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By Fax & E-Mail

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Subcommittee on Ozone Layer Protection (Products Containing Scheduled Substances)
(Import Banning) (Amendment) Regulation 2009
Panel on Environmental Affairs
Legislative Council

Attn: Miss Mandy Poon (mpoon@legco.gov.hk)
Clerk to the Subcommittee

To whom it may concern,

**October 13th Subcommittee Meeting on Ozone Layer Protection (Products
Containing Scheduled Substances) (Import Banning) (Amendment) Regulation 2009:
Green Council Submission**

Thank you for inviting the Green Council to contribute comments and suggestions on the Ozone Layer Protection (Products Containing Scheduled Substances) Import Banning (Amendment) Regulation 2009 (herein after "Amendment Regulation") for meeting the new requirements of the Montreal Protocol on Substances that Deplete the Ozone Layer ("Montreal Protocol"), specifically at the upcoming Meeting. For the Subcommittee's consideration, I am pleased to submit the following pre-meeting comments and suggestions:

In October 2008, the Green Council had expressed our support to the HKSAR Government's proposal on banning the import of products using hydrochlorocarbons (HCFCs) by amending the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation (Cap. 403C). In line with the HKSAR Government's green initiatives on a more comprehensive import ban on the controlled products and increment on the penalties for an offence, the Green Council believes that the Amendment Regulation, with compliance to the Non-Article 5 Parties, can timely reduce unnecessary release of the ozone layer depleting substances to the atmosphere at an accelerated phase-out rate.

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As Green Council developed and is implementing the Hong Kong Green Label Scheme (HKGLS) which includes a wide spectrum of products (e.g. refrigeration appliances, air-conditioners, construction materials, etc) which have to comply with legislation and/or the requirements for not containing the HCFCs and the CFCs so as to be accredited with the Hong Kong Green Label. After reviewing the proposal, we have the following general and specific comments and suggestions:

General Comments

Green Council is fully aware of the severity of the environment problems brought by the HCFCs. In order to meet the new commitments under the 2007 Montreal Adjustment and keep the pace with the accelerated phase out schedule, there is an immediate need for following international practices for banning the import and use of HCFCs in Hong Kong. With the support from the stakeholders, the curtailing the HCFC consumption by 75% in 2010 (c.f. the baseline level of 1989) and banning the import of all products using HCFC, MDI and CFC by 1st January 2010 shows that the HKSAR Government, together with other nations, dedicates to protect the ozone layer.

Specific Comments

1. As an advanced and well-developed international metropolis, the use and import of all HCFC should be banned from 2015 (i.e. 5 years earlier than the proposal schedule);
2. For ease of enforcement, only one intermediate phase for all kinds of HCFCs should be scheduled instead of proposed 3 phases;

The above summarizes the Green Council's position on the desirable control measures to protect the ozone layer in compliance with the Montreal Protocol.

Thank you for your consideration and the Green Council hope that the HKSAR Government would make appropriate amendments to the proposal so as to ensure the effectiveness and practicality during implementation.

Yours Sincerely,

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Project Manager