

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

**Introduction**

1. The Hazardous Chemicals Control Ordinance (HCCO) (Cap. 595) aims to regulate, through a 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 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 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, the 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](http://www.epd.gov.hk/epd/english/environmentinhk/waste/guide_ref/guide_wiec.html) for further information.

## **Permit Requirements for Import/Export/Transshipment/Transit of Scheduled Chemicals under the HCCO**

### Import of Scheduled Chemicals

7. To import a scheduled chemical into Hong Kong, a valid Import Permit issued by the EPD under the HCCO must first be obtained. 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 HCCO permit.

### Export of Scheduled Chemicals

9. To export a scheduled chemical from Hong Kong, a valid Export Permit issued by the EPD under the HCCO must first be obtained. Each Export Permit may cover one or more scheduled chemicals and is generally valid for 12 months.

### Transshipment and Transit of Scheduled Chemicals

10. To arrange for transshipment or transit<sup>Note 1</sup> of scheduled chemicals through Hong Kong, a valid Import Permit for transshipment and transit, and a valid Export Permit for transshipment and transit (Transshipment and Transit Permit) issued by the EPD under the HCCO must first be obtained. Each set of Transshipment and Transit Permit may cover one or more scheduled chemical(s) and is generally valid for 12 months. If an applicant wishes to import and export scheduled chemicals as well as arrange for transshipment and transit, he only needs to obtain an Import Permit and an Export Permit to cover all the intended activities including the transshipment and transit. During application, the applicant should clearly indicate the need for transshipment or transit of scheduled chemicals

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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.

(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 transshipment and transit 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 permit if it is satisfied that the import /export /transshipment /transit of 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 imports or 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 exports or 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 imports and exports, or engages in the business of arranging transshipment / transit of scheduled chemical(s) through Hong Kong should apply for a set of Transshipment and Transit Permit 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 separately obtain a set of Transshipment and Transit Permit.

## **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 the appropriate Import Permit application form (Form No. EPD HCC1), Export Permit application form (Form No. EPD HCC2) or Transshipment and Transit Permit application form (Form No. EPD HCC3). 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\\_froms/forms.html](http://www.epd.gov.hk/epd/english/application_for_licences/applic_froms/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 and a copy of Hong Kong Identity Card or Passport of each of the business owners 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. Our target is to issue a permit within 15 working days upon receipt of all necessary information, payment of application fee, and completion of site visit,

if required, to verify the information provided by applicant.

### **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\\_firms/hcco.html](http://www.epd.gov.hk/epd/english/application_for_licences/applic_firms/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.

### **Import/Export Licence for Scheduled Chemicals under the Import and Export Ordinance (Cap. 60)**

23. Under the HCCO, any person importing, exporting, or arranging for transshipment/transit of a scheduled chemical must hold a valid Import Permit, Export Permit or Transshipment and Transit Permit for that chemical. In addition, each consignment of scheduled chemical(s) entering/leaving Hong Kong must also be covered by an 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, but not transit. For details, please refer to the “Import and Export Ordinance (Cap. 60) - Guidelines on Application of Import/Export Licence for Scheduled Chemicals”.

### **Pre-requisite for Import/Export Licence Applications under the IEO for Scheduled Chemicals**

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

- (a) a valid Import Permit, Export Permit or Transshipment and Transit Permit 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 an IEO 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 an IEO 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 or more 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, since requirements not applicable to Type 2 chemicals) or air transshipment cargo (for Type 1 and Type 2 chemicals), do not require an import or export licence issued under the IEO, nor the submission of explicit consent documents in advance as mentioned in paragraphs 25 and 26. However, the following are required:

- (a) a valid Import Permit and Export Permit, or Transshipment and Transit Permit issued under the HCCO ;
- (b) 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 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](http://www.epd.gov.hk/epd/english/international_conventions/pops/pops_main.html). For enquiries, please call the EPD at 2835 1963 or email to [enquiry@epd.gov.hk](mailto: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 (currently \$50,000) 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 ordinances and regulations.

Environmental Protection Department  
August 2010

《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