

## Guidance on Imports into Hong Kong

*This Guidance is intended to offer further explanation of complex requirements in the R2 Standard along with examples and audit recommendations. However, this document itself is not auditable and cannot be cited in relation to any nonconformances. The explanations within are intended to prevent misinterpretation of the R2 Standard, not to add to, subtract from, or modify the R2 Standard. The examples cited may not be the only way to fulfill a requirement of the standard.*

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The information in this guidance focuses specifically on the application of the R2 Standard requirements for imports of electronics into Hong Kong. Laws and regulations in Hong Kong can be complex and difficult to understand. This guidance seeks to provide clarification based on SERI's understanding of how Hong Kong regulates imports of specific electronics from developed countries (OECD). While this is SERI's understanding of Hong Kong law and should be the presumption when auditing an R2 Certified organization's compliance with import/export regulations under Provision 3, other conclusions could be legal under Hong Kong law. It is the R2 recycler's responsibility to prove that Hong Kong legally accepts each shipment with supporting evidence, and said conclusions are verified by a compliance auditor (R2:2013 Provision 3.a.3) competent in Hong Kong law. The Certification Body will evaluate any conclusions by the recycler or the compliance audit that is contrary to this guidance to determine conformance to Provision 3 for import/export compliance.

	Question	Answer
1.	What information is available about the legality of imports into Hong Kong?	<p>The Hong Kong Environmental Protection Department (HK EPD) is the competent authority for Hong Kong. Hong Kong is a Special Administrative Region (SAR) of China. It is a party to the Basel Convention and has ratified the Basel BAN Amendment through China. Hong Kong has a Waste Disposal Ordinance (HK WDO) that aligns with the Basel Convention. Since Hong Kong and China are considered developing countries (non-OECD), any import of hazardous waste from a developed country is illegal.</p> <p><b><u>Resources from the Hong Kong Environmental Protection Department</u></b></p> <p>A. Guidelines &amp; References – <b>Waste Import and Export Control</b> - <a href="http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_c.html">http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_c.html</a></p> <p>B. Guidelines &amp; References - Control on Import and Export of Waste - <b>Frequently Asked Questions</b>. <a href="http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_faq.html">http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_faq.html</a></p> <p>C. Guidelines &amp; References - Control on Import and Export of Waste - Good Practices - Advisory Notes to the Trade. Retrieved from HK Environmental Protection Department: <b>Advice on Import and Export of Used Electrical and Electronic Equipment Having Hazardous Components and Constituents</b>. (October 2016)</p>

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		<p><a href="http://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/guide_ref/files/advice_on_e-waste.pdf">http://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/guide_ref/files/advice_on_e-waste.pdf</a></p> <p>D. Guidelines &amp; References – Control on Import and Export of Waste – The Control Scheme – Waste Disposal Ordinance - <b><i>A Guide to the Control on Import and Export of Waste</i></b> (March 2015) – Includes the Sixth, Seventh, and Ninth Schedules  <a href="http://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/guide_ref/files/2015_ie_english.pdf">http://www.epd.gov.hk/epd/sites/default/files/epd/english/environmentinhk/waste/guide_ref/files/2015_ie_english.pdf</a></p> <p>E. Application for Licences - Guidance Notes for Licence Application – <b><i>Requirements and Procedure for Application of Environmental Permits/Licences</i></b> – Industrial Activity which involves the import or export of waste:  <a href="http://www.epd.gov.hk/epd/english/application_for_licences/guidance/ia_343.html">http://www.epd.gov.hk/epd/english/application_for_licences/guidance/ia_343.html</a></p> <p>F. Guidelines &amp; References - Control on Import and Export of Waste – The Control Scheme – <b><i>How to apply for a permit?</i></b> <a href="http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_tcs3_3.html">http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_tcs3_3.html</a></p> <p>G. <b><i>Promotion of Recycling and Proper Disposal</i></b> (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (amends Product Eco-Responsibility Ordinance Cap. 603):  <a href="http://www.epd.gov.hk/epd/english/environmentinhk/waste/pro_responsibility/index.html">http://www.epd.gov.hk/epd/english/environmentinhk/waste/pro_responsibility/index.html</a></p> <p>H. <b><i>Facilities which store, treat, reprocess or recycle e-waste.</i></b>  <a href="http://www.epd.gov.hk/epd/english/application_for_licences/guidance/facilities_e-waste.html">http://www.epd.gov.hk/epd/english/application_for_licences/guidance/facilities_e-waste.html</a></p>
2.	In brief, what is the process to determine if electronics can be imported into Hong Kong?	<p>Generally, the following four steps guide the decision process. If you are unsure whether it is legal to import, you should contact the Hong Kong EPD at <a href="mailto:enquiry@epd.gov.hk">enquiry@epd.gov.hk</a>.</p> <p>Step 1 – Is it a waste? Presume it is a waste unless you can demonstrate it is ready for direct reuse by a user for the originally intended purpose(s) without repair.</p> <p>Step 2 - If it is a waste, is it hazardous? It is classified as hazardous waste if it is listed on the <a href="#">Seventh Schedule of the HK WDO</a>.</p> <p>Step 3 – If it is not listed as a hazardous waste (but is a waste), is it contaminated with any hazardous substance? Check the <a href="#">Seventh Schedule</a> for hazardous substances contained within the electronics (mercury lamps, batteries, etc.)</p> <p>Step 4 – If it is a hazardous waste or contaminated with a hazardous substance, then check the <a href="#">Ninth Schedule</a> to determine if it can be imported from the origin country. The HK WDO prohibits the import of hazardous waste exported from countries on the <a href="#">Ninth Schedule</a> (OECD countries).</p>

	Question	Answer
3.	What is considered a waste?	<p>“The WDO defines ‘waste’ as any substance or article which is abandoned. It also stipulates that any substance or article which is discarded or otherwise dealt with as waste is presumed to be waste until the contrary is proved. It has recently been ruled by the court that for the purpose of waste import and export control, any article or substance once given up by its original user is considered as waste under the WDO, irrespective whether it is still workable or can be sold for a value. As such, used electrical and electronic equipment having hazardous components or constituents (e.g. televisions, computer monitors and batteries) will likely be regarded as waste and fall within the said control unless they will be re-used for their originally intended purpose without repair.” <a href="#">Advice on Import and Export of Used Electrical and Electronic Equipment Having Hazardous Components and Constituents.</a> (October 2016)</p>
4.	Is an <u>R2/Ready for Reuse</u> device a waste? (R2:2013 Provision 6.c.1)	<p>No. An R2/Ready for Reuse device is Fully Functional and not a waste. It can be “re-used for [its] originally intended purpose without repair” and is, therefore not subject to the HK WDO for import control.</p>
5.	Is an <u>R2/Ready for Resale</u> device a waste? (R2:2013 Provision 6.c.2)	<p>Maybe. The R2 Standard defines key functions as a subset of functions that will satisfactorily serve the purposes(s) of the person who will reuse it. If these key functions are working, the device is allowed to be resold as R2/Ready for Resale. However, further configuration and software installation on the device may be necessary by someone more knowledgeable than the end-user before the device is ready for direct reuse. This is often not a legal issue when the device remains in the same country. However, when shipping R2/Ready for Resale devices internationally, further investigation should be made to verify that the devices do not meet the importing country’s legal definition of “waste” including, in this guidance, the Hong Kong definition of “waste”.</p> <p>R2 Certified organizations importing R2/Ready for Resale equipment into Hong Kong should prepare the records described in the Advice below and evaluate their legal compliance plan and relevant processes to demonstrate that the equipment is ready to be reused for its originally intended purpose without repair and not “waste” subject to the HK WDO.</p> <p>The <a href="#">Advice on Import and Export of Used Electrical and Electronic Equipment Having Hazardous Components and Constituents</a> instructs importers and exporters to confirm whether their shipments will require a waste import/export permit. It further advises importers of electronic equipment for reuse to follow five specific steps before importing used electronics into Hong Kong.</p>
6.	Is an <u>R2/Ready for Repair</u> device a waste? (R2:2013 Provision 6.c.3)	<p>Yes. R2/Ready for Repair equipment is untested and may require repair or refurbishment, or is tested and found to need repair. It is not ready for direct reuse.</p>

	Question	Answer
7.	Which waste electronics and components are not allowed to be imported into Hong Kong?	<p>Hong Kong has stated that it will not issue a permit for the imports of hazardous wastes from developed countries (those listed in the <a href="#">Ninth Schedule of the HK WDO</a>). SERI's understanding is that the following equipment, components or materials, when they are wastes, are illegal to import into Hong Kong when originating in developed countries (OECD).</p> <p><a href="#">Promotion of Recycling and Proper Disposal (Electrical and Electronic Equipment) (Amendment) Ordinance 2016</a></p> <ul style="list-style-type: none"> <li>• Desktop Computers</li> <li>• Laptops</li> <li>• Tablets</li> <li>• Printers</li> <li>• Scanners</li> <li>• Multi-Function Printer/Fax/Scanner/Copier</li> <li>• Televisions (CRT/LCD/LED)</li> <li>• Monitors (CRT/LCD/LED)</li> </ul> <p><a href="#">HK WDO Seventh Schedule</a></p> <ul style="list-style-type: none"> <li>• Waste electronic and electrical assemblies or scrap contaminated with any substance to an extent which renders the waste as chemical waste (AA1180)</li> <li>• Used batteries (AA180)</li> <li>• Copiers containing mercury lamps or batteries</li> <li>• Phones containing batteries</li> <li>• Any other electronic device containing a battery or mercury</li> </ul>
8.	I import electronics to Hong Kong under code GC020. Is this legal?	<p>Some importers automatically classify waste electronics for refurbishment or recycling as GC020 "Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery." While this is an accurate description in some cases, the law requires further evaluation to determine if the waste electronics are contaminated with anything listed on the <a href="#">Seventh Schedule of the HK WDO</a>. For example, an untested mobile phone with an integrated battery would not be GC020 on the <a href="#">Sixth Schedule of the HK WDO</a> because it contains a battery which is listed as AA180 on the <a href="#">Seventh Schedule</a>. Therefore, it becomes a hazardous waste and would be properly classified as AA1180 "waste electronic and electrical assemblies or scrap contaminated with any substance to an extent which renders the waste as chemical waste."</p> <p>Material classified as AA1180 would require an import permit. If it is originating in a developed country listed on the <a href="#">Ninth Schedule of the HK WDO</a>, like the United States, an import permit would not be issued and the device could not be legally imported.</p>

	Question	Answer
9.	Are untested or not fully functional LCD or LED monitors and televisions allowed to be imported into Hong Kong?	<p>No. Hong Kong EPD is very specific about this point in their FAQ section.</p> <p>“all waste computer monitors and waste televisions with different display technologies, including cathode ray tubes (CRT), liquid crystal display (LCD), light emission diode (LED) and plasma display, are not listed in the Sixth Schedule of the WDO. A permit is required from this department if anyone wants to import, export or transship such waste in Hong Kong; otherwise, it is an offence under the WDO and the waste computer monitors and waste televisions would be returned to the place of origin.” (Hong Kong Environmental Protection Department, 2017)</p> <p>Since a permit will not be issued for any hazardous waste shipments originating from a country listed on the <a href="#">Ninth Schedule of the HK WDO</a>, no imports of waste display devices are permitted from OECD countries like the United States.</p> <p>If the LCD monitor or television will be re-used for their originally intended purpose without repair (R2/Ready for Reuse), it would not meet the definition of “waste” and could be imported.</p>
10.	Are untested or not fully functional mobile devices allowed to be imported into Hong Kong?	<p>Not from OECD countries such as the United States if they include a battery (and are therefore deemed contaminated under the <a href="#">Seventh Schedule</a>).</p> <p>Those devices with the battery removed (and not included in the shipment) likely would be uncontaminated electronic scrap (GC020) and therefore likely legal to import from any country without an import permit.</p>
11.	If my downstream vendor in Hong Kong is R2 Certified, can they import electronics for repair, refurbishment, and recycling?	<p>The R2 Certification does not affect the legality of the import. R2 Certified organizations must first demonstrate that it is a legal import, then demonstrate that the downstream vendor is qualified.</p>
12.	If my downstream vendor is R2 Certified does my organization have to verify the legality of the shipment under Provision 3?	<p>Yes, You must verify the legality of the shipment for both R2 Certified and non-certified recipients.</p>

	Question	Answer
13.	<p>What is a Waste Producer Registration?</p>	<p>Registration of Waste Producer is required for recyclers located in Hong Kong who generate regulated wastes as a result of their operations. For example, if batteries are replaced in a mobile device, the removed battery would be a regulated waste under the <a href="#">Seventh Schedule</a> of the Waste Disposal Ordinance. Registration is required.</p> <p>However, <b>this is not an import permit</b> to bring regulated wastes into Hong Kong. This document is not proof of the legality to import electronics.</p> <div data-bbox="982 506 1556 1250" data-label="Form"> <p>The form is titled 'Registration of Waste Producer' and is issued by the Environmental Protection Department. It contains the following information:</p> <ul style="list-style-type: none"> <li><b>To: Chemical Waste Producer:</b> Full Name (English) [Redacted], Full Name (Chinese) [Redacted], I.D. Card No. (if any) [Redacted], Business Reg. Cert. No. (if any) [Redacted].</li> <li><b>Address for Correspondence:</b> [Redacted]</li> <li><b>Contact Information:</b> Tel. No. [Redacted], Fax No. [Redacted]</li> <li><b>Registration Details:</b> With reference to your application dated 16/04/2015 for registration as a Waste Producer under the Waste Disposal (Chemical Waste) (General) Regulation, the Waste Producer Number, W.P.N. [Redacted] is assigned to you in respect of the location or premises listed below.</li> <li><b>Location or Premises:</b> Name of Establishment [Redacted], Business Reg. Cert. No. (if any) [Redacted].</li> <li><b>Nature of Business:</b> MOBILE SERVICES AND RECYCLING</li> <li><b>Major chemical waste types:</b> UNWANTED PRINTED CIRCUIT BOARD, SPENT BATTERY CELL CONTAINING HEAVY METALS AND UNWANTED FLAT PANEL DISPLAYS CONTAINING MERCURY</li> <li><b>Address:</b> [Redacted]</li> <li><b>Date:</b> 30/04/2015</li> <li><b>Signature:</b> R. W. WONG, Director of Environmental Protection</li> </ul> </div> <p><b>“The <a href="#">Waste Disposal Ordinance</a> provides for the control on import and export of waste in Hong Kong. Under the Ordinance, a permit is required before any waste could be imported into or exported from Hong Kong, unless the waste is uncontaminated, as specified in the Sixth Schedule of WDO and is for the purpose of reprocessing, recycling, recovery or reuse.”</b></p> <p><a href="http://www.epd.gov.hk/epd/english/application_for_licences/guidance/ia_343.html">http://www.epd.gov.hk/epd/english/application_for_licences/guidance/ia_343.html</a></p>

	Question	Answer
14.	Do the new producer responsibility laws of Hong Kong change the import regulations?	<p>Yes, they increase the rigor. The amendments to the HK WDO expand import permit requirements to specifically include: Desktop Computers, Laptops, Tablets, Tablets, Printers, Multi-Function Printer/Fax/Scanner/Copier, Televisions, Monitors (CRT/LCD/LED). These devices cannot be imported from a developed country listed in <a href="#">Ninth Schedule of the HK WDO</a>, unless they do not meet the definition of “waste”. (i.e. unless they will be re-used for their originally intended purpose without repair.)</p> <p>This does not Include: Phones (not containing a battery), Fax Machines, and Copiers (not containing mercury lamps or batteries) since these would not likely be hazardous wastes.</p> <p>“In March 2016, the Legislative Council passed the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 which provides a statutory regulatory framework for a Mandatory Producer Responsibility Scheme on Waste Electrical and Electronic Equipment. When the relevant Section of the Amendment Ordinance becomes effective, except under certain circumstances, any person who is engaged in the storage, treatment, reprocessing or recycling of e-waste must first obtain a waste disposal license under the Waste Disposal Ordinance (WDO). Moreover, any person who imports or exports e-waste must first obtain a permit.” <a href="http://www.epd.gov.hk/epd/english/application_for_licences/guidance/facilities_e-waste.html">http://www.epd.gov.hk/epd/english/application_for_licences/guidance/facilities_e-waste.html</a></p>
15.	Can import documents label electronics as “Metals” or “Plastics”?	<p>No. False declarations of the contents of shipments is prohibited by import/export laws. Some shipments have been declared with a generic or incorrect description that does not match the contents of the shipment. The Hong Kong EPD website addresses this issue:</p> <p>“Of those illegal shipments originated from overseas countries and intercepted in Hong Kong in the past few years, the wastes involved are mainly contaminated (i.e. wastes that have been mixed with hazardous substances) or non-recyclables. These shipments were often declared as non-hazardous scraps (e.g. 'metal scraps' and 'plastic scraps') and imported by small trading firms in Hong Kong with no waste recycling facility. These shipments are generally exported by small agents, rather than the original waste generators, in overseas countries. Prior to their arrival in Hong Kong, some of these shipments changed hands several times.” <a href="http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_en1.html">http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec_en1.html</a></p> <p><b><i>An R2 Certified recycler is responsible for tracking throughput and maintaining records to demonstrate their conformance with the R2 Standard. Mislabeling of imports or exports is a non-conformance to Provision 7 and Provision 13. Repetitive mislabeling should be treated as a systemic non-conformance, thus resulting in a major non-conformance with the potential for suspension of the R2 Certification. If a pattern of deception is identified, revocation of the R2 Certification is warranted. Additionally, SERI could terminate the SERI R2 Facilities Agreement, leading to revocation of the R2 Certification.</i></b></p>