

Hazardous Chemicals Control Ordinance (Cap. 595)
Guidelines on Application for Permit to Manufacture 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 HCCO amendment 2018 has included 2 additional chemicals in Schedule 2 which becomes effective from 1 July 2018. The full list of scheduled chemicals effective from 1 July 2018 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 two 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 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 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

11. Any person who acts in the capacity of a manufacturer and 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 a Manufacture Permit application form (Form No. EPD HCC4), which can be obtained from the EPD office at Room 3404, 34/F, Hopewell Centre, 183 Queen's Road East, Wan Chai, Hong Kong or downloaded from the EPD's website at http://www.epd.gov.hk/epd/english/application_for_licences/applic_foms/forms.html.

14. 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 the Business Registration Certificate, 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 manufacture of the scheduled chemical(s). For existing manufacturers, 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 manufacture of the scheduled chemical(s);
 - (c) Record keeping arrangement for 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);
 - (d) Means to store the raw materials and scheduled chemical(s);
 - (e) 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;

- (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) Manning level and the management structure for staff handling the scheduled chemical(s)
- (k) Resumes of the key management staff; and
- (l) 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:

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

15. Permit applications should be sent to the following address:

Territorial Control Office (Hazardous Chemicals Control Section)
Environmental Protection Department
Room 3404, 34/F, Hopewell Centre
183 Queen's Road East
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. 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

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_frogs/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/laws_regulations/comp_guides/cg_hazardous_chemical.html.

For enquiries, please call the EPD at 3107 2981 or email to hcco@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 and to imprisonment for one 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 legislations.

《有毒化學品管制條例》下的受管制化學品^{註 1}
Scheduled Chemicals under HCCO^{Note 1}

第1類化學品 Type 1 Chemical

1. 六溴聯苯 Hexabromobiphenyl (HBB)
2. 六溴二苯醚和七溴二苯醚
Hexabromodiphenyl ether (hexaBDE) and heptabromodiphenyl ether (heptaBDE) :
 - (a) 2,2',4,4',5,5' - 六溴二苯醚 (BDE-153)
2,2',4,4',5,5' - hexabromodiphenyl ether (BDE-153)
 - (b) 2,2',4,4',5,6' - 六溴二苯醚 (BDE-154)
2,2',4,4',5,6' - hexabromodiphenyl ether (BDE-154)
 - (c) 2,2',3,3',4,5',6 - 七溴二苯醚 (BDE-175)
2,2',3,3',4,5',6 - heptabromodiphenyl ether (BDE-175)
 - (d) 2,2',3,4,4',5',6 - 七溴二苯醚 (BDE-183)
2,2',3,4,4',5',6 - heptabromodiphenyl ether (BDE-183)
 - (e) 商用八溴二苯醚中存在的其他六溴二苯醚和七溴二苯醚
other hexa- and heptabromodiphenyl ethers present in commercial octabromodiphenyl ether
3. 六氯苯 Hexachlorobenzene (HCB)
4. 五氯苯 Pentachlorobenzene (PeCB)
5. 多氯聯苯 Polychlorinated biphenyls (PCB)

^{註 Note 1} 請注意，化學品可能以不同名稱〔如商品名稱或以化學類別〕製造或出售。有關人士應查核所從事的活動有否涉及受管制化學品。如有查詢，請聯絡環境保護署。

Please note that chemicals may have different names (eg trade name or chemical group name) given by the manufacturers and sellers. You are advised to check if your activities involve scheduled chemicals under the HCCO. Please contact EPD if you have questions.

6. 四溴二苯醚和五溴二苯醚

Tetrabromodiphenyl ether (tetraBDE) and pentabromodiphenyl ether (pentaBDE) :

- (a) 2,2',4,4' - 四溴二苯醚 (BDE-47)
2,2',4,4' - tetrabromodiphenyl ether (BDE-47)
- (b) 2,2',4,4',5 -五溴二苯醚 (BDE-99)
2,2',4,4',5- pentabromodiphenyl ether (BDE-99)
- (c) 商用五溴二苯醚中所含的其他四溴二苯醚和五溴二苯醚
other tetra- and pentabromodiphenyl ether present in commercial pentabromodiphenyl ether

7. 六溴環十二烷 Hexabromocyclododecane :

- (a) 六溴環十二烷
hexabromocyclododecane
- (b) 1,2,5,6,9,10 -六溴環十二烷及其主要非對映異構物
1,2,5,6,9,10 - hexabromocyclododecane and its main diastereoisomers

第2類化學品 Type 2 Chemical

1. 石棉 Asbestos^{註Note 2}:

- (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

註 Note 2 《空氣污染管制條例》[第 311 章] 全面禁止進口、轉運、供應和使用所有種類的石棉和含石棉物料，過境貨品及已註冊中成藥除外。環保署在個別情況下可考慮批給豁免。如申請人需要進口、轉運或使用《有毒化學品管制條例》中受管制的石棉，在申請「相關活動」許可證前，必先取得環保署根據《空氣污染管制條例》所批的豁免。

The Air Pollution Control Ordinance, Cap. 311 (APCO) has banned the import, transshipment, supply and use of all forms of asbestos and asbestos containing materials except goods in transit and registered proprietary Chinese medicine. Exemption may be granted under certain circumstances. If the applicant wishes to use, import or transship the HCCO controlled asbestos, he must obtain the EPD's exemption issued under the APCO prior to applying for the activity-based permit.

2. 全氟辛烷磺酸及其鹽類和全氟辛基磺酰氟
Perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride :
 - (a) 全氟辛烷磺酸 perfluorooctane sulfonic acid (PFOS)
 - (b) 全氟辛烷磺酸的鹽類 salts of perfluorooctane sulfonic acid
 - (c) 全氟辛基磺酰氟 perfluorooctane sulfonyl fluoride (PFOSF)

3. 多溴聯苯 Polybrominated biphenyls (PBB) :
 - (a) 八溴聯苯 octabromobiphenyl
 - (b) 十溴聯苯 decabromobiphenyl

4. 多氯三聯苯 Polychlorinated terphenyls (PCT)

5. 鏈氯化石蠟 Short-chain chlorinated paraffins*

6. 四乙基鉛 Tetraethyl lead

7. 四甲基鉛 Tetramethyl lead

8. 三丁錫化合物 Tributyltin compounds* :
 - (a) 三丁錫氧化物 tributyltin oxide
 - (b) 三丁錫氟化物 tributyltin fluoride
 - (c) 三丁錫甲基丙烯酸 tributyltin methacrylate
 - (d) 三丁錫苯甲酸 tributyltin benzoate
 - (e) 三丁錫氯化物 tributyltin chloride
 - (f) 三丁錫亞油酸 tributyltin linoleate
 - (g) 三丁錫環烷酸 tributyltin naphthenate

9. 三(2,3-二溴丙磷酸酯)磷酸鹽 Tris (2,3-dibromopropyl) phosphate

* 2018年新修訂《有毒化學品管制條例》內新增的2種受管制化學品。
2 new chemicals included in HCCO amendment 2018.