors


Charging Modes – Charging by Designated Bags – Should ensure that all waste have been properly wrapped in designated bags or affixed with designated labels before being deposited into the refuse compactor

Types of RCVs – Refuse compactor is collected by PWCs using RCVs without rear compactors (e.g., delivery by hook-lift trucks)

Charging Modes – Charging by weight through "gate-fee" – Not required to use designated bags/ designated labels

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

Stationary Compaction System



Types of RCVs – Refuse skip is collected by RCVs of the FEHD or its contractors


Charging Modes – Charging by Designated Bags – Should ensure that all waste have been properly wrapped in designated bags or affixed with designated labels before being deposited into the refuse compaction system

Types of RCVs – Refuse skip is collected by PWCs using RCVs without rear compactors (e.g., delivery by hook-lift trucks)

Charging Modes – Charging by weight through "gate-fee" – Not required to use designated bags/ designated labels

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 Compaction System



Types of RCVs – Waste is discharged onto PWCs' RCVs with rear compactors


Charging Modes – Charging by Designated Bags – Should ensure that all waste have been properly wrapped in designated bags or affixed with designated labels before being deposited into the refuse compaction system

Types of RCVs – Waste is discharged onto PWCs' RCVs without rear compactors

Charging Modes – Charging by weight through "gate-fee" – Not required to use designated bags/ designated labels

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 (ARCS)



Types of RCVs – Refuse skip is collected by RCVs of the FEHD or its contractors

Charging Modes – Charging by Designated Bags – Should ensure that all waste have been properly wrapped in designated bags or affixed with designated labels before being deposited into the refuse chute inlets that are linked to ARCS

Types of RCVs – Refuse skip is collected by PWCs using RCVs without rear compactors (e.g., delivery by hook-lift trucks)

Charging Modes – Charging by weight through "gate-fee" – Not required to use designated bags/ designated labels

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: Assisting Tenants in Getting Ready

During the preparation period and after the implementation of MSW charging, PMCs and/or cleansing contractors of the premises may make reference to the following examples to make suitable arrangements to assist tenants in getting ready for MSW charging and waste separation for recycling.

1. Prior communication

- Discuss with tenant representatives 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 deploy staff to visit tenants to publicize the objectives of MSW charging and relevant arrangements of the premises

2. Dissemination of Information

- Set up dedicated notice boards for MSW charging at prominent locations of the premises, providing government websites/posters/publicity leaflets for tenants' reference, keep disseminating the information on MSW charging announced by the Government and update the relevant information timely, and encourage tenants to keep track of the information and the latest news provided by the Government
- Disseminate information on MSW charging and waste reduction to tenants through different channels, for example:
 - Briefings
 - Deploying staff to visit tenants
 - Questionnaires for tenants
 - Notices, posters, publicity leaflets, shopping malls/market newsletters, etc.
- Produce or distribute publicity leaflets printed by the Government, inform tenants of the locations of recycling facilities within the premises, types of recyclables accepted by different recycling facilities and non-recyclables

3. Publicity and Education

- Organise briefing to let tenants, frontline staff, etc. understand the MSW charging arrangements
- Continue providing relevant information regularly regarding MSW charging, waste reduction and recycling:
 - Shopping mall/market office notice boards (notices/posters/publicity leaflets); and
 - Tenants newsletters
- Information includes: designated bag sales points, arrangements on MSW charging, pictures of proper disposal of waste, relevant penalties, number of cases prosecuted or fined, channels for reporting, performance of waste reduction and recycling in the premises, etc. to
 - (i) remind tenants to use designated bags to properly wrap general waste or affix designated labels to oversized waste before disposing of it at the communal waste reception areas within the premises;
 - (ii) encourage tenants to take the initiative to practise waste reduction and recycling;
 - (iii) encourage tenants to report cases of non-compliance;
 - (iv) remind tenants to dispose of waste by using appropriate capacity/size of designated bags to avoid blocking refuse chutes; and
 - (v) provide the communal waste reception areas and arrangements for waste collection services (e.g., collection time, collection frequency) in order to remind tenants to dispose of their waste properly
- Through publicity and education, not only enhance tenants' awareness and acceptance of MSW charging, but also reduce the burden of PMCs and cleansing contractors in handling non-compliance in the future, and reduce the financial expenditure of owners in handling NCW

4. Regular review/report

- Stakeholders may have different opinions in view of the characteristics of the premises and the pre-established measures may also not achieve the expected outcome. Therefore, establishing a mechanism for regular review is necessary
- Conduct regular meetings with stakeholders to review the implementation and operation of MSW charging in the premises
- Taking into account the review results and opinions of stakeholders, take measures to further improve the supporting facilities relating to MSW charging and waste reduction and recycling in the premises

5. Feedback

- May set up a designated hotline and/or email during the preparation period and early stage of implementation of MSW charging to collect opinions from other stakeholders and relay them to the Government
- Consider conducting regular surveys before and after the implementation of MSW charging

Annex IV: Staff Training

Enhancing the knowledge of staff on MSW charging helps owners, PMCs and/or cleansing contractors to implement MSW charging smoothly with the Government. PMCs and/or 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.

Suggested training content:

Management staff
of PMCs and/or
cleansing
contractors



Relevant legislative requirements

- Legal responsibilities of their companies
- Legal responsibilities of frontline staff
- Relevant penalties
- Statutory defences

Formulate implementation, management and monitoring plans

Management and execution skills

- Resources and time arrangement
- Monitoring and implementation details
- Staff management and work report

Staff of
management
offices



Relevant legislative requirements

- Legal responsibilities of frontline staff
- Relevant penalties
- Statutory defences

Communication with tenants

- Messages required to be delivered to tenants, e.g., charging modes, their legal responsibilities, points to note on waste disposal and separation for recyclables, etc.
- How to encourage tenants to comply with the law
- How to effectively deliver the relevant messages

Annex IV: Staff Training

Formulation of work plans

- Stakeholders who need to be involved in formulating the plans
- Contents of work plans
- How to seek support from stakeholders to implement the plans

Formulation of work guidelines for frontline staff

- How to formulate the relevant guidelines, e.g., review of the current waste collection workflow and identify the required changes
- How to ensure that frontline staff understand and are familiar with the guidelines

Handling of non-compliant cases

- Instructions and assistance to frontline management and cleansing workers on handling NCW, e.g., reporting mechanism
- How to follow up non-compliance of tenants

Provision of recycling support

- How to review and enhance the existing recycling support provided by the premises to tenants, and the relevant handling process of recyclables
- How to make good use of different channels/resources to enhance recycling facilities

Communication with the EPD

- Publicity and education resources provided by the EPD
- How to report cases of non-compliance to the EPD
- Recycling support provided by the EPD

Frontline management staff



Relevant legislative requirements

- Legal responsibilities of frontline staff
- Relevant penalties
- Statutory defences

Communication with tenants

- Remind and assist tenants to comply with the law
- Respond to tenants' queries relating to MSW charging

Execution of work guidelines

- Requirements of work guidelines
- Situations which require reporting to supervisors

Handling of non-compliant cases

- How to follow up non-compliance of tenants
- Situations which require reporting to supervisors
- Required information to be collected for reporting non-compliant cases

Information on waste reduction and recycling

- Assist tenants to properly use recycling facilities in the premises and provide the EPD's information on clean recycling
- Respond to tenants' queries relating to recycling arrangements in the premises, e.g., locations of public recycling facilities in and nearby the premises.

Annex IV: Staff Training

Management staff of cleansing contractors



Relevant legislative requirements

- Legal responsibilities of frontline staff
- Relevant penalties
- Statutory defences

Formulation of work guidelines for cleansing workers

- How to formulate the relevant guidelines, e.g., review of the current waste collection workflow and identify the required changes
- How to ensure that cleansing workers understand and are familiar with the relevant guidelines

Cleansing workers



Relevant legislative requirements

- Legal responsibilities of frontline staff
- Relevant penalties
- Statutory defences

Waste collection arrangements

- Relevant changes in waste collection arrangements and the requirements of work guidelines

Handling of recyclables

- How to ensure recyclables that increased significantly after implementation of MSW charging are properly handled
- How to properly handle waste and items unsuitable for recycling that are mixed inside recycling bins

Handling of NCW

- How to ensure NCW is properly handled according to the requirements of the relevant work guidelines

Recording and reporting of non-compliant cases

- Situations which require reporting to supervisors
- Required information to be collected for reporting non-compliant cases

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:

Owners/PMCs should not insert/amend clauses in their new/existing cleansing/waste collection services contracts (contracts) "all-inclusive" provisions requiring cleansing/waste collection services contractors to bear all costs incurred due to the implementation of MSW charging, i.e. all additional costs incurred due to the implementation of MSW charging during the contract period, e.g., expenditures on purchasing designated bags/designated labels for handling waste in common areas of the premises, expenditure arising from handling NCW, and expenditures on "gate-fee", etc., to be borne by cleansing/waste collection services contractors without providing any calculation methods or mechanisms for the estimation of the said expenditures. Such kind of "all-inclusive" arrangement is difficult to reflect the "polluter-pays" principle and will affect the effective implementation of MSW charging. Simultaneously, it may render cleansing/waste collection services contractors to tend to offer higher bids for new contracts to balance the related risks. This arrangement will not be beneficial to owners/PMCs, cleansing/waste collection services contractors and tenants.

In view of the above, under the "polluter-pays" principle, PMCs should now discuss and establish suitable new contract terms with their cleansing/waste collection services contractors. This includes the supply format and arrangements for designated bags/designated labels. In terms of the quantity of garbage bags used in common areas and the amount of oversized waste handled, the cleansing services contractor can assist in providing an estimated baseline for designated bags/designated labels usage. This serves as a reference indicator for managing expenses incurred beyond the baseline usage of designated bags/designated labels and for evaluating reimbursements when necessary. The contract can also include provisions for regular statistics on the property's daily waste amount and garbage bag usage. This will help PMCs explain the calculation basis for waste charges to tenants in order to recover related costs from them.

Annex VI: Suggested Measures in Response to NCW in Premises under “Charging by Designated Bags”

1. Measures to Prevent NCW and Monitor the Compliance of Tenants

Communal waste reception areas

- PMCs should display the signages of the EPD at prominent locations of the communal waste reception areas (e.g., refuse rooms, staircase landings, etc.) (please refer to Section 3.4.2 of this Guide) so as to remind tenants that these reception areas are enforcement points.
- Apart from displaying signages at the communal waste reception areas, PMCs may prepare notices which list out locations of communal waste reception areas and points to note when disposing of waste there, and distribute them to tenants or post them on notice boards.
- PMCs and/or cleansing contractors should instruct their cleansing workers to conduct visual screening to check whether the waste is properly wrapped in designated bags or affixed with designated labels when collecting waste at the communal waste reception areas.
- PMCs should not line the large waste collection bins at the communal waste reception areas with large designated bags (see Questions 4 and 13 of **Annex I**). Instead, depending on the needs of individual premises, they may arrange the purchase of transparent garbage bags (rather than large black garbage bags generally in use at present) and line the large waste collection bins (usually about 100-litre) at the communal waste reception areas to collect waste that has been properly wrapped in designated bags by tenants, in order to confirm that only designated bags are found in the transparent garbage bags³².
- PMCs may step up inspection of communal waste reception areas to facilitate monitoring of the compliance of tenants. If they discover tenants disposing of NCW, they should request them to properly wrap the waste in designated bags or affix it with designated labels according to the law before disposal.
- PMCs and cleansing contractors may jointly formulate work plans on the inspection of the communal waste reception areas of the premises, including inspection points, inspection frequency, records and follow-up actions to be taken, etc. Regular reports on inspection findings should be provided to on-site supervisors of PMCs /cleansing contractors to facilitate monitoring of the compliance of tenants and the effectiveness of the preventive measures.

Refuse chutes

- If the premises are equipped with refuse chutes, PMCs may lock the refuse chutes as far as practicable and stipulate that only cleansing workers can open them, so as to prevent individual tenants from disposal of NCW into refuse chutes. PMCs should make the relevant arrangements with cleansing workers in advance. If cleansing workers need to use refuse chutes for delivering waste, they should lock refuse chutes after finishing their work.

Oversized waste reception areas

- PMCs should ensure as far as possible that the oversized waste reception areas are spacious enough not only to temporarily store the oversized waste, but also to allow cleansing workers to check whether all oversized waste is affixed with designated labels.

Refuse compaction systems

- If the premises are equipped with refuse compaction system(s), PMCs may consider installing CCTVs in common areas for collection and temporary storage of waste before delivery to the refuse compaction systems, so as to provide facilitate the provision of information as per the request of enforcement officers for investigation purpose.

³² For the relevant defences, see Section 20O(2) in Division 2 of Part IVB of the amended WDO.

Annex VI: Suggested Measures in Response to NCW in Premises under "Charging by Designated Bags"

2. Suggested Measures on Handling NCW

Rejection of NCW

- If tenants handover NCW in person, PMCs/cleansing contractors should instruct cleansing workers to reject the NCW and remind tenants to follow the legislative requirements.

General handling of NCW

- If cleansing workers cannot contact the relevant tenants on the spot or identify the relevant tenants that have disposed of the NCW, or if tenants insist on putting down the NCW and leave even though cleansing workers have rejected the waste, PMCs/cleansing contractors may instruct cleansing workers to continue to collect the NCW to maintain environmental hygiene. However, PMCs/cleansing contractors should instruct cleansing workers to properly wrap the waste in designated bags or affix it with designated labels before handing it over to the FEHD or waste collectors.
- If cleansing workers find waste wrapped in non-designated bags inside transparent garbage bags of the waste collection bins placed at the communal waste reception areas, they should take out the NCW and properly wrap it in designated bags. If transparent garbage bags only contain waste properly wrapped in designated bags, they may directly hand it over to the FEHD or waste collectors.
- Depending on the individual circumstances, PMCs/cleansing contractors may provide cleansing workers with large designated bags (e.g., 100 litre) for properly wrapping all of the NCW collected before handing it over to the FEHD or waste collectors.

Handling of NCW involving refuse chutes

- There are 240-litre and 660-litre designated bags which will be sold for use by premises with refuse chutes such that frontline cleansing workers would not have to unnecessarily put the NCW at the bottom of the refuse chutes into designated bags for further disposal.

(i) Premises where only cleansing workers can use the refuse chutes

- For premises that can lock the refuse chutes for exclusive use by the cleansing workers, PMCs/cleansing contractors may consider to handle the waste properly wrapped in designated bags (hereinafter referred to as "designated-bag wrapped waste") and the NCW separately, with regard to the actual circumstances. Cleansing workers may first place a large waste collection bin without being lined with 240/660-litre designated bag at the bottom of the refuse chute and deposit the "designated-bag wrapped waste" on each floor into the refuse chute. Then, cleansing workers may replace the large waste collection bin with one that has been lined with a 240/660-litre designated bag for the collection of NCW left on each floor. If the NCW in the premises is not excessive, cleansing workers may collect the waste on each floor by, on one hand, depositing the "designated-bag wrapped waste" into the refuse chute, and, on the other hand, using a large designated bag (e.g., 100 litre) they carry about to collect the remaining NCW on the floor. Regardless of which arrangement is adopted, the cleansing workers should tie the openings of the large designated bags containing the NCW before handing them over to the FEHD or waste collectors to comply with the relevant legislation.
- When cleansing workers deposit "designated-bag wrapped waste" into the refuse chutes, some of the designated bags may get damaged or unfastened in the refuse chutes, causing the waste inside to escape from the designated bags. Some scattered waste that is not properly wrapped in designated bags can thus be found in the large waste collection bins at the bottom of the refuse chutes. Under this situation, PMCs/cleansing contractors should declare to the EPD their adoption of the separate collection approach for "designated-bag wrapped waste" and NCW at their premises. They should also inform the FEHD or waste collectors about the adoption of the above-mentioned approach and their declaration to the EPD so that the FEHD or waste collectors can accept such waste as suitable for collection.

Annex VI: Suggested Measures in Response to NCW in Premises under "Charging by Designated Bags"

- Additionally, PMCs/cleansing workers should assess the extent of damage or unfastening of the designated bags. If the problem remains to be severe, they should consider lining the large waste collection bins at the bottom of the refuse chutes with designated bags to facilitate collection by the FEHD or waste collectors. PMCs/cleansing contractors should also take appropriate measures to improve the situation, such as reminding tenants to properly tie the designated bags.

(ii) Premises where not only cleansing workers can use the refuse chutes

- As for premises that cannot lock the refuse chutes for exclusive use by the cleansing workers (e.g., due to fire safety restrictions, large waste collection bins cannot be placed on each floor and tenants are required to dispose of their waste into the refuse chutes individually) or where it is not feasible to collect the "designated-bag wrapped waste" and NCW on each floor separately to ensure compliance with legal requirements, PMCs/OCs/OOs may consider procuring and regularly distributing designated bags to the tenants. This arrangement would facilitate tenants' compliance with the law and significantly reduce instances of non-compliance. PMCs should also raise tenants' awareness and promote compliance with the legislation through publicity and education, inspections of refuse rooms on individual floors, and reporting non-compliances to the EPD when necessary.
- Non-compliances may be more frequently encountered during the initial period of MSW charging implementation. Under "charging by designated bags", to ensure that all waste collected from the premises complies with the relevant legislation, PMCs and cleansing contractors should assess the extent to which NCW is found at the bottom of the refuse chutes. If a significant amount of non-compliant waste is persistently found at the bottom of the refuse chutes, PMCs may consider placing large waste collection bins being lined with designated bags at the bottom of the refuse chutes to collect waste deposited by the tenants, including both "designated-bag wrapped waste" and NCW. The cleansing workers should properly tie the large designated bags before handing them over to the FEHD or waste collectors to comply with the relevant legislation.

Demonstration on lining waste collection bins with 240/660-litre designated bags



Cleansing workers may line waste collection bins with designated bags securely by tying knots or using ropes



Cleansing workers tightly tie the 240/660 litre designated bags



Apportionment of the expenditures of handling NCW among tenants

- PMCs should follow the approaches previously agreed by tenants in collecting the expenditures on MSW charging arisen from handling NCW from tenants. For example, PMCs may charge the tenants based on the actual expenditure or in the form of a fixed monthly approximate fee. In case of the latter, PMCs should regularly review the fees to ensure that the fees can reflect the level of compliance of the tenants of the premises.

3. Suggested Measures on Following Up and Reporting Non-compliance

- If NCW is found at the communal waste reception areas/ oversized waste reception areas, PMCs may post notices at the places concerned to alert those tenants involved.
- PMCs may also step up inspection at the communal waste reception areas concerned/oversized waste reception areas involved.
- PMCs should regularly review the records of non-compliant locations and install surveillance camera system as needed when non-compliance is serious and when necessary.
- PMCs should report to the EPD on repeated or serious non-compliant cases. The Government will draw up a list of black spots based on intelligence and complaints of PMCs and conduct inspections and take enforcement actions according to the list.
- PMCs should try their best to provide the following information when reporting non-compliant cases to the EPD:
 - The locations of the communal waste reception areas involved
 - Frequency, date and time of NCW discovery
 - Site photos that can show the signages at the communal waste reception areas (please refer to Section 3.4.2 of this Guide) and the severity of non-compliance
 - The timeslots with more tenants of the locations concerned to dispose of NCW
- PMCs/cleansing contractors and their staff can report non-compliance cases using the mobile application developed by the EPD for MSW charging.
- Owners/PMCs should proactively work with the Government in the enforcement against the disposal of NCW, by reporting the disposal of NCW and working with the enforcement officers of our Department to facilitate their entry into the premises to conduct enforcement work. The deterrence effect thus produced can help decrease the disposal of NCW and subsequently the extra workload or expenditures arisen from handling NCW.

Annex VII: 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

- 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 delivers 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"

Type B Account

- Mainly targets at large scale waste producers (i.e., premises that generate large amount of daily waste, e.g., larger facilities, factories, shopping centres, 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 Preparatory Measures
for Premises under "Charging by Weight"

3. Suggested
Arrangements for
the Apportionment
Mechanisms of
"Gate-fee"

PMCs should seek the views of tenants and prepare relevant guidelines or tenant rules for their reference when devising the "gate-fee" apportionment mechanism. PMCs may refer to the following suggested "gate-fee" apportionment mechanisms for reference:

(A) Apportionment of fees proportional to shop tenants' usage of garbage bags

PMCs may consider adopting specific garbage bags as a tool for the apportionment mechanism. They provide tenants with one or several types of garbage bags with specific capacities while tenants would ask for garbage bags of appropriate quantities and/or capacities according to their actual needs every month. PMCs should make monthly records on the number of garbage bags/total capacity of garbage bags distributed to each tenant, and then apportion the "gate-fee" based on the data.

(B) Apportionment of fees based on the weight of waste

PMCs may consider adopting weighing equipment coupled with an identification system as a tool for the apportionment mechanism when resources are available and their central refuse collection points/oversized waste reception areas are spacious enough, so as to calculate the fees that should be collected for the disposal of different oversized waste by individual tenants and issue the bills to them accordingly.

PMCs should regularly check the relevant electronic systems such as the weighing systems or other software and make adjustments immediately when noticing errors in the data, so as to ensure that the fee calculation is accurate and reliable. PMCs may also inspect the communal waste reception areas from time to time or install monitoring systems to ensure that the waste is weighed before disposal.

(C) Specifying the fee levels for common oversized waste

The PMCs can produce a list of weights for common oversized waste and their corresponding "gate-fees" according to the type of tenants' business to draw up the fees to be charged for disposing of different oversized waste.

4. Apportionment of
"Gate-fee" for Handling
Waste generated in
Common Areas and
Waste from Unknown
Sources among tenants

PMCs may charge the tenants based on the actual expenditure or in the form of a fixed monthly approximate fee. In case of the latter, PMCs should regularly review the fees to ensure that the fees can reflect the changes in the amount of waste generated in the common areas and from unknown sources of the premises.

Annex VIII: Suggested Measures on Waste Reduction and Recycling in Shopping Centre/Market Premises

1. Review and Enhancement of Recycling Facilities

Owners and PMCs:

- Apart from the traditional three-colour (i.e., waste paper, plastics, metals) recycling bins, owners and PMCs should also actively consider participating in other recycling programmes of the EPD to collect other common recyclables (e.g., glass containers, disposable plastic tableware, food waste, 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 so that tenants are informed of the locations of nearby recycling facilities in order to encourage more tenants/visitors to use 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 tenants to use those facilities.

2. Review of Arrangements for Collection of Recyclables

PMCs and/or cleansing contractors:

- Should arrange cleansing workers to regularly collect recyclables from different recycling points within the premises and deliver them to temporary recyclables storage for recyclers to arrange recycling, and maintain cleanliness and hygiene of recycling points.
- May designate several temporary recyclables storage areas in central refuse collection points for the proper storage of different types of recyclables for while awaiting 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 and cater for the needs of tenants/visitors.

- 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 frontline property management and cleansing staff with guidelines and training and 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.
- Should regularly check whether only appropriate recyclables are found inside recycling points/recycling facilities, and properly handle any contaminated recyclables, non-recyclables or waste, to ensure that the recyclables are suitable for subsequent handling.

Owners/PMCs:

- May consider the credibility of recycling 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 every recycling point 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 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 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 allow tenants/visitors effectively monitor and understand the overall recycling performance of their premises.

Annex VIII: Suggested Measures on Waste Reduction and Recycling in Shopping Centre/Market Premises

3. Suggested Measures on Enhancing Awareness of Tenants/Visitors / Cleansing Workers on Waste Reduction and Recycling

- Jointly formulate appropriate targets 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 of the premises to provide updates on the Government's messages on waste reduction and recycling.
Set up publicity and information booths in common areas to provide correct "clean recycling" information to tenants/visitors/cleansing workers, including identification of recyclables, clear separation, clean recycling, waste not to be deposited into recycling facilities, etc., to ensure that recycling points are kept hygienic, and recyclables are suitable for subsequent handling, improving the overall recycling efficiency.

4. Reduction of Waste Generated During Events

- PMCs should ensure that organisers have a clear understanding of MSW charging, recycling guidelines and related information. Prior to organising events, PMCs should assist and encourage organisers to plan ahead to reduce waste generation and to properly separate recyclables for recycling such as by category for reuse, donation or recycling. Organisers should also take away their own waste for disposal after events.

5. Suggested Measures on Waste Reduction at Source and Clean Recycling

(i) Reduce the use of disposable plastic tableware

To reduce the use of disposable plastic tableware at source and minimise the impacts of plastic pollution on the marine ecological environment and human health, and to mitigate climate change, the EPD plans to introduce legislation to control the sale and use of nine types of disposable plastic tableware (including EPS tableware, straws, stirrers, cutlery (such as forks, knives and spoons), plates, cups, cup lids, food containers and food container covers) in phases. The person in charge/management staff of the restaurant should be well aware of the relevant requirements of the legislation and the implementation timeline and should step up efforts to educate frontline staff and take appropriate measures to ensure that all frontline staff comply with the relevant regulations and guidelines.

(ii) Food Waste Recycling

In order to handle food waste effectively, PMCs may consider implementing a food waste collection program in shopping malls/markets to encourage tenants that generate food waste (e.g., restaurants, supermarkets, and wet market stalls) to practise food waste separation and assist in coordinating matters relating to food waste collection. PMCs need to set up food waste collection points at suitable locations of the premises with sufficient space to place food waste bins and facilitate vehicles to collect food waste on-site daily. In addition, PMCs can consider providing appropriate supporting measures for tenants, e.g., providing small storage bins to facilitate tenants to conduct food waste separation at source and for proper temporary storage. PMCs or owners can then deliver food waste to food waste collection points daily awaiting recycling.

Before implementing food waste collection program, PMCs should actively conduct publicity and promotion, invite all relevant tenants to participate, and discuss with them on the food waste collection modes, e.g., location, number and collection frequency, etc. of food waste bins. These arrangements should be reviewed and enhanced from time to time after the program starts. In addition, PMCs should regularly inspect food waste collection points to prevent other tenants/visitors from disposing of waste other than food waste in food waste bins.

The EPD launched a larger scale Pilot Scheme on food waste collection in 2021, focusing on premises with higher food waste quantities and lower impurities including public premises and private commercial and industrial sectors. Food waste collected is sent to the governmental food waste treatment facilities to transform into renewable energy and compost. If needed, the EPD will provide frontline staff of participating entities with training on food waste source separation and collection, as well as promotional materials for distribution to tenants. If PMCs would like to participate in the pilot program, they can contact the EPD at fwc@epd.gov.hk.

(iii) Glass Container recycling

The Government has appointed Glass Management Contractors (GMCs) to provide the collection and treatment services for waste glass containers in 3 regions, i.e., Hong Kong Island (including Islands District), Kowloon and the New Territories. PMCs can place glass container recycling bins in convenient and conspicuous

Annex VIII: Suggested Measures on Waste Reduction and Recycling in Shopping Centre/Market Premises

places in their premises to facilitate the participation of tenants/visitors in the glass container recycling, and to manage the glass container recycling bins properly. PMCs may call EPD's hotline at 2838 3111 or contact the respective GMCs direct³³, for arrangement of regular collection service of waste glass containers.

In general, the GMCs provide collection services of waste glass containers on a bin-replace-bin basis. The GMCs would discuss with the person in-charge of the shopping mall premises on the number, location and collection frequency of the recycling bins (or other collection containers such as recycling bags). The collection arrangement would be reviewed from time to time so as to suit the need of the catering premises. PMCs should first discuss with tenants who generate waste glass for the number and location of the collection containers required.

For the points to note regarding the disposable plastic tableware, food waste reduction at source and separation and glass container recycling, please refer to **Annex VI** and **Annex VIII** of the "Best Practice Guide on MSW Charging – Catering Sector".



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

³³ The contact details of the GMCs are available at the following website: https://www.epd.gov.hk/epd/english/environmentinhk/waste/pro_responsibility/gprs_gmc.html

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/>