

**For information on**  
28 November 2016

**LEGISLATIVE COUNCIL**  
**PANEL ON ENVIRONMENTAL AFFAIRS**

**Proposed Amendment to Schedule 1 to**  
**the Hazardous Chemicals Control Ordinance (Cap. 595)**

This paper informs Members of our plan to amend Schedule 1 to the Hazardous Chemicals Control Ordinance, Cap. 595 (the Ordinance) in order to give effect to the 2013 amendment of the Stockholm Convention on Persistent Organic Pollutants (the Convention).

**BACKGROUND**

2. The Convention aims to (i) control or restrict the trade, production and use of persistent organic pollutants (POPs); and (ii) reduce and ultimately eliminate the production and release of unintentionally produced POPs<sup>1</sup>. POPs covered by the Convention include pesticides, industrial chemicals and unintentionally produced by-products of industrial processes. The Convention entered into force in the People's Republic of China (China) including the Hong Kong Special Administrative Region (HKSAR) in November 2004.

3. To fulfil our obligations under the Convention, the Ordinance<sup>2</sup> was enacted in Hong Kong in 2008 to regulate the manufacture, export, import and use of non-pesticide hazardous chemicals<sup>3</sup> through a permit system. Section 50 of the Ordinance stipulates that the Secretary for the Environment may by order

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<sup>1</sup> Unintentionally produced POPs are dioxins and furans which are very toxic by nature.

<sup>2</sup> The Ordinance also serves to implement the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade in Hong Kong.

<sup>3</sup> Pesticides controlled under the Stockholm Convention are regulated by the Pesticides Ordinance (Cap. 133).

published in the Gazette make any amendments to the list of Convention-regulated chemicals<sup>4</sup> in the Schedules to the Ordinance.

4. The list of POPs under the Convention is amended from time to time to add in new chemicals. Upon entry into force by China, including HKSAR, of an amendment to the list, we will amend Part 1 of Schedule 1 to the Ordinance to give effect to the amendment of the Convention list. The last amendment to the Ordinance took effect in 2015, covering the Convention's list of POPs up to 2011.

## **PROPOSED AMENDMENT**

5. Hexabromocyclododecane (HBCD) has been widely used globally as additive brominated flame retardants (BFRs) in extruded and high-impact polystyrene foams applied in thermal insulation building materials, upholstery textiles and electrical equipment housings. HBCD is commonly used to replace polybrominated diphenyl ether, which was put under the elimination list (i.e. Annex A) of the Convention in 2009. However, HBCD itself has become a concern owing to its toxicity, persistence, bioaccumulative nature and scale of use. At its 6<sup>th</sup> meeting held in 2013, the Conference of the Parties to the Convention adopted an amendment to the POP list by adding HBCD. Details of the amendment are at **Annex**.

6. The Office of the Commissioner of the Ministry of Foreign Affairs informed us that China, as a Party to the Convention, tendered its acceptance to the above amendment on 27 September 2016. In accordance with the Convention, the amendment will enter into force in China including the HKSAR on 26 December 2016 (i.e. the ninetieth day after the date of the said acceptance). To give effect to this amendment to the Convention in Hong Kong, we shall amend Part 1 of Schedule 1 to the Ordinance accordingly. The amendment of the Schedule does not change the existing permit control mechanism of the Ordinance, which requires a valid permit for any import, export, manufacture and use of the scheduled chemicals. Once HBCD is included into Schedule 1, it will be subject to the same permit control mechanism currently applied to the existing hazardous chemicals listed in that Schedule to the Ordinance.

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<sup>4</sup> Under the Hazardous Chemicals Control Ordinance, a chemical is a Convention-regulated chemical if the chemical is subject to the regulation of the Stockholm Convention.

## **EXPECTED BENEFITS**

7. The Ordinance contains provisions for prohibiting or restricting the manufacture, import, export and use of the listed non-pesticide hazardous chemicals subject to the regulation of the Convention. By taking forward the above amendment, HBCD which is classified as a POP under the Convention will be subject to control under the Ordinance, thus protecting the general public against the potential health and environmental threats due to exposure to this chemical.

## **PUBLIC CONSULTATION**

8. We conducted a survey in May 2014 on the use of HBCD in Hong Kong. The survey covered around 400 stakeholders from 26 industry groups including chemicals, pharmaceutical & petroleum products, chemical waste collectors, construction contractors, certified laboratories, trade associations, and permit holders under the Ordinance. The survey indicated that only 9 organisations have imported or used HBCD in year 2011 to 2013 as a standard reference material for providing laboratory testing or certification services, with quantities used or stockpiled ranging from only 1 mg to 28 g. No manufacture of HBCD or use of HBCD in manufacturing processes was found in the survey.

9. We organised two consultation sessions in December 2014 and March 2015 respectively covering the proposed listing of HBCD in the Schedule to the Ordinance. The two sessions were attended by a total of about 100 stakeholders from different sectors including the academia, chemical traders, fire service contractors, trade associations and relevant government departments. The attendees raised no objection to the control of HBCD and some enquired about issues relating to the permit requirements and time-frame for making the permit applications.

## **WAY FORWARD**

10. We plan to table the proposed amendment to Schedule 1 to the Ordinance at the Legislative Council for negative vetting in December 2016. The new requirements will take effect in June 2017 and we shall publicise the new control regime in the coming months.

**Environmental Protection Department**  
**November 2016**

**Proposed Amendment to the Schedule to  
the Hazardous Chemicals Control Ordinance (HCCO) (Cap. 595)**

**Inclusion of HBCD in the Annex to the Stockholm Convention**

**1. Annex A**

Item	Chemical	CAS Registry Number
1	Hexabromocyclododecane	
	(a) hexabromocyclododecane	25637-99-4
	(b) 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers:	3194-55-6
	(i) alpha- hexabromocyclododecane	134237-50-6
	(ii) beta-hexabromocyclododecane	134237-51-7
	(iii) gamma-hexabromocyclododecane	134237-52-8

**Note:** Part 1 of Schedule 1 to the HCCO will be amended to include the above chemicals listed in Annex A of the Stockholm Convention.