

立法會
Legislative Council

LC Paper No. LS35/17-18

**Paper for the House Committee Meeting
on 23 February 2018**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 9 February 2018**

Tabling in LegCo : Council meeting of 28 February 2018

Amendment to be made by : Council meeting of 28 March 2018 (or that of 25 April 2018 if extended by resolution)

**Hazardous Chemicals Control Ordinance (Amendment of
Schedule 2) Order 2018** **(L.N. 23)**

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 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ("the Rotterdam Convention"), are specified in Schedules 1 and 2 to Cap. 595.

2. L.N. 23 is made by the Secretary for the Environment under section 50(1) of Cap. 595 to give effect to the amendment made in 2017 to the list of chemicals at Annex III to the Rotterdam Convention by adding two chemicals, namely, "short-chain chlorinated paraffins" ("SCCPs") and "tributyltin compounds" ("TBT"), to Part 1 of Schedule 2 to Cap. 595. The effect of L.N. 23 is to subject SCCPs and TBT to the regulatory regime under Cap. 595. With effect from 1 July 2018, manufacturing, exporting, importing or using SCCPs or TBT without a permit is an offence punishable with a fine at level 5 (i.e. \$50,000) and imprisonment for one year.

3. According to paragraphs 5 to 7 of the Legislative Council ("LegCo") Brief (File Ref: EP1030/C1/3) issued by the Environmental Protection Department in February 2018, SCCPs and TBT are used for various purposes including those relating to the manufacturing of plastic products and

the processing of polyvinyl chloride. They are included in Annex III to the Rotterdam Convention as industrial chemicals in view of their toxicity, persistence in the environment and bioaccumulative nature.

4. According to paragraph 15 of the LegCo Brief, the Administration informed the relevant stakeholders in 2017 of the proposed inclusion of SCCPs and TBT in Schedule 2 to Cap. 595 and no objection to the proposal has been received.

5. As advised by the Clerk to the Panel on Environmental Affairs ("the Panel"), the Administration provided an information paper (LC Paper No. CB(1)483/17-18(01)) to the Panel in January 2018 on the above legislative proposal. The paper was circulated to members of the Panel on 16 January 2018. By the specified deadline, no request was received from members to discuss the matter at a Panel meeting.

6. L.N. 23 comes into operation on 1 July 2018.

7. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 23.

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