

## LCQ21: Control on import and export of wastes

Following is a question by the Hon Tony Tse and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (March 24):

Question:

Under the new amendments to the Basel Convention (BC) on regulating the transboundary movement of waste plastics, with effect from January 1, 2021, any person must, prior to conducting transboundary movement of regulated waste plastics, obtain a permit or written consent from the states of export, import and transit concerned. Some environmental groups have pointed out that Hong Kong is the largest export destination for waste plastics from the United States, which, however, is not a signatory to BC. They are worried that the aforesaid requirement along with the Mainland's implementation of measures on banning the import of "foreign rubbish" will turn Hong Kong from a transit point into the final destination of such wastes. In this connection, will the Government inform this Council:

- (1) of the respective quantities of (i) regulated and (ii) non-regulated waste plastics exported from, imported to and re-exported through Hong Kong, in each of the past five years, with a breakdown by export and import destinations;
- (2) of the number of crimes in each of the past five years relating to the import and export of waste plastics, with a breakdown by type of offences involved; the respective numbers of relevant prosecutions and convictions;
- (3) of the number of operations of random inspections conducted in each of the past five years by the Customs and Excise Department or the Environmental Protection Department for export, import and re-export containers of waste plastics and other foreign rubbish; whether the Government has assessed the effectiveness of such operations;
- (4) of the number of waste plastics containers repatriated to Hong Kong in each of the past five years after they had been exported or re-exported from Hong Kong, and the ways in which such wastes were disposed of; and
- (5) of the measures in place to reduce the impacts of the aforesaid amendments to BC on Hong Kong in order to prevent Hong Kong from being turned into the final destination of foreign rubbish?

Reply:

President,

The Environmental Protection Department (EPD) has all along been regulating waste import/export activities in Hong Kong pursuant to the Waste

Disposal Ordinance (WDO), Chapter 354 of the Laws of Hong Kong. Any person who intends to import/export recyclables must apply to the EPD for a permit, unless such recyclables are specified in the 6th Schedule to the WDO, and are uncontaminated and imported/exported only for the purpose of reuse or recycling.

Our reply to the question raised by the Hon Tony Tse Wai-chuen is as follows:

(1) The new amendments to the Basel Convention (BC) on regulating the transboundary movement of waste plastics have come into effect since January 1, 2021. In the past, the transboundary movement of waste plastics was not controlled under the BC and waste plastics were not classified into "regulated waste plastics" or "non-regulated waste plastics". Also, applications to the EPD for import/export of waste plastics were not required. According to the external merchandise trade statistics compiled by the Census and Statistics Department (C&SD), the respective quantities of waste plastics imported, exported and re-exported over the past five years (i.e. 2016-2020), with a breakdown by supplier/destination, are set out in the table below.

Waste plastics imported (by supplier and showing the top five suppliers)	2016 Unit: '000 tonnes (Note 1)	2017 Unit: '000 tonnes (Note 1)	2018 Unit: '000 tonnes (Note 1)	2019 Unit: '000 tonnes (Note 1)	2020 Unit: '000 tonnes (Note 1)
The United States	782	520	172	127	75
Japan	617	366	78	71	36
Germany	221	139	63	87	43
Belgium	101	73	35	51	26
Mexico	50	60	37	34	19
Others	1 106	732	216	243	100
Total (Note 2)	2 876	1 889	601	614	298

Waste plastics exported (Note 3) (by destination and showing the top five destinations)	2016 Unit: '000 tonnes (Note 1)	2017 Unit: '000 tonnes (Note 1)	2018 Unit: '000 tonnes (Note 1)	2019 Unit: '000 tonnes (Note 1)	2020 Unit: '000 tonnes (Note 1)
The Mainland	118	96	0	—	—
Vietnam	0	0	2	2	6
Thailand	0	0	5	—	1
Malaysia	—	5	1	0	0
Germany	—	—	—	—	1

Others	0	1	0	0	0
Total (Note 2)	119	102	8	3	7

Waste plastics re-exported (by destination and showing the top five destinations)	2016 Unit: '000 tonnes (Note 1)	2017 Unit: '000 tonnes (Note 1)	2018 Unit: '000 tonnes (Note 1)	2019 Unit: '000 tonnes (Note 1)	2020 Unit: '000 tonnes (Note 1)
The Mainland	2 687	1 615	49	0	0
Thailand	0	11	111	93	28
Vietnam	2	21	30	79	56
Malaysia	1	28	70	51	16
Indonesia	0	0	5	1	3
Others	8	13	15	7	2
Total (Note 2)	2 698	1 689	280	232	105

Note 1: Amounts less than 500 tonnes are shown as 0.

Note 2: The above figures may not add up to total due to rounding off.

Note 3: Waste plastics exported refer to the waste plastics exported from Hong Kong and do not include waste plastics that have been processed and converted into raw materials.

(2) The transboundary movement of waste plastics was not controlled under the BC in the past and as a result, the EPD did not detect any cases relating to illegal import/export of waste plastics over the past five years. During the same period, the Customs and Excise Department (C&ED) also did not detect any cases of misdescription of type of goods or origin fraud that involved waste plastics.

(3) Over the past five years (i.e. 2016-2020), the EPD collaborated with the C&ED to inspect a total of some 4 040 containers at various control points and intercepted 420 containers involving illegal import/export of waste, with 255 prosecutions completed so far. The total fine imposed by the court amounted to some \$3.67 million. As the transboundary movement of waste plastics was not controlled under the BC in the past, no cases of illegal import/export of waste plastics were involved.

(4) Over the past five years (i.e. 2016-2020), there was only one case in 2019 when 12 containers of waste plastics exported from Hong Kong were repatriated by Malaysia. Investigation by the EPD revealed that non-hazardous plastic casings of waste flat panel displays were shipped in the containers, which were not claimed in Malaysia upon arrival due to commercial disputes and were thus repatriated, and that the exporter concerned had not breached the WDO. The waste plastics involved were eventually recycled, with five containers treated in local recycling facilities while the remaining seven containers shipped overseas for recycling.

(5) Following the enhanced control on transboundary movements of waste plastics under the BC, the EPD has stepped up the import/export control on waste plastics since January 1, 2021. Except for the single-type and uncontaminated waste plastics listed in the BC that are destined for recycling in an environmentally sound manner, all other waste plastics are regarded as "regulated waste plastics". Any person who intends to import, export or re-export "regulated waste plastics" into, from or via Hong Kong must apply to the EPD in advance for the relevant waste import/export permit in accordance with the WDO or be granted with a re-export consent.

As for "non-regulated waste plastics", a declaration form and relevant documents should be submitted to the EPD in advance to prove that the materials to be shipped do not fall into the category of "regulated waste plastics" as aforesaid. This will facilitate the EPD in enhancing its intelligence exchange with the exporting/importing countries concerned and stepping up spot inspections, in a joint effort to intercept suspicious cases of false declaration or non-compliance. Prior to the commencement of the BC, the EPD organised a total of four briefings in 2020 to explain to the local recycling trades and the shipping sectors the control arrangements and documentation requirements involved. Detailed guidelines and samples of necessary documents have also been uploaded to the dedicated websites for use by the trades.

The EPD will continue to spare no efforts in working closely with enforcement authorities outside Hong Kong. We will also strengthen our intelligence exchange with the C&ED and, based on risk assessment results, inspect suspicious shipments at all boundary control points to combat illegal import/export of waste, with a view to preventing Hong Kong from becoming a distribution hub of illegally imported/exported waste, and ensuring that no imported waste is disposed of at our landfills.