

LEGISLATIVE COUNCIL BRIEF

**Ozone Layer Protection Ordinance
(Amendment of Schedule) Order 2009**

INTRODUCTION

Pursuant to section 17 of the Ozone Layer Protection Ordinance (Cap. 403) (the “OLPO”), the Secretary for the Environment has made the Ozone Layer Protection Ordinance (Amendment of Schedule) Order 2009 (the “Order”) to amend the Schedule to the OLPO for fulfillment of the international obligations of the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”).

JUSTIFICATIONS

2. To ensure earlier recovery of the ozone layer, which protects all life on earth against harmful ultraviolet radiation, the 11th Meeting of the Parties to the Montreal Protocol in 1999, had made “the Beijing Amendment” to add bromochloromethane (BCM) as an ozone layer depleting substance to be controlled under the Montreal Protocol. In anticipation of the ratification of the Beijing Amendment by the Central People’s Government, the Order is to include this substance as a new scheduled substance to be subject to control under the OLPO .

3. In addition, the Order also changes the Chinese terms of certain scheduled substances to conform to the version used by United Nations, and specifies explicitly in the Schedule that each of the scheduled substances includes its isomers to avoid any possible misunderstanding or confusion.

THE ORDER

4. This Order amends the Schedule to the OLPO to –
- (i) add BCM to the Schedule to bring this additional ozone layer depleting substance under the control of the OLPO;
 - (ii) make it clear that a scheduled substance includes the isomers of that substance; and
 - (iii) change the Chinese terms of certain scheduled substances to conform to the version used by the United Nations.

LEGISLATIVE TIMETABLE

5. We will publish the Order in the Gazette on 29 May 2009 and table it at the Legislative Council for negative vetting on 3 June 2009. Subject to the negative vetting by the Legislative Council, the Order will take effect on 1 October 2009.

IMPLICATIONS OF THE PROPOSAL

6. It will not incur additional financial implications for Government. Enforcement of the amendments will be carried out by existing staff. The

amendments are in conformity with the Basic Law, including the provisions concerning human rights.

Economic Implications

7. The inclusion of the BCM to the Schedule to the Ordinance does not have any impact on the industrial and commercial sectors as BCM has not been produced, used or imported to the local market.

Environmental Implications

8. The inclusion of BCM as a scheduled substance will ensure a more comprehensive control on ozone layer depleting substances to further reduce unnecessary release of these substances to the atmosphere and is in line with the sustainability principles of avoiding environmental problems for present and future generations, and seeking to find opportunities to enhance environmental quality.

PUBLIC CONSULTATION

9. Consultation with all registered importers and exporters of the scheduled substances were made. None of them raised any objection. We have also consulted the Advisory Council on the Environment and Panel on Environmental Affairs of the Legislative Council and their support to the proposal has been given in November 2008.

PUBLICITY

10. A press release will be issued before the gazettal of the Order.

ENQUIRY

11. For any enquiry relating to this brief, please contact Mr. PANG Sik-wing, Principal Environmental Protection Officer (Air Policy), at 25946300.

Environmental Protection Department
May 2009