

**VOC Control Advisory Notice No. 09-01**  
**Air Pollution Control (Volatile Organic Compounds) Regulation**  
**Exemption of Trade Samples**

1. Under the Air Pollution Control (Volatile Organic Compounds) Regulation, trade samples of regulated products are subject to the same control as regulated products. Nonetheless, in accordance with section 21(1)(c) of the above Regulation, the Environmental Protection Department (EPD) may grant exemption to trade samples if the regulated product is manufactured or imported as a trade sample and is not intended for sale in Hong Kong. “Sale” here includes (i) offer or expose for sale; (ii) supply without payment; (iii) offer or expose for supply without payment. As such, EPD will normally not grant exemption to trade samples under the following circumstances:

- (a) The regulated product is intended for use in Hong Kong; or
- (b) The regulated product is being sold in Hong Kong.

2. Individual importers or local manufacturers who wish to apply for exemption of the trade sample of a regulated product intended to be imported into or manufactured in Hong Kong shall submit to EPD detailed information, including but not limited to the following, for consideration:

- (a) Document showing the confirmation from the supplier of the trade sample that the regulated product is not yet available in the local market;
- (b) Confirmation that the regulated product is not intended to be used in Hong Kong;
- (c) Brand, product type, size and total quantity of the trade sample and the saleable unit size of the regulated product;
- (d) Confirmation that each and every trade sample will bear a legible sign or label containing the text “貿易樣本非供在香港出售 TRADE SAMPLE NOT FOR SALE IN HONG KONG” and the proposed design of the label;
- (e) Manufacturing country of the trade sample and the location where it will be stored when it is in Hong Kong;
- (f) Target users;
- (g) Disposal means of the trade sample; and
- (h) Justifications for the application.

3. The application together with the above information shall be sent by hand or by post to the following address:

Territorial Control Office,  
Environmental Protection Department,  
Room 3402, Hopewell Centre,  
183 Queen's Road East,  
Wan Chai, Hong Kong.  
(Attn: VOC Control)

4. EPD will consider applications on a case-by-case basis. If an exemption is granted, EPD may impose conditions in accordance with section 21(2) of the Regulation. An exemption will not normally last for more than two years and will be automatically withdrawn if the applicant is in breach of any of the conditions set out therein.

5. While EPD will be diligent in processing applications, the time required to process an application will very much depend on the number of applications received. Applicants are strongly advised to apply early and allow ample time for processing by EPD.

6. Notwithstanding the application procedure set out above, applicants may follow a simplified procedure for trade samples not exceeding 100 saleable units or 100 kg of each regulated product having the same composition per annum, whichever the less. Subject to meeting the standard requirements, approval will be given for one or more types of regulated products, including regulated architectural paints, printing inks, hairsprays, aerosol insect repellents, air fresheners, insecticides, floor wax strippers, multi-purpose lubricants, vehicle refinishing paints, vessel paints, pleasure craft paints, adhesives and sealants.

7. An applicant adopting the simplified procedure shall complete the attached standard letter and undertake to meet the following conditions:

- Obtaining confirmation from the supplier of the trade sample that the regulated product concerned has not been supplied in Hong Kong prior to its import/local manufacture;
- Confirming that the applicant shall not introduce the regulated product concerned into Hong Kong for sale/use whilst the exemption is in force;
- Fixing on the surface of the packaging a legible sign or label containing the text "貿易樣本非供在香港出售 TRADE SAMPLE NOT FOR SALE IN HONG KONG" on each and every exempted trade sample;

- Submitting to EPD a report on or before 31 March of each year on the total quantities of exempted trade samples imported/locally manufactured in the preceding year (from 1 January to 31 December);
- Maintaining full records of the exempted trade samples, including suppliers' confirmations, dates of import, brands, quantities and disposal means for three years and making them available to EPD on request.

The completed standard letter shall be sent by hand or by post to the address stated in paragraph 3.

8. Within 14 days of the receipt of an application under the simplified procedure, EPD will write to the applicant confirming whether an exemption will be granted. Irrespective of an exemption granted, any breach of the standard conditions/requirements will automatically nullify the exemption.

9. The above arrangements apply to all regulated products and take immediate effect.

10. EPD will review the exemption arrangements from time to time and reserve the right to make whatever changes deemed necessary.

Environmental Protection Department  
3 October 2018