



Room 2006, 20th floor, Murray Building, Garden Road, Central, Hong Kong
Tel: 848 2551 Fax: 845 3489
香港中環花園道美利大廈20樓2006室 • 電話: 848 2551 傳真機: 845 3489

(ACE 48/95)
for information

**Proposed Amendment of Ozone Layer Protection
(Products Containing Scheduled Substances)
(Import Banning) Regulation**

Introduction

This paper is to inform the Council on a proposal to amend the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation made under the Ozone Layer Protection Ordinance (Cap. 403). The amendment is to extend the scope of the regulation to prohibiting the import of portable fire extinguishers containing halons from *all countries or places*.

Background

2. Halons are the most potent of all the ozone depleting substances being controlled under the Ozone Layer Protection Ordinance (OLPO). Its use in Hong Kong is confined to fire protection. The two main halon agents used in commerce are halon-1211 (Bromochlorodifluoromethane, BCF) and halon-1301 (Bromotrifluoro-methane, BTM). BCF is predominantly used in portable fire extinguishers, whereas BTM is used in total flooding fire extinguishing systems which have distribution pipes and discharge nozzles.

3. Under an international agreement to protect the Earth's Ozone Layer, known as the *Montreal Protocol on Substances that Deplete the Ozone Layer* as revised in November 1992, halons were the first group of substances to be phased out in view of their high ozone depleting properties. As such, halons were banned from bulk imports for Hong Kong consumption as from 1 January 1994.

4. The Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation, made under the OLPO, also prohibits the imports of products containing CFCs and halons from a country or place which is not a party to the *Montreal Protocol*. These products include motor vehicle air-conditioner, refrigeration equipment, air-conditioning/heat pump equipment, aerosol products, portable fire extinguishers, insulation panel, insulation board or insulation pipe cover and pre-polymer. However, there is no restriction on the import of products containing or made with halons from countries or places which are parties to the Montreal Protocol.

The Proposal

5. It is proposed to extend the scope of the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation to prohibiting the import of portable fire extinguishers containing halons from all countries or places as from 1 April 1996 unless they are for essential applications approved by the Director of Environmental Protection in consultation with the Director of Fire Services.

6. The proposed extended import banning of portable halon fire extinguishers from party countries or places is not a requirement of the *Montreal Protocol*. Banning the import of portable fire extinguishers containing halons from these countries or places will however bring about a comprehensive and effective control to reduce unnecessary release of ozone depleting substances to the atmosphere without causing significant hardship.

7. Alternative non-halon portable fire extinguishers comparable in price and fire extinguishing characteristics to the halon ones are now commercially available. The Fire Services Department (FSD), since March 1993, had ceased to impose halon-based portable fire extinguishers as fire safety requirements in building plan or licensing/registration submissions. The Fire Services Department and Housing Department have also implemented programmes to phase out the existing BCF fire extinguishers in all government and HKHA buildings. This proposed ban will further encourage users and supplier to switch to other environmentally benign fire extinguishers.

8. The future market for import of fire extinguishers containing halons is therefore limited. However, the proposed Regulation will provide for exemption from the ban for some exceptional cases, on which an importer may seek the approval of the Director of Environmental Protection who will consult the Director of Fire Services.

9. The maximum fine of the offence of violating the proposed ban will be the same as that currently in the Regulation, i.e. \$200,000 fine and six months' imprisonment.

Consultation

10. Consultation letters describing the proposal were sent to more than 1,470 major trade associations, registered Fire Services Installation contractors, electrical and mechanical consultants, major halon users and importers/exporters of halons. All (29 in number) replies received indicate support for the proposal.

Implementation

11. The proposed commencement date of the import ban on

portable fire extinguishers containing halons is 1 April 1996.

Economic Implications

12. As there is no major price difference between halon and non-halon fire extinguishers, and the latter ones are readily available and widely adopted, the proposed ban should have little impact on the industries.

Staff Implications

13. No additional staff are required by the EPD and FSD as a result of this amendment.

Public Reaction

14. It will be a rational move if action can be taken to ban the import of portable fire extinguishers containing halons and the public should welcome the proposed ban.