

Hazardous Chemicals Control Ordinance (Cap. 595)
Guidelines on Application for Permit to Use 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 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 disposal should be conducted in accordance with the requirements of the former Ordinance. Please visit the EPD’s website at

http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/waste_guidelines.html for further information about the waste control.

Permitting Requirements for Use of Scheduled Chemicals under the HCCO

7. To use a scheduled chemical in Hong Kong, a valid use permit issued by the EPD under the HCCO must first be obtained. Each use permit may cover one or more scheduled chemicals and is generally valid for 12 months.

8. 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

9. Any person who acts in the capacity of a user and engages in a business involving the use of a scheduled chemical in Hong Kong should apply for a use permit under the HCCO. Potential users may include, but not limited to, local industries, universities, research institutes and testing laboratories.

Procedure for Permit Application

10. Applicants are required to complete a Use Permit application form (Form No. EPD HCC5), which 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_froms/forms.html.

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

- (i) a copy of the Business Registration Certificate if the application is made by a limited company;
- (ii) a copy of Business Registration, a copy of the business owner's Hong Kong Identity Card or Passport if the application is made by an unlimited company;
- (iii) a copy of the applicant's Hong Kong Identity Card or passport if the application is made by a person.
- (iv) Operation brief of the facility related to the use of the scheduled chemical(s). For existing users, the operation brief should include the following information:

- (a) A layout plan on an appropriate scale showing the key features of the facility;
- (b) Key operating procedure of the facility involving the scheduled chemical(s), including a flow diagram of the processes related to the use of the scheduled chemical(s);
- (c) Record keeping arrangement for scheduled chemical(s) stock and usage;
- (d) Means to store the scheduled chemical(s);
- (e) Measures for dealing with the scheduled chemical(s) and related material(s) in the event of an emergency, breakdown or mechanical failure of the facility;
- (f) Provisions made for pollution control;
- (g) Site safety facilities and measures;
- (h) Site security arrangements;
- (i) Means to dispose of the waste scheduled chemical(s) or their by-products, if applicable;
- (j) Management structure for staff handling the scheduled chemical(s); and
- (k) A copy of valid licences or permits issued by government departments for the facility, if applicable.

For new users, apart from the above information, the operation brief should also include the following additional information:

- (l) Justification for the need of using the scheduled chemical(s); and
- (m) Measures to monitor the potential emission of scheduled chemical(s) (waste, wastewater, air) from the facility.

12. 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

13. 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, and 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

14. 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_firms/hcco.html

Renewal of Permit

15. 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.

16. 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.

Further Information

17. 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 uses 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 Use Permit under the HCCO does not in any way exempt the permit holder from compliance with the provisions of other legislations.

Environmental Protection Department

July 2011

《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