

L.N. 180 of 2007**HAZARDOUS CHEMICALS CONTROL (GENERAL)
REGULATION**

(Made by the Secretary for the Environment under section 45 of the
Hazardous Chemicals Control Ordinance (19 of 2007))

PART 1**PRELIMINARY****1. Commencement**

This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment by notice published in the Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires—
“name” (名稱), in relation to a scheduled chemical, means the name of that chemical as specified in column 2 of Part 1 of Schedule 1 or 2 of the Ordinance;
“specified form” (指明表格), in relation to any matter, means the form specified by the Director under section 49 of the Ordinance in relation to that matter.

PART 2**REQUIREMENTS RELATING TO APPLICATIONS
MADE UNDER ORDINANCE****3. Application for issue of permit under
section 10 of Ordinance**

(1) An application for the issue of a permit under section 10(1) of the Ordinance shall—

- (a) be made in writing to the Director;
- (b) be in the specified form;
- (c) include the information and particulars specified in subsection (2); and
- (d) be accompanied by the prescribed fee.

- (2) The information and particulars referred to in subsection (1)(c) are—
- (a) the name and address of the applicant;
 - (b) the business name (if any) of the applicant;
 - (c) the activity in respect of which a permit is sought;
 - (d) in relation to each scheduled chemical in respect of which a permit is sought—
 - (i) the name of the chemical;
 - (ii) the address or (where applicable) location of each of the premises at which the chemical is to be manufactured, exported, imported or used; and
 - (iii) the purpose for which the chemical is to be manufactured, exported, imported or used; and
 - (e) such other information and particulars as are specified in the specified form.

4. Application for renewal of permit under section 10 of Ordinance

An application for the renewal of a permit under section 10(2) of the Ordinance shall—

- (a) be made in writing to the Director;
- (b) be in the specified form;
- (c) include such information and particulars as are specified in the specified form; and
- (d) be accompanied by the prescribed fee.

5. Application for variation of permit conditions under section 13 of Ordinance

An application for the variation of the conditions of a permit under section 13(1) of the Ordinance shall—

- (a) be made in writing to the Director;
- (b) be in the specified form;
- (c) include such information and particulars as are specified in the specified form; and
- (d) be accompanied by the prescribed fee.

6. Application for variation of directions given under section 22 of Ordinance

(1) An application for the variation of the directions given under section 22(1) of the Ordinance shall be made within 10 working days after the notice of cancellation is served on the permit holder.

- (2) The application shall—
- (a) be made in writing to the Director;
 - (b) be in the specified form;
 - (c) state—
 - (i) the grounds of the application; and
 - (ii) the facts and circumstances that the permit holder relies on in support of those grounds; and
 - (d) include such other information and particulars as are specified in the specified form.

7. Application for issue of duplicate permit under section 39 of Ordinance

An application for the issue of a duplicate permit under section 39(1) of the Ordinance shall—

- (a) be made in writing to the Director;
- (b) be in the specified form;
- (c) include such information and particulars as are specified in the specified form; and
- (d) be accompanied by the prescribed fee.

8. Requirement to provide additional information, etc. by Director

The Director may, by notice in writing, require a person who makes any application referred to in this Part to provide any additional information, particulars and documents that are reasonably necessary to enable him to determine the application concerned.

PART 3

DURATION OF PERMITS

9. Duration of permit issued or renewed under section 10 of Ordinance

(1) A permit issued or renewed under section 10 of the Ordinance shall be for a period of 12 months or for such shorter period as is specified in the permit.

- (2) Notwithstanding subsection (1)—
- (a) a permit issued under section 17(1) of the Ordinance shall not in any case continue to have effect after the time at which the permit returned under section 16 of the Ordinance would have been expired; and
 - (b) a permit issued under section 31(3)(b) or (4)(b) of the Ordinance shall not in any case continue to have effect after the time at which the permit returned under section 31(3)(a) or (4)(a) of the Ordinance would have been expired.

Edward YAU

Secretary for the Environment

24 September 2007

Explanatory Note

This Regulation is made by the Secretary for the Environment under section 45 of the Hazardous Chemicals Control Ordinance (19 of 2007) (“the Ordinance”).

2. The Regulation mainly provides for applications for—
- (a) the issue or renewal of permits for the manufacture, export, import or use of scheduled chemicals (Note: the term “scheduled chemical” is defined in section 2 of the Ordinance.);
 - (b) the variation of permit conditions;
 - (c) the variation of the directions of the Director of Environmental Protection (“the Director”) regarding the disposal of scheduled chemicals; and
 - (d) the issue of duplicates of permits.

The Regulation also provides for the imposition of requirements by the Director in relation to such applications, and the duration of permits issued or renewed under the Ordinance.