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ACE 49/94-95
for Information

Proposed Ozone Layer Protection
(Amendment of Schedule) Order 1994

Introduction

This paper is to inform the Council about the proposed making of an Order to amend the Schedule to the Ozone Layer Protection Ordinance (Cap. 403). The proposed amendment will extend the list of scheduled substances in accordance with the 1992 Copenhagen Amendment to the Montreal Protocol.

Background

2. Hong Kong is included in UK's ratification of the 1985 *Vienna Convention for the Protection of the Ozone Layer* and the 1987 *Montreal Protocol on Substances that Deplete the Ozone Layer*. In order to fulfill our international obligation, the Ozone Layer Protection Ordinance (OLPO) was enacted in June 1989 and became operative on 1 July 1989. The Ordinance prohibits the manufacturing of substances that deplete the ozone layer and imposes controls on the import and export of these substances through registration and licensing provisions. The substances controlled are listed in a Schedule to the Ordinance and are referred to as scheduled substances.

3. In order to comply with the 1990 London Amendment to the Montreal Protocol, the Schedule to the OLPO was amended in November 1992 to add 12 ozone depleting substances to the list. The Ozone Layer Protection (Amendment of Schedule) Order 1992 was gazetted on 20 November 1992.

Reasons and Objectives for the Present Proposal

4. In November 1992, the Parties to the Montreal Protocol met again in Copenhagen to review the implementation programme of the Protocol and agreed, among other things, to amend the Protocol by adding methyl bromide, 34 hydrobromofluorocarbons (HBFCs), and 34 hydrochlorofluorocarbons (HCFCs) to the list of substances to be subject to control under the Protocol and by setting out the consumption reduction schedules for these substances. The 69 ozone depleting substances to be added to the Schedule of the Ordinance are listed in Annex A.

5. To enable continued compliance with the obligations under the Montreal Protocol, it is necessary to amend the Schedule of the OLPO in order to add to it the 69 substances to be controlled under the Protocol. The amendment will be by means of a Governor's Order to be published in the Hong Kong Government Gazette.

Impact on Local Industries

6. In the proposed amendment to the Schedule of the Ozone Layer Protection Ordinance (OLPO), only two scheduled substances, namely methyl bromide in Group I and chlorodifluoromethane (HCFC-22) in Group III, are consumed in any substantial way in Hong Kong.

7. The Director of Agriculture & Fisheries advises that methyl bromide is exclusively used by the local pest control industry for quarantine and pre-shipment treatment of cargoes. Local use of imported methyl bromide is monitored by the Agriculture & Fisheries Department under the Pesticides Ordinance (Cap.133). There are no known direct substitutes which have the same versatility and efficacy against a wide range of pests. There is some prospect that aluminium phosphide may be a likely substitute. However, it requires a longer fumigation period and resistance by some insects have been reported. For the time being, under Article 2H of the Copenhagen Amendment to the Montreal Protocol, the abovementioned applications of methyl bromide are exempted.

8. As for Chlorodifluoromethane (HCFC-22), this is a refrigerant gas extensively used in the air-conditioning industry. This scheduled substance will still be allowed to be imported into Hong Kong for local consumption until the year 2030, albeit subject to quota control starting from January 1996. Several substitutes have been proposed by manufacturers and these chemicals' safety and compatibilities are being reviewed world-wide. The air-conditioning industry is aware of the planned controls on HCFCs.

9. The remaining 33 HCFCs in Group III constitute only about 3% of the total retained HCFCs imports in Hong Kong during 1993. Regarding the 34 HBFCs in Group II, we have no records of their consumption locally. Therefore, proposed controls over these 67 ozone depleting substances should have little impact on the industries.

Consultation

10. The public is well aware of Hong Kong's commitments under the Montreal Protocol, and the impact of the proposed Order is minimal, as described at paras 6 to 9 above. The Environmental Protection Department will continue to liaise with affected industries and advise them on the application of any new controls to be imposed.

Implementation

11. The additional scheduled substances will be brought under the control of the OLPO according to a specified timetable on amendment of the Schedule. As determined by the Copenhagen Meeting, substances will be brought under control according to the following timetable :

Methyl Bromide	1 January 1995
HBFCs (34 in number)	14 June 1995
HCFCs (34 in number)	1 January 1996

Staffing Implication

12. No additional staff are required as a result of this amendment.

For Information

13. Members are invited to note the making of the proposed Order to amend the Schedule to the OLPO by incorporating the 69 ozone depleting substances listed in Annex A.