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**(ACE Paper 57/96)**  
**for Information**

## **Ozone Layer Protection (Amendment) Bill**

### **INTRODUCTION**

The Ozone Layer Protection (Amendment) Bill attached at Annex 1 is submitted for Member's information.

### **BACKGROUND**

2. Members considered and endorsed the proposed amendments to the Ozone Layer Protection Ordinance in the ACE meeting of 20 November 1995. The ACE paper (52/95) is at Annex 2. The trade and the relevant government departments/branches have since been consulted, and the amendment bill prepared.

### **REVISIONS OF THE PROPOSED AMENDMENTS**

3. Some changes were made to the endorsed proposal as a result of the advice from the Attorney General's Chambers (AGC). Major changes with reasons are given below:

a) **Appeal to Administrative Appeals Board**

The previously proposed Appeal Board to be formed under this Ordinance is replaced by the Administrative Appeals Board. The reason is that it is Government policy to avoid proliferation of individual appeal bodies by making use of the Administrative Appeals Board wherever possible, particularly in licensing and registration matters.

b) **Handling of scheduled substances found without an owner**

- i) The provision to empower DEP to order the storage of the scheduled substance found without an owner at a specified place is deleted. The reason is that it is not justified to impose such a requirement unless the substance found is connected with an offence.
- ii) A provision is added to allow the genuine owner of the forfeited scheduled substance to claim return of the forfeiture by submitting a petition to the Secretary. The reason is that it is necessary to give the owner an opportunity to claim return of the forfeited substance if he misses the original notice to invite a claim for some reasons.

c) **Payment of storage charges to be stated**

A provision is added to expressly empower DEP and the Magistrate to require any storage fee to be charged to the owner, as advised by AGC.

d) **Storage of seized scheduled substances**

The provision to empower DEP to require the owner of the seized scheduled substances to store the substance at a specified place is deleted. The reason is that the storage of the seized scheduled substances should be the responsibility of the Authority.

e) **Falsifying information etc. to be an offence**

The provision is deleted. The reason is that similar provision has been provided for in the Crime Ordinance Cap. 200.

f) **Directors of body corporate can be liable**

The provision is deleted. The reason is that similar provision has been provided for in the Interpretation and General Clause Ordinance Cap. 1 and the Criminal Procedure Ordinance Cap. 221.

## **CONSULTATION**

4. Consultation with relevant trade associations, all registered importers and exporters of the scheduled substances, and relevant government departments/branches were made. None of them raised any objection.

## **IMPLEMENTATION**

5. Subject to the Legislative Council's approval, the Amendments Bill is intended to be implemented in early 1997.

## **ECONOMIC IMPLICATION**

6. The proposed amendments have no economic impact on the industries.

## **ENVIRONMENTAL PROTECTION DEPARTMENT**

**Air Policy Group**

**October 1996**