

立法會
Legislative Council

LC Paper No. LS21/16-17

**Paper for the House Committee Meeting
on 6 January 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 December 2016**

Tabling in LegCo : Council meeting of 11 January 2017

Amendment to be made by : Council meeting of 8 February 2017 (or that of 1 March 2017 if extended by resolution)

**Hazardous Chemicals Control Ordinance (Amendment of
Schedule 1) Order 2016**

(L.N. 194)

The Hazardous Chemicals Control Ordinance (Cap. 595) regulates the manufacture, export, import and use of non-pesticide hazardous chemicals through a permit system. These chemicals, including those subject to the regulation of the Stockholm Convention on Persistent Organic Pollutants ("the Stockholm Convention")¹, are specified in Schedules 1 and 2 to Cap. 595.

2. L.N. 194 is made by the Secretary for the Environment under section 50(1) of Cap. 595 to give effect to the amendment adopted by the Conference of the Parties to the Stockholm Convention in 2013 ("the 2013 amendment") by adding "hexabromocyclododecane" ("HBCD") to Part 1 of Schedule 1 to Cap. 595. The effect of L.N. 194 is that HBCD will be subject to the regulatory regime under Cap. 595. Under sections 6 to 9 of Cap. 595, it is an offence, punishable with a fine at level 5 (i.e. \$50,000) and imprisonment for one year, for any person who manufactures, exports, imports or uses HBCD without a permit.

¹ The Stockholm Convention aims to control or restrict the trade, production and use of persistent organic pollutants such as pesticides and industrial chemicals, and reduce and ultimately eliminate the production and release of dioxins and furans which are very toxic by nature. According to paragraph 2 of the LegCo Brief, the Stockholm Convention entered into force in the People's Republic of China, including the Hong Kong Special Administrative Region, in November 2004.

3. According to paragraph 5 of the LegCo Brief (File Ref: EP1030/C1/3) issued by the Environmental Protection Department in December 2016, HBCD is used as additive brominated flame retardants and is included in Annex A to the Stockholm Convention owing to its toxicity, persistence, bioaccumulative nature and scale of use. Members may refer to the LegCo Brief for further information.
4. According to paragraph 12 of the LegCo Brief, the Administration organized two consultation sessions in December 2014 and March 2015 respectively covering the proposed listing of HBCD in the Schedule to Cap. 595. The two sessions were attended by about 100 stakeholders from different sectors. The attendees raised no objection to the control of HBCD.
5. L.N. 194 comes into operation on 1 June 2017.
6. According to the Clerk to the Panel on Environmental Affairs ("EA Panel"), the Administration provided an information paper (LC Paper No. CB(1)162/16-17(01)) to EA Panel in November 2016 on the proposed amendment to Schedule 1 to Cap. 595 for implementing the 2013 amendment (i.e. L.N. 194), and its plan to table it before the Legislative Council for negative vetting. The paper was circulated to members of EA Panel on 22 November 2016. By the specified deadline, no request was received from members to discuss the matter.
7. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 194.

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