

Hazardous Chemicals Control Ordinance (Cap. 595)
Guidelines on Application for an Manufacture 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 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 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 information about the waste control.

Permit Requirements for Manufacture of Scheduled Chemicals under the HCCO

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

8. In the HCCO, unless the context otherwise requires, a reference to manufacture, in relation to a scheduled chemical, includes causing the chemical to be manufactured.

9. For the avoidance of doubt, a scheduled chemical is not regarded as having been manufactured if it is produced incidentally in the course of the manufacture of any other thing.

10. 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 manufacture of the scheduled chemical(s) concerned is genuinely essential and in full compliance with the Hong Kong laws and environmental requirements.

Who Should Apply

11. Any person who manufactures or engages in the business of manufacturing a scheduled chemical in Hong Kong should apply for a Manufacture Permit under the HCCO. Potential manufacturers may include, but not limited to, local chemical manufacturers, universities, research institutes and testing laboratories.

Restriction on Manufacture of Type 1 Chemicals

12. The EPD may not issue or renew a permit authorizing the manufacture of any Type 1 chemical unless the chemical is only for:

- (a) use for laboratory-scale research purpose;
- (b) use as a reference standard for chemical analysis; or
- (c) use for laboratory-scale research purpose and as a reference standard for chemical analysis.

Procedure for Permit Application

13. Applicants are required to complete the Manufacture Permit application form (Form No. EPD HCC4). The application form 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.

14. 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:

- (i) a copy of the Business Registration Certificate if the application is made by a limited company.
- (ii) 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.
- (iii) a copy of the applicant's Hong Kong Identity Card or Passport if the application is made by a person.
- (iv) Operational brief of the facility related in which the scheduled chemical(s) are manufactured. The operational brief should include the following information:
 - (a) A layout plan on an appropriate scale showing the key features of the facility, e.g. a floor plan showing the chemical storage area(s) and the major processing area(s) involved in the manufacture of the scheduled chemical(s).
 - (b) Key operating procedures of the facility involving the scheduled chemical(s), e.g. a flow diagram of the processes related to the manufacture of the scheduled chemical(s).
 - (c) Justification for the need and quantities of scheduled chemical(s) to be manufactured.
 - (d) Record keeping arrangement for the scheduled chemical(s) manufactured, e.g. the quantities of raw materials procured and consumed for the manufacture of the scheduled chemical(s), the quantities of the scheduled chemical(s) manufactured and the subsequent transaction details of the scheduled chemical(s) such as the details of the parties supplied with the scheduled chemicals, the dates and quantities of the transactions and the relevant documents (e.g. invoices, contracts, delivery notes).
 - (e) Means to store the raw materials and scheduled chemical(s), e.g. photographs to show the scheduled chemical(s) being stored in labeled containers/cabinets and the containers/cabinets are securely locked with access limited to relevant staff only.
 - (f) Measures for dealing with the raw materials, scheduled chemical(s) and related material(s) in the event of an emergency, breakdown or mechanical failure of the

facility, e.g. a copy of the safety manual showing procedures for handling chemical spillage/leakage and other emergencies of the facility such as fire, sudden electricity suspension, or mechanical failure (e.g. malfunction of ventilation or test equipment).

- (g) Provisions made for pollution control, e.g. fume cupboards, safety cabinets, exhaust hoods and sinks fitted with buffer tanks. Photographs should be attached to show the pollution control measures.
- (h) Measures to monitor the potential emission of scheduled chemical(s) (waste, wastewater, air) from the facility.
- (i) Site safety facilities and measures, e.g. Photographs should be attached to show emergency spill kits and personal protective equipment. A copy of the safety training briefing or manual to staff should be provided.
- (j) Site security arrangements, e.g. CCTV, security guards and lockable rooms allowing restrictive staff access to the scheduled chemicals. Photographs should be attached to show the security measures.
- (k) Means to dispose of the waste scheduled chemical(s) or their by-products, if applicable, e.g. a copy of safety manual showing procedures for chemical waste handling, storage and disposal in the facility. If applicable, a copy of the registration of chemical waste producer and a recent trip ticket for chemical waste disposal should also be provided.
- (l) Management structure for staff handling the scheduled chemical(s), e.g. an organization chart showing the names and posts of relevant staff involving in the manufacture of the scheduled chemical(s). Key holder(s) of specific rooms/containers for storage of the scheduled chemical(s) should also be indicated on the chart.
- (m) A copy of valid licences or permits issued by government departments for the facility, if applicable.

15. 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

16. 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

17. 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_foms/hcco.html

Renewal of Permit

18. 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.

19. 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

20. 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 2835 1963 or email to enquiry@epd.gov.hk.

WARNING

- A person who manufactures 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 Manufacture 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