

Hazardous Chemicals Control Ordinance (Cap. 595)
Guidelines on Application for Permit to Import, Permit to Export and
Permit to Transship / Transit Scheduled Chemicals

Introduction

1. The Hazardous Chemicals Control Ordinance (HCCO) (Cap. 595) aims to regulate, through an activity-based permit system, the import, export, manufacture and use of non-pesticide hazardous chemicals that have potentially harmful or adverse effects on human health or the environment. At present, the non-pesticide hazardous chemicals under the HCCO include such chemicals that are subject to regulation of the Stockholm Convention on Persistent Organic Pollutants or the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

2. Non-pesticide hazardous chemicals regulated under the HCCO consist of two types: (i) Type 1 chemicals, and (ii) Type 2 chemicals, which are listed in Schedule 1 and Schedule 2 to the HCCO, respectively. A Type 1 chemical or Type 2 chemical is defined as a “scheduled chemical” under the HCCO. The full list of scheduled chemicals is shown in the Appendix.

3. No person may import, export, manufacture or use any scheduled chemical unless he is in possession of a valid activity-based permit in respect of that scheduled chemical issued by the Environmental Protection Department (EPD).

Application of the Ordinance

4. The HCCO applies to a scheduled chemical, whether or not the chemical exists alone or is a part of any preparation or product. In this context, “preparation” means a mixture or solution composed of 2 or more substances.

5. The HCCO does not apply to a scheduled chemical if the chemical is a constituent element of a manufactured product, except when the chemical is polychlorinated biphenyls (PCB) and when its concentration as a constituent element of a manufactured product exceeds 0.005 per cent (or 50 ppm) and its volume exceeds 0.05 litre. In this context, “manufactured product” means a product that, during its manufacture, is formed into a specific physical shape or design and has an end use function wholly or partly dependent on its shape or design. For example, asbestos present in the automobile brake pads is considered as a constituent element of the manufactured product. In this case, asbestos would not be controlled under the HCCO.

6. Any scheduled chemical that is classified as waste under the Waste Disposal Ordinance (Cap 354) is not subject to the control of the HCCO but its import/export should be conducted in accordance with the requirements of the former Ordinance. Importers/exporters can visit the EPD's website at http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec.html for further information.

Permitting Requirements for Import/Export/Transship/Transit of Scheduled Chemicals under the HCCO

Import of Scheduled Chemicals

7. Any person who imports a scheduled chemical into Hong Kong must first obtain a valid Import Permit issued by the EPD under the HCCO. Each Import Permit may cover one or more scheduled chemicals and is generally valid for 12 months.

8. In accordance with section 80 of the Air Pollution Control Ordinance (Cap. 311), the import and sale of amosite and crocidolite are banned unless exempted by the EPD. If the applicant wishes to import the above materials, he should obtain the EPD's exemption issued under the Air Pollution Control Ordinance prior to applying for the activity-based permit.

Export of Scheduled Chemicals

9. Any person who exports a scheduled chemical from Hong Kong must first obtain a valid Export Permit issued by the EPD under the HCCO. Each Export Permit may cover one or more scheduled chemicals and is generally valid for 12 months.

Transship / Transit Scheduled Chemicals

10. Any person who carries out transshipment or transit^{Note 1} activities of scheduled chemicals through Hong Kong must first obtain a valid import permit for transshipment and transit, and a valid export permit for transshipment and transit (Transshipment and Transit Permits) issued by the EPD under the HCCO. Each set of Transshipment and Transit Permits may cover one or more scheduled chemical(s) and are generally valid for 12 months. If an applicant carries out import and export activities as well as transshipment and transit activities, he only needs to obtain an Import Permit

Note 1

Article in transit means an article which –

- (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
- (b) remains at all times in or on the vessel or aircraft in or on which it is brought into Hong Kong.

and an Export Permit to cover all the intended activities including the transshipment and transit activities. During application, the applicant should clearly indicate the need for transshipping or transiting schedule chemicals (selecting “re-export” under “reason for importing/exporting the scheduled chemical” in Annexes IM-1 and EX-1 of the application forms) and submit the Import Permit and Export Permit applications at the same time; otherwise, no authorization of the transshipment and transit activities will be included in the said permits.

11. The EPD will consider the merits of each application on a case-by-case basis and will only grant the relevant permit if it is satisfied that the proposed activity for the scheduled chemical(s) concerned is genuinely essential and in full compliance with the Hong Kong laws and environmental requirements.

Who Should Apply

Import of Scheduled Chemicals

12. Any person who acts in the capacity of an importer and engages in the business of importing a scheduled chemical into Hong Kong, regardless of whether such scheduled chemical is imported for the purpose of local consumption or re-export out of Hong Kong, should apply for an import permit under the HCCO. Potential importers may include, but not limited to, local chemical traders and carriers who assume the capacity of an importer and exporter.

Export of Scheduled Chemicals

13. Any person who acts in the capacity of an exporter and engages in the business of exporting a scheduled chemical from Hong Kong should apply for an export permit under the HCCO. Potential exporters may include, but not limited to, local chemical traders and carriers who assume the capacity of an importer and exporter.

Transshipment and Transit of Scheduled Chemicals

14. Any person who acts in the capacity of an importer and exporter, and engages in the business of transshipping / transiting scheduled chemical(s) through Hong Kong should apply for a set of Transshipment and Transit Permits under the HCCO. Potential importers and exporters may include, but not limited to, local chemical traders and carriers who assume the capacity of an importer and exporter. Any person holding both valid Import and Export Permits with transshipment and transit authorization does not need to obtain a set of Transshipment and Transit Permits.

Exemption

15. The Import Permit and Export Permit control requirements under the HCCO do not apply to a Type 2 chemical if the chemical is, or is a part of, an article in transit. In this context, “article in transit” means an article which is brought into Hong Kong solely for the purpose of taking it out of Hong Kong and remains at all times in or on the vessel or aircraft in or on which it is brought into Hong Kong.

Procedure for Permit Application

16. Applicants are required to complete an Import Permit application form (Form No. EPD HCC1), an Export Permit application form (Form No. EPD HCC2) or a Transshipment and Transit Permits application form (Form No. EPD HCC3) according to the relevant activity under application. The application forms can be obtained from the EPD Branch Office at 28/F, Southorn Centre, 130 Hennessy Road, Wan Chai, Hong Kong or downloaded from the EPD’s website at http://www.epd.gov.hk/epd/english/application_for_licences/applic_frons/forms.html.

17. Every section on the application form must be completed. The completed form should be submitted by hand or by post together with the following documents:

- (a) a copy of the Business Registration Certificate if the application is made by a limited company;
- (b) a copy of the Business Registration Certificate, a copy of the business owner’s Hong Kong Identity Card or Passport if the application is made by an unlimited company; and
- (c) a copy of the applicant’s Hong Kong Identity Card or passport if the application is made by a person.

18. Permit applications should be sent to the following address:

Territorial Control Office (Hazardous Chemicals Control)
Environmental Protection Department
28/F, Southorn Centre
130 Hennessy Road
Wan Chai
Hong Kong

19. The EPD will diligently process an application upon receipt. However, the actual processing time of an application will depend on the number of applications being processed, the complexity and availability of information of individual applications. Applicants are advised to submit the completed application form and all relevant information not less than 15 working days before the operation of the proposed activity.

Application Fee

20. Upon receipt of the application, a demand note for the fee, specifying the date by which it should be paid, will be sent to the applicant by post. A permit application will not be processed unless the fee is paid by the due date. For details of payment instructions, please refer to the back of the demand note. No cash should be sent by post. Please note that the application fee is not refundable regardless of the result of the application. The details of the application fees are shown at the EPD website: http://www.epd.gov.hk/epd/english/application_for_licences/applic_froms/hcco.html

Renewal of Permit

21. Every permit shall generally expire 12 months after the date of issue. The permit holder may apply to the EPD for renewal one month before the date of expiry and pay a prescribed renewal fee.

22. No application for renewal will be accepted after the date of expiry. Application made after the expiry date will be treated as a fresh application, to be accompanied by a new application form and the relevant prescribed application fee.

Consignment-based Import/Export Licence for Scheduled Chemicals under the Import and Export Ordinance (Cap. 60)

23. Under the HCCO, any person importing, exporting, transshipping/transiting a scheduled chemical must hold a valid activity-based Import Permit, Export Permit or Transshipment and Transit Permits for that chemical. In addition, each consignment of scheduled chemical(s) entering/leaving Hong Kong must also be covered by a consignment-based import/export licence issued under the Import and Export Ordinance (IEO). Such licences are issued by the EPD under the delegated authorities from the Director-General of Trade and Industry. The import/export licence requirements are also applicable to scheduled chemicals in transshipment. For details, please refer to the "Import and Export Ordinance (Cap. 60) - Guidelines on Application of Import/Export Licence for Scheduled Chemicals".

Prerequisite for Consignment-based Import/Export Licence Applications under the IEO for Scheduled Chemicals

24. Any person applying for a consignment-based import/export licence under the IEO for a scheduled chemical is required to have in possession:

- (a) a valid activity-based Import Permit, Export Permit or Transshipment and Transit Permits under the HCCO ; and

(b) evidence of explicit consent from export and import countries or regions, as appropriate.

25. Any person planning to apply for a consignment-based import licence, unless otherwise exempted by the EPD, should submit evidence of explicit consent referred to in paragraph 24 (b) above for verification by the EPD at least 15 working days in advance of the anticipated arrival date of the shipment or before it leaves the exporting country, whichever the earlier. Scheduled chemicals without valid explicit consent should not be shipped to Hong Kong.

26. Any person planning to apply for a consignment-based export licence, unless otherwise exempted by the EPD, should submit evidence of explicit consent referred to in paragraph 24 (b) above for verification by the EPD at least 15 working days in advance of the anticipated departure date of the shipment.

The Explicit Consent Document

27. Procedures to obtain the necessary explicit consent from exporting/importing countries or regions:

- (a) If you are an importer, you may ask your exporting counterpart to provide the necessary explicit consent documents to you.
- (b) If you are an exporter, you should obtain the explicit consent from the importing country or region directly.
- (c) Please note that a request for explicit consent to import/export scheduled chemical(s) may take up to 90 days to process. Therefore, any such application should be made well in advance of your intended date of import/export of the scheduled chemical(s).

Summary of the Permitting/Licensing Requirements

28. The permitting/licensing requirements of the above two Ordinances are summarized in the Table below:

	Type 1 Schedule Chemicals		Type 2 Schedule Chemicals	
	HCCO Permit	IEO Licence	HCCO Permit	IEO Licence
Import	✓	✓	✓	✓
Export	✓	✓	✓	✓
Transshipment (Sea/Land Cargo)	✓	✓	✓	✓
Transshipment (Air Cargo)#	✓	X*	✓	X*
Transit	✓	X*	X	X

Air transshipment cargo means transshipment cargo that is both imported and consigned for export in an aircraft and which, during the period between its import and export, remains within the cargo transshipment area of Hong Kong International Airport.

*Articles in transit (for Type 1 chemicals only) or air transshipment cargo (for Type 1 and Type 2 chemicals), are not required to possess the import and export licences issued under the IEO nor submit the explicit consent documents in advance as mentioned in paragraphs 25 and 26, but he is required to:

- (a) have in possession a valid activity-based Import Permit and Export Permit or Transshipment and Transit Permits issued under the HCCO ;
- (b) have obtained explicit consent from both export and import countries/regions (unless otherwise exempted by the EPD); and
- (c) notify the EPD (Form EPD HCC7) within a period of 7 days of the arrival/departure of the articles/cargo the details of the articles/cargo with relevant documents (including consent documents and bill of lading or other shipping documents).

For details on exemptions, please refer to the “Import and Export Ordinance (Cap. 60) - Guidelines on Application of Import/Export Licence for Scheduled Chemicals”.

Further Information

29. For further information about the HCCO, please visit the EPD’s website at http://www.epd.gov.hk/epd/english/international_conventions/pops/pops_main.html. For enquiries, please call the EPD at 2834 4573 or email to enquiry@epd.gov.hk.

WARNING

- A person who imports, exports, transships or transits any scheduled chemical not under and in accordance with a permit issued under the HCCO commits an offence, and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.
- The issue of a permit under the HCCO does not in any way exempt the permit holder from compliance with the provisions of other legislations.

Environmental Protection Department
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《有毒化學品管制條例》下的受管制化學品
Scheduled Chemicals under HCCO

第 1 類化學品 Type 1 Chemical

六氯代苯 Hexachlorobenzene (HCB)

多氯聯苯 Polychlorinated biphenyls (PCB)

第 2 類化學品 Type 2 Chemical

石棉 Asbestos :

- (a) 陽起石 actinolite
- (b) 直閃石 anthophyllite
- (c) 鐵石棉 amosite
- (d) 青石棉 crocidolite
- (e) 透閃石 tremolite

多溴聯苯 Polybrominated biphenyls (PBB) :

- (a) 六溴聯苯 hexabromobiphenyl
- (b) 八溴聯苯 octabromobiphenyl
- (c) 十溴聯苯 decabromobiphenyl

多氯三聯苯 Polychlorinated terphenyls (PCT)

四乙基鉛 Tetraethyl lead

四甲基鉛 Tetramethyl lead

三(2,3-二溴丙磷酸酯)磷酸鹽 Tris (2,3-dibromopropyl) phosphate