

L.N. 96 of 2010**GENETICALLY MODIFIED ORGANISMS
(DOCUMENTATION FOR IMPORT
AND EXPORT) REGULATION**

(Made by the Secretary for the Environment under section 50 of the
Genetically Modified Organisms (Control of Release)
Ordinance (7 of 2010))

1. Commencement

This Regulation comes 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—

“exporter” (輸出者)—

- (a) in relation to a GMO imported into Hong Kong from another place, means the person who exports the GMO from that other place; or
- (b) in relation to a GMO exported from Hong Kong to another place, means the person who exports the GMO from Hong Kong;

“importer” (輸入者)—

- (a) in relation to a GMO imported into Hong Kong from another place, means the person who imports the GMO into Hong Kong; or
- (b) in relation to a GMO exported from Hong Kong to another place, means the person who imports the GMO into that other place;

“safety requirement” (安全規定), in relation to a GMO imported into or exported from Hong Kong, means any requirement for the safe handling, storage, transport or use of the GMO under—

- (a) any applicable existing international instrument;
- (b) any Ordinance; or
- (c) any agreement entered into by the importer and exporter of the GMO;

“transformation event code” (轉基因事件編碼), in relation to a GMO, means the code given to the GMO by the person who develops the GMO on the integration of a transgene into the cell of the GMO;

“unique identifier code” (獨特標識編碼), in relation to a GMO, means the unique code that is—

- (a) assigned to the GMO in accordance with the Organisation for Economic Co-operation and Development Guidance for the Designation of a Unique Identifier for Transgenic Plants; and
- (b) entered into the Biosafety Clearing-House or other unique identification systems adopted by the Conference of the Parties.

3. Documentation required for GMOs intended for direct consumption as food or feed or for processing

(1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for direct consumption as food or feed or for processing must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—

- (a) the statements specified in subsection (2); and
 - (b) the particulars specified in subsection (3).
- (2) The statements are—
- (a) a statement to the effect that—
 - (i) if the identity of the GMO is not known, the shipment in which the GMO is imported or exported may contain a GMO that is intended for direct consumption as food or feed or for processing; or
 - (ii) if the identity of the GMO is known, the shipment in which the GMO is imported or exported contains a GMO that is intended for direct consumption as food or feed or for processing; and
 - (b) a statement to the effect that the GMO is not intended for release into the environment.
- (3) The particulars are—
- (a) the Internet address of the Biosafety Clearing-House;
 - (b) the name, address and contact details of—
 - (i) the importer and exporter of the GMO; and
 - (ii) each designated authority in relation to the GMO, if any; and
 - (c) if the identity of the GMO is known—
 - (i) its common name and scientific name and, if available, its commercial name; and
 - (ii) its transformation event code and, if available, its unique identifier code.

- (4) In this section—
“designated authority” (指定當局), in relation to a GMO imported into Hong Kong from another place or exported from Hong Kong to another place, means an authority designated as the contact point to provide information relating to the GMO by—
- (a) the Director; or
 - (b) the government of that other place.

4. Documentation required for GMOs intended for contained use

(1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for contained use must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—

- (a) a statement to the effect that the shipment in which the GMO is imported or exported contains a GMO that is intended for contained use;
 - (b) the safety requirements applicable to the GMO or, if there is no such requirement, a statement to that effect; and
 - (c) the particulars specified in subsection (2).
- (2) The particulars are—
- (a) the name, address and contact details of the consignee;
 - (b) the name, address and contact details of—
 - (i) if the GMO is imported into Hong Kong from another place, the importer of the GMO; or
 - (ii) if the GMO is exported from Hong Kong to another place, the exporter of the GMO;
 - (c) if available, the name, address and contact details of—
 - (i) if the GMO is imported into Hong Kong from another place, the exporter of the GMO; or
 - (ii) if the GMO is exported from Hong Kong to another place, the importer of the GMO;
 - (d) the common name and scientific name of the GMO and, if available, the commercial name of the GMO; and
 - (e) new or modified traits and characteristics of the GMO (including specification of use of the GMO and, if available, the transformation event code, unique identifier code and risk class of the GMO).

5. Documentation for GMOs intended for release into environment

(1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for release into the environment must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—

- (a) a statement to the effect that the shipment in which the GMO is imported or exported contains a GMO that is intended for release into the environment;
- (b) the safety requirements applicable to the GMO or, if there is no such requirement, a statement to that effect;
- (c) the particulars specified in subsection (2); and
- (d) a declaration by the exporter of the GMO that the transboundary movement of the GMO is in conformity with the requirements of the Protocol that are applicable to the exporter.

(2) The particulars are—

- (a) the name, address and contact details of the importer and exporter of the GMO;
- (b) the name, address and contact details of any person who is able to provide information relating to the safe handling, storage, transport or use of the GMO in case of emergency;
- (c) the common name and scientific name of the GMO and, if available, the commercial name of the GMO;
- (d) the traits and characteristics of the GMO, including the transgenic traits and characteristics of the GMO (including the transformation event code of the GMO and, if available, the unique identifier code and risk class of the GMO); and
- (e) if the GMO has been approved for release into the environment under section 10 of the Ordinance—
 - (i) the approval number assigned to the approval; and
 - (ii) the conditions attached to the approval, if any.

6. Prescribed percentage

For the purposes of section 26(2)(c) of the Ordinance, the prescribed percentage in relation to GMOs intended for direct consumption as food or feed or for processing is 5%.

Edward YAU

Secretary for the Environment

5 July 2010

Explanatory Note

Section 26(1) of the Genetically Modified Organisms (Control of Release) Ordinance (7 of 2010) provides that genetically modified organisms (“GMOs”) that are intended for direct consumption as food or feed or for processing, GMOs that are intended for contained use and GMOs that are intended for release into the environment must be accompanied by prescribed documents when being imported into or exported from Hong Kong. The requirement, however, does not apply if certain conditions are met. Two of the conditions are that the GMOs are imported or exported in a lot together with other living organisms, and that the percentage of the quantity of the GMOs to the total quantity of living organisms in the lot does not exceed the prescribed percentage.

2. The purpose of this Regulation is to provide for the detailed documentation requirements in relation to GMOs intended to be used for the purposes described above. The Regulation also provides that the prescribed percentage in relation to GMOs intended for direct consumption as food or feed or for processing is 5%.