

LEGISLATIVE COUNCIL BRIEF

Ozone Layer Protection Ordinance (Chapter 403)

OZONE LAYER PROTECTION (AMENDMENT) BILL 2024

INTRODUCTION

At the meeting of the Executive Council on 26 November 2024, the Council **ADVISED** and the Chief Executive **ORDERED** that the Ozone Layer Protection (Amendment) Bill 2024 (“Amendment Bill”) at **Annex A** should be introduced into the Legislative Council (“LegCo”).

JUSTIFICATIONS

2. The Montreal Protocol on Substances that Deplete the Ozone Layer (“Montreal Protocol”) was extended to Hong Kong in 1988 and is implemented locally by the Ozone Layer Protection Ordinance (Cap. 403) (“OLPO”). In October 2016, further amendment was made to the Montreal Protocol by the Kigali Amendment¹ to control hydrofluorocarbons (“HFCs”) with high global warming potential (“GWP”)². Currently, the Kigali Amendment is not applicable to Hong Kong³.

¹ The text of the Kigali Amendment is at:
https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-2-f&chapter=27&clang=en

² The higher the GWP, the more adverse climate impact the gas causes.

³ After the required implementing legislation is in place, a letter will be submitted to the Central People’s Government seeking the application of the Kigali Amendment to Hong Kong.

Meeting the latest international standard

3. HFCs are primarily used in (i) refrigerants of air-conditioning and refrigeration equipment and (ii) fire suppressants. Some HFCs have high GWP, reaching up to 14 800 times that of carbon dioxide. These HFCs aggravate global warming significantly, which in turn cause serious problems such as extreme weather. There has been a consensus in the international world that the use of high GWP HFCs should be banned or controlled.

B 4. The Kigali Amendment seeks, inter alia, to phase down the production and consumption of the 18 high GWP HFCs listed at **Annex B** (“Scheduled HFCs”). Parties⁴ to the Kigali Amendment are required to:

- (i) implement a licensing system for the import and export of new, used, recycled and reclaimed⁵ Scheduled HFCs;
- (ii) report relevant import, export and production statistics to the United Nations Environment Programme’s Ozone Secretariat annually; and
- (iii) not to trade the Scheduled HFCs with non-parties of the Kigali Amendment, with effect from January 2033.

C 5. The Kigali Amendment also provides a clear phasedown schedule to the production and consumption of the Scheduled HFCs, as shown at **Annex C**. Parties to the Kigali Amendment are required to follow the applicable schedule. The Central People’s Government accepted the Kigali Amendment in 2021 and we began preliminarily seeking the trades’ views in August of the same year, but then the widespread of the Coronavirus disease postponed the local trade consultation and legislative process. To prepare for the application of the Kigali Amendment and meet its ultimate target of phasing down by 85% from the baseline the consumption of the Scheduled HFCs in 2036, we must start to phase down

⁴ As of end August 2024, there are 160 parties to the Kigali Amendment.

⁵ Recycling refers to the reuse of a recovered controlled substance following a basic cleaning process, such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment “on-site”. Reclamation refers to reprocessing and upgrading of a recovered controlled substance through mechanisms such as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing “off-site” at a central facility.

the HFCs production and consumption soonest practicable. Details of the HFCs baseline and phasedown schedule of Hong Kong are at **Annex D**.

6. The Amendment Bill aims to provide the legal basis for implementing the required phasedown. The Amendment Bill and the new subsidiary legislation to be made under the OLPO aim to provide a clear timetable, enabling the trade to timely adjust their operations and reduce reliance on the Scheduled HFCs.

A three-pronged control strategy

Control Strategy 1 Implement a licensing and quota system on the import and export of the Scheduled HFCs and prohibit local manufacture of the Scheduled HFCs

(Target Commencement Date: Q4 2025)

7. We propose to include the Scheduled HFCs as “scheduled substances” (i.e. substances that are set out in the Schedule to the OLPO) and extend the relevant control provisions on “scheduled substances” in the OLPO⁶ to cover the Scheduled HFCs. The new control will –

- (i) prohibit the local manufacture⁷ of the Scheduled HFCs;
- (ii) regulate the import and export of the Scheduled HFCs in bulk⁸ through a licensing system; and
- (iii) impose quota control on the quantities of the Scheduled HFCs imported for local use.

8. There is no local HFCs manufacture, and hence the proposed prohibition will not affect any existing manufacturers.

9. To meet the relevant requirement of the Kigali Amendment, we propose to implement a licensing system to require all traders to register with the Environmental Protection Department (“EPD”) and apply for a

⁶ Under the existing OLPO, all importation and exportation of ozone-depleting substances (“ODSs”) have to be covered by a valid licence, and the import quantity is controlled by a quota arrangement.

⁷ Recycling or reclamation is not regarded as “manufacture” for the purpose of the OLPO to be amended by the Amendment Bill.

⁸ The Scheduled HFCs pre-charged inside any imported equipment designed to operate on the Scheduled HFCs are not subject to licensing and quota control.

licence before importing or exporting any Scheduled HFCs. Such arrangement can ensure all cross-boundary trade of the Scheduled HFCs is conducted in a supervised manner.

10. In parallel, to control the quantity of the Scheduled HFCs imported for local use, we propose to set a ceiling on such importation volume via a quota arrangement. Quotas will be divided into two parts, namely normal quota and free quota, in a 7:3 ratio. The former will be allocated on a pro rata basis to existing importers based on their market shares while the latter is reserved for new entrants or existing importers who have exhausted their normal quota in that year. All Scheduled HFCs imported for local use must be covered by import quota. Importation of HFCs with extremely high GWP, i.e. HFC-23, will be fully banned, save for maintenance of ultra-low temperature refrigeration system and laboratory research.

11. To minimise impacts brought to the trade, except with the need to fulfil the licensing requirement, the rest of the abovementioned measures will not be applicable to the Scheduled HFCs imported for re-export purpose.

Control Strategy 2 Regulate the supply of products and equipment (“P&Es”) using high GWP HFCs
(Target Commencement Date: Progressively from mid-2026)

12. Regulating or prohibiting the supply of P&Es using high GWP HFCs can drive down local HFCs consumption at source and contribute to the combat of global warming. With technological advancement, we consider now timely to progressively implement such prohibition and encourage the market to step up its transition to using suitable lower GWP alternatives in an orderly manner.

13. We propose to empower the Secretary for Environment and Ecology (“SEE”) to make a new regulation, subject to the positive vetting of LegCo, to prescribe in a list certain P&Es, using refrigerants or fire suppressants that contain high GWP HFCs, as “Regulated HFC Products” and prescribe a GWP limit for each of these products. In the long run, we strive to prohibit the manufacture, import, sale and supply of all Regulated HFC Products using refrigerants or fire suppressants that exceed the corresponding GWP limits.

14. The initial list of Regulated HFC Products and their corresponding GWP limits with effective dates of respective prohibitions are at **Annex E**. To allow ample time for suppliers to clear the existing stocks of some small-sized air conditioners and refrigeration equipment that are widely used in households, offices, retail stores or restaurants, we will continue to monitor the market development and work with the suppliers on the way forward for these products. Given these products only constitute a small portion of local HFCs consumption, adopting a progressive prohibition on them will not undermine the phasedown of local HFCs consumption and our fulfilment of the Kigali Amendment.

Control Strategy 3 Mandate the recovery of refrigerants and fire suppressants and formulate handling guidelines
(Target Commencement Date and Regulated Equipment Registration Deadline: Q4 2026)

15. Recycling and reusing refrigerants and fire suppressants, which usually contain the Scheduled HFCs, can reduce the demand for the relevant new products. Given the Scheduled HFCs in recycled refrigerants and fire suppressants are not subject to the phasedown control of the Kigali Amendment, utilising these recycled materials can ensure our compliance with the Kigali Amendment, while helping to meet the demand for the Scheduled HFCs in the short to medium term.

16. To prepare for the fading out of refrigerants and fire suppressants that still use ODSs, we propose to also extend this recovery mandate to cover ODSs-containing refrigerants and fire suppressants. The extension can enhance the comprehensiveness of the recovery mandate and reduce possible damage to the environment during the relevant equipment installation, commissioning, maintenance and decommissioning processes.

17. We anticipate that the local market, as per many other advance economies, will gradually shift to low GWP refrigerants and fire suppressants. High GWP refrigerants and fire suppressants currently in use would soon be replaced. To minimize the potential environmental hazards during the relevant works processes⁹, technicians undertaking the relevant works should first be trained. Moreover, low GWP refrigerants may have flammability, higher toxicity or high operating pressure, which further cause an occupational safety concern. It is necessary to stipulate

⁹ High GWP refrigerants and fire suppressants may potentially vent out during the installation, commissioning, maintenance and decommissioning of the equipment, thereby potentially leading to environmental hazards.

clear guidelines in order to ensure the handling of these low GWP materials and the implementation of the recovery mandate are taken forward in a safe and environmentally friendly manner. As such, we propose to require technicians to complete training courses and obtain certification before carrying out corresponding handling works.

18. After assessing usage patterns and operational practice of the relevant trades, we propose to empower SEE to introduce a new regulation, subject to the positive vetting of LegCo, to –

- (i) prescribe (i) any air-conditioning and refrigeration equipment with HFCs/ODSs-containing refrigerants charge over 50 kg¹⁰, (ii) any fire extinguishing equipment with HFCs/ODSs-containing fire suppressants charge over 30 kg¹¹ and (iii) any air-conditioning and refrigeration equipment using refrigerants with flammability, higher toxicity or high operating pressure as “Regulated Equipment”;
- (ii) mandate the recovery and prohibit the intentional release¹² of HFCs/ODSs-containing refrigerants/fire suppressants used in the Regulated Equipment during installation, commissioning, maintenance, repairing and decommissioning;
- (iii) introduce handling guidelines on refrigerants with flammability, higher toxicity or high operating pressure; and
- (iv) prescribe the relevant responsibilities of the Regulated Equipment owners and the relevant refrigerant/fire suppressant handlers, as detailed at **Annex F**.

F

¹⁰ The threshold of 50-kg refrigerant charge is meant to cover large-sized stationary central air-conditioning equipment commonly installed in medium to large commercial and industrial premises, and central refrigeration equipment commonly installed in supermarkets and cold storage warehouses.

¹¹ The threshold of 30-kg fire suppressant charge is meant to cover fire extinguishing equipment commonly installed in mechanical plant rooms, dangerous goods stores, data centres and industrial plants.

¹² Intentional release refers to the allowing or causing substances to escape into the atmosphere without a statutory defence.

Implementing and updating relevant penalties

19. The existing penalties for the offences under the Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403B)¹³ have not been updated since it came into effect in 1994. We propose to update these penalties so as to enhance the deterrence of our control over different ODSs. The proposed update is set out in the table below.

	Current Penalty	Proposed New Penalty
Sections 5(1) ¹⁴	Maximum fine of \$100,000	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.
Section 6(2) ¹⁵		
Section 7(3) ¹⁶		
Section 8(2) ¹⁷		

20. Separately, to cope with the aforementioned three control strategies, we propose to also create a set of new offences under the regulations to be made. Details of the new offences and their corresponding penalties are set out at **Annex G**.

G

OTHER OPTIONS

21. Legislative amendment is the only option to implement the Kigali Amendment. There is no other alternative.

¹³ Since commencement, Cap. 403B controls matters related to three chlorofluorocarbons (“CFCs”)-containing refrigerants. The scope of control of Cap. 403B has never been changed.

¹⁴ Section 5 of Cap. 403B prohibits the releasing of the three CFCs-containing refrigerants from refrigeration equipment in which the refrigerant charge is over 50kg (“large refrigeration equipment”) or motor vehicle air-conditioners.

¹⁵ Section 6 of Cap. 403B controls the type of equipment and the manner of using the equipment during recycling works of the three CFCs-containing refrigerants.

¹⁶ Section 7 of Cap. 403B requires the keeping of records regarding the three CFCs-containing refrigerants in relation to large refrigeration equipment in the premises.

¹⁷ Section 8 of Cap. 403B requires the keeping of records regarding the three CFCs-containing refrigerants in relation to any business that includes servicing, repairing or decommissioning motor vehicle air-conditioners.

THE AMENDMENT BILL

22. Our main legislative proposals as contained in the Amendment Bill are set out below. The Amendment Bill seeks to, inter alia –

OLPO

- (a) amend the long title of the OLPO so that the scope of the OLPO will cover the implementation of the Kigali Amendment, the proposed control on the Scheduled HFCs and matters relating to the safe handling of refrigerants with flammability, higher toxicity or high operating pressure;
- (b) add the Scheduled HFCs (listed at **Annex B**) as “scheduled substances” in a new Part 10 of the Schedule to the OLPO;
- (c) prohibit the manufacture of the Scheduled HFCs in Hong Kong;
- (d) control the import and export of the Scheduled HFCs through the existing system of registration and licensing for “scheduled substances”;
- (e) amend and expand the regulation-making powers of SEE under section 16 of the OLPO and in particular to provide new powers to SEE to make two new pieces of subsidiary legislation to effect Control Strategies 2 and 3¹⁸; and
- (f) empower the Director of Electrical and Mechanical Services to exercise various powers and perform various functions under the OLPO, including the appointment of authorized officers to exercise the powers and perform the duties of authorized officers pertaining to the OLPO.

Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403B)

- (g) increase the penalties for the offences listed in Cap. 403B.

23. The existing provisions being amended are at **Annex H**.

¹⁸ The two pieces of subsidiary legislation for effecting Control Strategies 2 and 3 are to be introduced to LegCo for positive vetting after the Amendment Bill is passed at LegCo.

LEGISLATIVE TIMETABLE

24. The legislative timetable will be –

Publication in the Gazette	6 December 2024
First Reading and commencement of Second Reading debate	18 December 2024
Resumption of Second Reading debate, committee stage and Third Reading	To be notified

IMPLICATION OF THE PROPOSALS

I 25. The Amendment Bill will have financial and civil service, economic, sustainability and environmental and Mainland relations implications as set out at **Annex I**. The Amendment Bill has no gender, family and productivity implications and is in conformity with the Basic Law, including provisions concerning human rights. The Amendment Bill will not affect the current binding effect of the OLPO including its subsidiary legislations.

PUBLIC CONSULTATION AND ENGAGEMENT

26. In August 2021, we began sounding out to the trade our plan to progressively phase down the local consumption of the Scheduled HFCs. The trade generally expressed understanding. To take forward the matter in a coordinated manner, an interdepartmental task force¹⁹ was later formed to resolve the relevant technical and safety issues.

¹⁹ Membership of the interdepartmental task force includes the Environment and Ecology Bureau (“EEB”), EPD, Architectural Services Department, Electrical and Mechanical Services Department (“EMSD”), Customs and Excise Department (“C&ED”), Census and Statistics Department, Trade and Industry Department, Labour Department, Transport Department, Fire Services Department, Buildings Department and Government Laboratory.

27. In 2023, we commenced a two-month public consultation²⁰. Over 3 000 stakeholders, including members of the public, relevant P&Es importers, suppliers, service providers and users, chemical waste collectors, trade associations, property management companies, engineering consultants, trade unions, environmental groups and professional groups, etc, were consulted. Responses were generally supportive. Except requesting sufficient time to adjust their operational practices and opining varied views over the ban of a few types of refrigerating equipment, the trade generally expressed no major difficulties in complying with our proposals.

28. We also consulted the Advisory Council on the Environment and the LegCo Panel on Environmental Affairs in February and October 2024 respectively. Members of the Council and the Panel generally supported our proposals.

PUBLICITY

29. We will issue a LegCo brief and a press release upon the publication of the Bill in the Gazette. A spokesperson will also be made available to answer press enquiries.

ENQUIRIES

30. For enquiries on this brief, please contact Mr Ray LEUNG, Principal Environmental Protection Officer (Air Policy) of EEB at 3509 8642 or raywmleung@eeb.gov.hk.

Environment and Ecology Bureau
December 2024

²⁰ The public consultation period was from 10 July to 9 September 2023.

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A BILL

To

Amend the Ozone Layer Protection Ordinance to implement the Kigali Amendment to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and to better implement the Protocol; to provide for controls on hydrofluorocarbons with high global warming potential and on products and equipment containing, made with or designed to operate on those hydrofluorocarbons; to provide for the safe handling of hazardous refrigerants that may be used as substitutes for those hydrofluorocarbons; to empower the Secretary for Environment and Ecology to make regulations for the above purposes; and to provide for related matters.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Ozone Layer Protection (Amendment) Ordinance 2024.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Sections 5(2), 6(2) and 22(2) come into operation on 1 December 2025.

2. Enactments amended

The enactments specified in Parts 2 and 3 are amended as set out in those Parts.

Part 2**Amendments to Ozone Layer Protection Ordinance and its Subsidiary Legislation****Division 1—Ozone Layer Protection Ordinance (Cap. 403)****3. Long title substituted**

The long title—

Repeal the long title

Substitute

“An Ordinance to implement the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; to provide for controls on substances that deplete the ozone layer and on hydrofluorocarbons with high global warming potential; to provide for controls on products and equipment containing, made with or designed to operate on those substances or those hydrofluorocarbons; to provide for the safe handling of hazardous refrigerants that may be used as substitutes for those hydrofluorocarbons; and to provide for related matters.”.

4. Section 2 amended (interpretation)

(1) Section 2, English text, definition of *Secretary*—

Repeal the full stop

Substitute a semicolon.

(2) Section 2, Chinese text, definition of *住宅*—

Repeal

“房產”

Substitute

“處所”.

- (3) Section 2, Chinese text, definition of 輸入、進口—

Repeal

“轉運”

Substitute

“過境”.

- (4) Section 2, Chinese text, definition of 輸出、出口—

Repeal

“轉運”

Substitute

“過境”.

- (5) Section 2—

Repeal the definition of *Director*.

- (6) Section 2—

Add in alphabetical order

“*Director of EMS* (機電署署長) means the Director of Electrical and Mechanical Services;

Director of EP (環保署署長) means the Director of Environmental Protection;

hazardous refrigerant (具危害性製冷劑) means a refrigerant prescribed by regulations made under section 16(1) to be a refrigerant that constitutes a safety hazard;

hydrofluorocarbon, HFC (氫氟碳化物) means a substance listed in Part 10 of the Schedule, whether existing alone or in a mixture;

Montreal Protocol (《蒙特利爾議定書》) means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer adopted at Montreal on 16 September 1987, as amended from time to time and as applied to Hong Kong;

specified fire suppressant (指明滅火劑) means a fire suppressant that contains one or more scheduled substances;

specified refrigerant (指明製冷劑) means a refrigerant that contains one or more scheduled substances, but does not include a controlled refrigerant as defined by section 2 of the Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403 sub. leg. B).”.

5. Section 3 amended (offence to manufacture scheduled substances)

- (1) Section 3(1), after “substance”—

Add

“(other than a scheduled substance listed in Part 10 of the Schedule)”.

- (2) Section 3(1)—

Repeal

“(other than a scheduled substance listed in Part 10 of the Schedule)”.

- (3) After section 3(2)—

Add

“(3) In any proceedings for an offence under subsection (1), the burden of establishing that subsection (1) does not apply because of subsection (2) lies on the person charged with the offence.

- (4) For the purposes of subsection (3), a person is taken to have established that subsection (1) does not apply because of subsection (2) if—
 - (a) there is sufficient evidence to raise an issue that the scheduled substance meets the description in subsection (2); and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (5) For the purposes of subsection (1), a scheduled substance is not to be regarded as being manufactured if—
 - (a) the substance is collected from any equipment, product or container during the servicing of the equipment, product or container or before the equipment, product or container is scrapped; and
 - (b) the substance is subsequently recycled by way of purification or distillation, or by any other way, so as to make it suitable for reuse.”.

6. Section 4 amended (offence to import or export scheduled substances without a licence)

- (1) Section 4, after “substance”—

Add

“(other than a scheduled substance listed in Part 10 of the Schedule)”.

- (2) Section 4—

Repeal

“(other than a scheduled substance listed in Part 10 of the Schedule)”.

7. Section 5 amended (registration)

- (1) Section 5(1)—

Repeal

“Where the Director”

Substitute

“If the Director of EP”.

- (2) Section 5(1)(a)—

Repeal

“; or”

Substitute

“listed in Parts 1 to 9 of the Schedule;”.

- (3) After section 5(1)(a)—

Add

“(ab) was, before 1 December 2025, an importer or exporter of scheduled substances listed in Part 10 of the Schedule; or”.

- (4) Section 5(1)—

Repeal

“in a form specified by him”

Substitute

“or her in a form specified by him or her”.

- (5) Section 5—

Repeal subsection (3)

Substitute

“(3) The Director of EP may, at the time of registration or at any time after giving written notice to a registrant, impose conditions of registration that are reasonably related to—

- (a) Hong Kong's compliance of the 1985 Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol and any other protocols under the Convention that apply to Hong Kong; or
- (b) the measures referred to in section 6(4)(b)."

(6) Section 5—

Repeal subsection (5)

Substitute

- "(5) The Director of EP is to issue a certificate of registration in a form specified by him or her to a person who is registered under this section and the condition of registration under subsection (2) and any conditions of registration imposed under subsection (3) are to be set out in the certificate."

(7) Section 5(6)—

Repeal

"Where the Director"

Substitute

"If the Director of EP".

(8) Section 5—

Repeal subsection (7)

Substitute

- "(7) If the Director of EP refuses to register an applicant, the Director is to serve on the applicant, either by post or by electronic mail, a notice stating the reasons for refusal."

8. Section 6 amended (licence to import or export scheduled substances)

(1) Section 6(1)—

Repeal

"The Director"

Substitute

"The Director of EP".

(2) Section 6(2)—

Repeal

"may, on application to him"

Substitute

"of EP may, on application to him or her".

(3) Section 6(3), after "Director"—

Add

"of EP".

(4) Section 6(4), after "Director"—

Add

"of EP".

(5) Section 6(4)—

Repeal paragraph (a)

Substitute

- "(a) must ensure that the 1985 Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol and any other protocols under the Convention that apply to Hong Kong are complied with; and".

(6) Section 6—

Repeal subsection (5)

Substitute

- "(5) If the Director of EP refuses to issue a licence or vary the conditions of a licence as requested by the applicant in the

application, the Director is to serve on the applicant, either by post or by electronic mail, a notice stating the reasons for refusal.”.

9. Section 7 amended (cancellation of registration or licence)

(1) Section 7(1)—

Repeal

“may at any time cancel a registration or licence where he”

Substitute

“of EP may at any time cancel a registration or licence if he or she”.

(2) Section 7(1), English text—

Repeal

“him”

Substitute

“the applicant”.

(3) Section 7(2)—

Repeal

“shall, by personal service or by post”

Substitute

“of EP is to, either by post or by electronic mail”.

(4) Section 7(3)—

Repeal

everything after “person served”

Substitute

“must deliver the relevant certificate of registration or licence to the Director of EP.”.

(5) Section 7(4)—

Repeal

everything after “before”

Substitute

“his or her registration or licence is cancelled, the person may apply to the Director of EP to review the Director’s decision and the Director may, after hearing the applicant, reinstate the registration or licence, subject to any conditions the Director may impose.”.

10. Section 8 amended (appeal to Administrative Appeals Board)

(1) Section 8—

Repeal subsection (1)

Substitute

“(1) A person who is aggrieved by any of the following decisions made in respect of the person may, within 28 days after receiving notice of the decision, appeal to the Administrative Appeals Board—

(a) a decision made by the Director of EP under section 5, 6 or 7;

(b) a decision made by the Director of EP or the Director of EMS that is specified in the regulations made under section 16 to be subject to an appeal to the Administrative Appeals Board.”.

(2) Section 8(2)—

Repeal

“Director shall”

Substitute

“Director of EP or the Director of EMS (as may be appropriate) is to”.

11. Section 9 amended (appointment of authorized officers)

Section 9, after “Director”—

Add

“of EP or the Director of EMS”.

12. Section 10 amended (general powers of authorized officers)

(1) Section 10, heading, after “officers”—

Add

“in routine inspection”.

(2) Section 10(1)—

Repeal everything before paragraph (a)

Substitute

“(1) For the purposes of carrying out a routine inspection to ascertain whether this Ordinance has been or is being complied with, an authorized officer may without warrant—”.

(3) Section 10(1)(a)—

Repeal

“search”

Substitute

“inspect”.

(4) Section 10(1)(a)(i), Chinese text—

Repeal

“房產”

Substitute

“處所”.

(5) Section 10(1)(a)(ii)—

Repeal

“a machine or machinery designed to cool or freeze”

Substitute

“any equipment designed to cool, freeze or dehumidify”.

(6) After section 10(1)(a)(ii)—

Add

“(iia) any premises (other than domestic premises) in which there is any equipment designed to extinguish fire;”.

(7) Section 10(1)(a)(iii), Chinese text—

Repeal

“房產” (wherever appearing)

Substitute

“處所”.

(8) Section 10(1)(a)(iv), Chinese text—

Repeal

“房產” (wherever appearing)

Substitute

“處所”.

(9) Section 10(1)(d), after “Director”—

Add

“of EP or the Director of EMS (as may be appropriate)”.

(10) Section 10(1)(f), Chinese text—

Repeal

“房產” (wherever appearing)

Substitute

“處所”.

- (11) Section 10(2)(d), Chinese text—

Repeal

“有權進入的房產”

Substitute

“獲授權進入的處所”.

- (12) Section 10—

Repeal subsection (3)**Substitute**

“(3) If a sample of anything is taken by an authorized officer under subsection (1)(d), the Director of EP or the Director of EMS (as may be appropriate) may, after examination and investigation, direct that the sample be returned to the place from which it was taken, or destroyed or disposed of, as the Director thinks fit.”.

13. Section 11 amended (special powers of authorized officers)

- (1) Section 11, heading, after “officers”—

Add

“to investigate suspected offence”.

- (2) Section 11—

Repeal subsections (1), (2) and (3)**Substitute**

“(1) If a warrant has been issued under subsection (2) in respect of any premises, or if subsection (5) applies in respect of any premises, an authorized officer may—

- (a) enter and search the premises; and

- (b) seize anything, other than an aircraft, vessel or vehicle—

- (i) in respect of which the officer reasonably suspects that an offence has been committed under this Ordinance; or

- (ii) which the officer reasonably suspects to be specified evidence.

- (2) A magistrate may issue a warrant authorizing an authorized officer to enter and search any premises if satisfied by information on oath that there are reasonable grounds to suspect that—

- (a) an offence under this Ordinance has been, is being or is about to be committed in the premises; or

- (b) there is in the premises any specified evidence.

- (3) Unless otherwise specified in it, a warrant continues in force until the earlier of the following—

- (a) the expiry of 1 month after the date of its issue; or

- (b) the purposes for which the entry and search are conducted have been achieved.”.

- (3) After section 11(4)—

Add

- “(5) The Director of EP or the Director of EMS may authorize an authorized officer to exercise the power under subsection (1) without a warrant issued under subsection (2) if—

- (a) there are reasonable grounds to suspect that any specified evidence is in any premises (other than domestic premises); and

- (b) the delay caused by obtaining a warrant is likely to result in the loss or destruction of the evidence or for

any other reason it would not be reasonably practicable to obtain a warrant.

- (6) In subsection (5), the Director of EP includes any Deputy Director of Environmental Protection and Assistant Director of Environmental Protection, and the Director of EMS includes any Deputy Director of Electrical and Mechanical Services and Assistant Director of Electrical and Mechanical Services.

- (7) In this section—

specified evidence (指明證據) means anything that is or that contains, or that is likely to be, or to contain, evidence of an offence under this Ordinance.”.

14. Section 12 amended (ancillary powers of investigation of suspected offence)

- (1) Section 12, Chinese text, heading—

Repeal

“犯罪”

Substitute

“罪行”.

- (2) Section 12, before “may”—

Add

“conferred with any power under section 11”.

- (3) Section 12(a)—

Repeal

“he is empowered by section 10 or 11 to enter and search”

Substitute

“the officer is empowered under section 11 to enter”.

- (4) Section 12(b)—

Repeal

everything after “obstructing”

Substitute

“the officer in the exercise of the power;”.

- (5) Section 12(c)—

Repeal

everything after “which”

Substitute

“the officer is empowered under section 11 to search until the search is completed;”.

- (6) Section 12(d), English text—

Repeal

everything after “whom”

Substitute

“the officer reasonably suspects of being guilty of an offence under this Ordinance, but a person is not to be searched except by an authorized officer of the same sex and is not to be searched in a public place if the person objects to being so searched; and”.

- (7) Section 12(e)—

Repeal

everything after “purpose of”

Substitute

“performing the officer’s duties or for effectively enforcing this Ordinance, require a person found in any place or premises which the officer is empowered under section 11 to enter to give details of the person’s identity, name and address and produce evidence of the person’s identity.”.

15. Section 13 amended (offences in relation to enforcement)

- (1) Section 13, heading—

Repeal**“Offences in relation to enforcement”****Substitute****“Prohibition of certain acts that impede operation of Ordinance”.**

- (2) Section 13—

Renumber the section as section 13(1).

- (3) After section 13(1)—

Add

- “(2) For the purposes of subsection (1)(b), a person is taken to have established that the person had a reasonable excuse if—**

- (a) there is sufficient evidence to raise an issue that the person had a reasonable excuse; and**
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.**

16. Section 14 amended (forfeiture)

- (1) Section 14(1)—

Repeal**“11(2)”****Substitute****“11(1)(b)”.**

- (2) Section 14(2)—

Repeal

everything after “section”

Substitute**“11(1)(b), the Director may at any time release the thing seized, on payment of reasonable storage charges, to the person who appears to the Director to be the owner of the thing seized or the owner’s authorized agent, subject to any conditions that the Director may specify in writing.”.**

- (3) Section 14(2A)—

Repeal

everything after “section” and before “in”

Substitute**“11(1)(b) is without an apparent owner, the Director must, within 7 days from the date of its seizure, cause a notice to be exhibited at the Environmental Protection Department or the Electrical and Mechanical Services Department (as may be appropriate)”.**

- (4) Section 14(5)—

Repeal

everything after “prosecuted, the Director” and before “has indicated”

Substitute**“must, as soon as reasonably practicable, notify in writing the person who appears to the Director to be the owner of the thing seized or the owner’s authorized agent unless the person”.**

- (5) After section 14(8)—

Add

- “(9) In this section, a reference to the Director in relation to a thing seized under section 11(1)(b) is a reference to—**

- (a) if the thing was seized by an authorized officer authorized by the Director of EP—the Director of EP; or
- (b) if the thing was seized by an authorized officer authorized by the Director of EMS—the Director of EMS.”.

17. Section 14A amended (claims for the return of thing forfeited under section 14(4A))

After section 14A(5)—

Add

“(6) In this section, a reference to the Director in relation to a thing forfeited under section 14(4A) is a reference to—

- (a) if the thing was seized by an authorized officer authorized by the Director of EP—the Director of EP; or
- (b) if the thing was seized by an authorized officer authorized by the Director of EMS—the Director of EMS.”.

18. Section 15 amended (prosecutions)

Section 15(1) and (2), after “Director”—

Add

“of EP, the Director of EMS”.

19. Section 16 amended (regulations)

(1) Section 16(1)(a)—

Repeal

everything after “use,”

Substitute

“supply, sale, distribution, storage, recycling and disposal of products—

- (i) containing a scheduled substance; or
- (ii) designed to operate on a scheduled substance;”.

(2) Section 16(1)(f)—

Repeal

everything after “marking”

Substitute

“(including the manner of labelling or marking) of—

- (i) any equipment containing or using a scheduled substance; or
- (ii) any product containing, made with or designed to operate on a scheduled substance;”.

(3) Section 16(1)—

Repeal paragraph (h)

Substitute

“(h) empowering the Director of EP to determine whether a country or place is in full compliance with the requirements of the Montreal Protocol;”.

(4) Section 16(1)(i), after “Director”—

Add

“of EP”.

(5) Section 16(1)(j), after “Director”—

Add

“of EP”.

(6) Section 16(1)(j)—

Repeal

“approval by notice in the Gazette; and”

Substitute

“or her approval by notice in the Gazette;”.

- (7) Section 16(1)(k), after “Director”—

Add

“of EP”.

- (8) Section 16(1)(k)—

Repeal the full stop

Substitute a semicolon.

- (9) After section 16(1)(k)—

Add

“(l) providing for—

- (i) the types of products that are subject to prohibition and control (including prohibition and control in respect of their manufacture, import, supply and sale), in order to reduce the production and consumption of HFC (*regulated HFC product*);
- (ii) the global warming potential value of an HFC, a mixture containing HFC and other substances that exist in the mixture;
- (iii) a maximum limit on the global warming potential value of an HFC or a mixture containing HFC that a regulated HFC product is allowed to contain or operate on, and the prohibition and control that a regulated HFC product is subject to if the limit is exceeded; and
- (iv) the dates by which the prohibition and control are to take effect (which may be different for different types of regulated HFC product);

- (m) providing for the criteria to determine whether a refrigerant is a hazardous refrigerant;
- (n) providing for the duties and obligations of persons who own, manage or control certain types of equipment—
 - (i) that are installed in premises other than domestic premises;
 - (ii) that are designed to cool, freeze or dehumidify anything or to function as a heat pump; and
 - (iii) that contain or use a specified refrigerant to perform their function;
- (o) providing for the registration of those types of equipment mentioned in paragraph (n) and any matter in relation to their registration, the cancellation of registration and the establishment and maintenance of a register;
- (p) providing for the duties and obligations of persons who own, manage or control certain types of equipment—
 - (i) that are installed in premises other than domestic premises;
 - (ii) that are designed to cool, freeze or dehumidify anything or to function as a heat pump; and
 - (iii) that contain or use a hazardous refrigerant to perform their function;
- (q) providing for the duties and obligations of persons who own, manage or control certain types of equipment—
 - (i) that are installed in premises other than domestic premises;
 - (ii) that are designed to extinguish fire; and
 - (iii) that contain or use a specified fire suppressant to perform their function;

- (r) providing for the registration of those types of equipment mentioned in paragraph (q) and any matter in relation to their registration, the cancellation of registration and the establishment and maintenance of a register;
- (s) requiring any persons who undertake to carry out any work that involves a specified refrigerant, a hazardous refrigerant or a specified fire suppressant in relation to any equipment mentioned in paragraph (n), (p) or (q) be registered in accordance with the regulations made under this section, and providing for the duties and obligations of those persons;
- (t) providing for any matter in relation to the registration, the cancellation and reinstatement of registration of those persons mentioned in paragraph (s) and the establishment and maintenance of a register;
- (u) requiring any persons mentioned in paragraph (s) to ensure that a technician certified in accordance with the regulations made under this section (*certified technician*) be present on site when any work mentioned in that paragraph is carried out, and providing for the duties and obligations of certified technicians, and matters relating to the training and certification of persons who wish to be certified technicians;
- (v) the establishment of a Refrigerant Technical Advisory Committee to advise the Director of EMS on matters relating to—
 - (i) the use, management and handling of refrigerants when the refrigerants are contained or used in those types of equipment mentioned in paragraph (n) or (p); and
 - (ii) the training of persons who wish to be certified technicians;

- (w) empowering the Director of EMS to issue codes of practice to provide practical guidance in respect of—
 - (i) the use, management and handling of refrigerants when the refrigerants are contained or used in those types of equipment mentioned in paragraph (n) or (p); and
 - (ii) any ancillary work that is required to be carried out in relation to the above equipment for the purposes of subparagraph (i); and
 - (x) empowering the Director of EP or the Director of EMS to grant exemptions from any requirement imposed under the regulations made under this section, either generally or in a particular case, and either conditionally or unconditionally.”.
- (10) After section 16(3)—
- Add**
- “(4) A code of practice issued under subsection (1)(w) is not subsidiary legislation.”.

20. Section 17 amended (Secretary may amend Schedule)

Section 17, English text—

Repeal

“order”

Substitute

“notice”.

21. Section 17A added

After section 17—

Add

“17A. Date of giving or service of documents

For the purposes of this Ordinance, a notice or other document given or served is taken, in the absence of evidence to the contrary, to have been given or served—

- (a) if sent by post to an address—at the time when it would in the ordinary course of post be delivered to that address; or
- (b) if sent by electronic mail to an electronic address—at the time when it would in the ordinary course of transmission by electronic mail be received at that address.”.

22. Schedule amended (scheduled substances)

- (1) The Schedule—

Repeal

“[ss. 2”

Substitute

“[ss. 2, 3, 4, 5”.

- (2) The Schedule—

Repeal

“[ss. 2, 3, 4,”

Substitute

“[ss. 2,”.

- (3) The Schedule, after Part 9—

Add**“Part 10****Hydrofluorocarbons (HFCs)**

Column 1	Column 2	Column 3
Item	Chemical Name	Chemical Formula
1.	1,1,2,2-Tetrafluoroethane	CHF ₂ CHF ₂
2.	1,1,1,2-Tetrafluoroethane	CH ₂ FCF ₃
3.	1,1,2-Trifluoroethane	CH ₂ FCHF ₂
4.	1,1,1,3,3-Pentafluoropropane	CHF ₂ CH ₂ CF ₃
5.	1,1,1,3,3-Pentafluorobutane	CF ₃ CH ₂ CF ₂ CH ₃
6.	1,1,1,2,3,3,3-Heptafluoropropane	CF ₃ CHFCF ₃
7.	1,1,1,2,2,3-Hexafluoropropane	CH ₂ FCF ₂ CF ₃
8.	1,1,1,2,3,3-Hexafluoropropane	CHF ₂ CHFCF ₃
9.	1,1,1,3,3,3-Hexafluoropropane	CF ₃ CH ₂ CF ₃
10.	1,1,2,2,3-pentafluoropropane	CH ₂ FCF ₂ CHF ₂
11.	1,1,1,2,2,3,4,5,5,5-decafluoropentane	CF ₃ CHFCHFCF ₂ CF ₃
12.	Difluoromethane	CH ₂ F ₂
13.	Pentafluoroethane	CHF ₂ CF ₃
14.	1,1,1-Trifluoroethane	CH ₃ CF ₃

Column 1	Column 2	Column 3
Item	Chemical Name	Chemical Formula
15.	Fluoromethane	CH ₃ F
16.	1,2-Difluoroethane	CH ₂ FCH ₂ F
17.	1,1-Difluoroethane	CH ₃ CHF ₂
18.	Trifluoromethane	CHF ₃ ".

Division 2—Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403 sub. leg. B)

23. Section 2 amended (interpretation)

- (1) Section 2, definition of *controlled refrigerant*, after "Director"—

Add

"of EP".

- (2) Section 2, Chinese text, definition of 冷凍設備, paragraph (c)—

Repeal

"房產"

Substitute

"處所".

24. Section 3 amended (Director to declare controlled refrigerant)

- (1) Section 3, heading, after "Director"—

Add

"of EP".

- (2) Section 3, after "Director"—

Add

"of EP".

25. Section 4 amended (approval of refrigerant recycling equipment)

- (1) Section 4, after "Director"—

Add

"of EP".

- (2) Section 4—

Repeal

"his"

Substitute

"his or her".

26. Section 5 amended (prohibition on releasing controlled refrigerant)

- (1) Section 5(1)—

Repeal

"to a fine at level 6."

Substitute

"on conviction—

- (a) to a fine of \$200,000 and imprisonment for 6 months; and

- (b) in the case of a continuing offence—to a further fine of \$10,000 for each day during which the offence continues."

- (2) Section 5(2)(a)(iv), after "Director"—

Add

“of EP”.

- (3) Section 5(2)(a)—

Repeal

“he”

Substitute

“he or she”.

- (4) Section 5(2)(b)—

Repeal

“his control and that he”

Substitute

“his or her control and that he or she”.

27. Section 6 amended (control of recycling of controlled refrigerant)

- (1) Section 6(1)(a) and (b)(ii), after “Director”—

Add

“of EP”.

- (2) Section 6(2)—

Repeal

“to a fine at level 6.”

Substitute

“on conviction—

- (a) to a fine of \$200,000 and imprisonment for 6 months; and
- (b) in the case of a continuing offence—to a further fine of \$10,000 for each day during which the offence continues.”.

28. Section 7 amended (records to be kept in relation to refrigeration equipment)

- (1) Section 7(1), Chinese text—

Repeal

“房產” (wherever appearing)

Substitute

“處所”.

- (2) Section 7(3)—

Repeal

“to a fine at level 6.”

Substitute

“on conviction—

- (a) to a fine of \$200,000 and imprisonment for 6 months; and
- (b) in the case of a continuing offence—to a further fine of \$10,000 for each day during which the offence continues.”.

29. Section 8 amended (records to be kept in relation to motor vehicle air-conditioners)

Section 8(2)—

Repeal

“to a fine at level 6.”

Substitute

“on conviction—

- (a) to a fine of \$200,000 and imprisonment for 6 months; and

- (b) in the case of a continuing offence—to a further fine of \$10,000 for each day during which the offence continues.”.

Division 3—Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation (Cap. 403 sub. leg. C)

30. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of 轉運, paragraph (b)(ii)—

Repeal

“儲存；”

Substitute

“儲存。”.

- (2) Section 2—

Repeal the definition of *Protocol*.

31. Section 3 amended (offence to import certain products)

- (1) Section 3(1), before “Protocol”—

Add

“Montreal”.

- (2) Section 3(1A)—

Repeal

“Protocol, unless the Director”

Substitute

“Montreal Protocol, unless the Director of EP”.

Part 3

Related Amendments

Division 1—Amendment to Specification of Public Offices Notice (Cap. 1 sub. leg. C)

32. Schedule amended (specification of public offices)

The Schedule, after the entry relating to the Director of Electrical and Mechanical Services specified for the purposes of the Peak Tramway Ordinance (Cap. 265)—

Add

“Director of Electrical
and Mechanical
Services

Ozone Layer Protection Ordinance
(Cap. 403).”.

Division 2—Amendment to Administrative Appeals Board Ordinance (Cap. 442)

33. Schedule amended

The Schedule, item 36, column 3, after “7 or”—

Add

“a decision of the Director of Environmental Protection or the Director of Electrical and Mechanical Services”.

Explanatory Memorandum

This Bill amends the Ozone Layer Protection Ordinance (Cap. 403) (*Ordinance*) and its subsidiary legislation mainly to—

- (a) implement the Kigali Amendment to the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and to better implement the Protocol;
- (b) provide for controls on hydrofluorocarbons with high global warming potential and on products and equipment containing, made with or designed to operate on those hydrofluorocarbons;
- (c) provide for the safe handling of hazardous refrigerants that may be used as substitutes for those hydrofluorocarbons;
- (d) empower the Director of Electrical and Mechanical Services (*Director of EMS*) to exercise various powers and to perform various functions under the Ordinance; and
- (e) empower the Secretary for Environment and Ecology to make regulations for the above purposes.

2. The Bill is divided into 3 Parts.

Part 1—Preliminary

3. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments to the Ordinance and its Subsidiary Legislation

4. Clause 3 amends the long title of the Ordinance to extend the scope of the Ordinance.
5. Clause 4 adds a new definition of *Director of EMS* to section 2 of the Ordinance and the existing defined term of *Director* (meaning

the Director of Environmental Protection (*Director of EP*)) is amended to *Director of EP* under the same clause.

6. Clause 5 amends section 3 of the Ordinance mainly to set out that the burden of establishing the exception to the offence provided under that section lies on the person charged with the offence, and the burden is an evidential burden. Clause 5 also adds a new provision in section 3 of the Ordinance to clarify that if a scheduled substance is recycled for reuse, it is not regarded as being manufactured.
7. Clause 10 amends section 8 of the Ordinance to provide that a decision of the Director of EP or the Director of EMS may be subject to appeal to the Administrative Appeals Board if so provided in the regulations made under the Ordinance.
8. Clause 11 amends section 9 of the Ordinance to give a power to the Director of EMS to appoint authorized officers.
9. Clauses 12, 13 and 14 amend sections 10, 11 and 12 of the Ordinance respectively to refine the powers of entry and search, etc. for authorized officers and to provide greater safeguards in the exercise of such powers.
10. Clause 15 amends section 13 of the Ordinance to place an evidential burden of proof on a person charged with an offence under section 13(1)(b), if that person wishes to plead that he or she had a reasonable excuse for failing to comply with any requirement made by an authorized officer under section 10, 11 or 12 of the Ordinance.
11. Clauses 16, 17 and 18 amend sections 14, 14A and 15 of the Ordinance respectively mainly to provide for the role of the Director of EMS under the Ordinance.
12. Clause 19 amends section 16 of the Ordinance to give further powers to the Secretary for Environment and Ecology to make regulations to implement the Ordinance.

13. Clause 22 adds a new Part 10 to the Schedule to the Ordinance to set out the hydrofluorocarbons that are subject to control under the Ordinance.
14. Clauses 26 to 29 amend the Ozone Layer Protection (Controlled Refrigerants) Regulation (Cap. 403 sub. leg. B) mainly to increase the penalty for the offences under the Regulation.
15. Clauses 30 and 31 amend the Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation (Cap. 403 sub. leg. C) to adopt certain defined terms in the Ordinance.

Part 3—Related Amendments

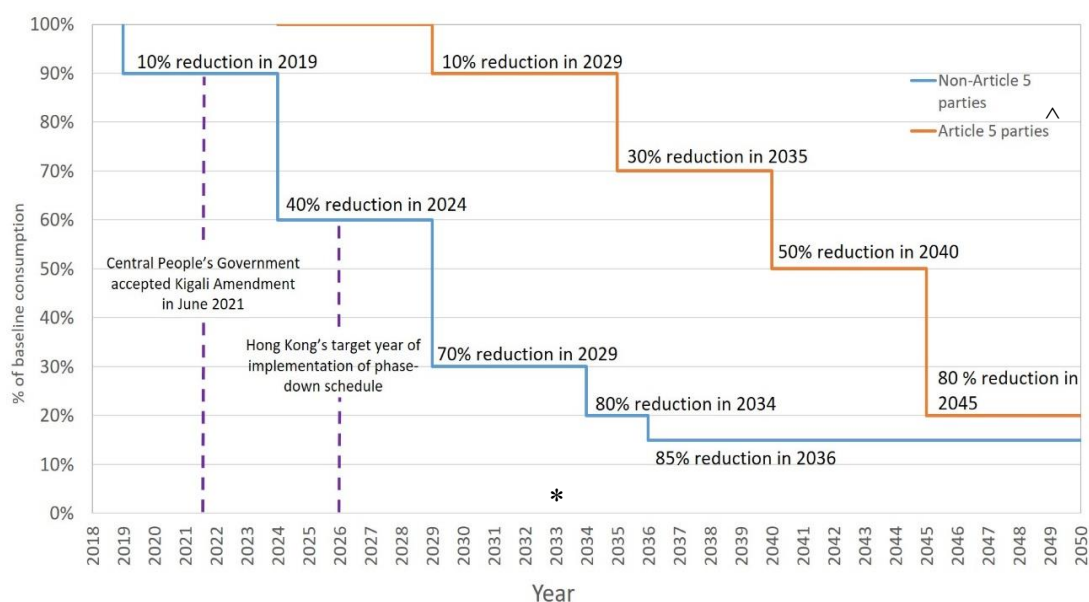
16. Clauses 32 and 33 make related amendments to the Specification of Public Offices Notice (Cap. 1 sub. leg. C) and the Administrative Appeals Board Ordinance (Cap. 442).

Annex B

HFCs Controlled under the Kigali Amendment

Group	Substance	100-Year GWP
CHF ₂ CHF ₂	HFC-134	1 100
CH ₂ FCF ₃	HFC-134a	1 430
CH ₂ FCHF ₂	HFC-143	353
CHF ₂ CH ₂ CF ₃	HFC-245fa	1 030
CF ₃ CH ₂ CF ₂ CH ₃	HFC-365mfc	794
CF ₃ CHF ₂ CF ₃	HFC-227ea	3 220
CH ₂ FCF ₂ CF ₃	HFC-236cb	1 340
CHF ₂ CHF ₂ CF ₃	HFC-236ea	1 370
CF ₃ CH ₂ CF ₃	HFC-236fa	9 810
CH ₂ FCF ₂ CHF ₂	HFC-245ca	693
CF ₃ CHFCH ₂ CF ₂ CF ₃	HFC-43-10mee	1 640
CH ₂ F ₂	HFC-32	675
CHF ₂ CF ₃	HFC-125	3 500
CH ₃ CF ₃	HFC-143a	4 470
CH ₃ F	HFC-41	92
CH ₂ FCH ₂ F	HFC-152	53
CH ₃ CHF ₂	HFC-152a	124
CHF ₃	HFC-23	14 800

Phasedown Schedule under the Kigali Amendment



Remark

- ^ — Article 5 of the Montreal Protocol provides for the special situation of developing countries. Article 5 parties include the Mainland, China. Article 5 of the Montreal Protocol is not applicable to Hong Kong.
- * — Parties to the Kigali Amendment are banned from trading the Scheduled HFCs with non-parties, with effect from January 2033.

HFCs Baseline and Phasedown Schedule for Hong Kong

Ultimately, Hong Kong will be required to phase down the consumption of the Scheduled HFCs by 85% from the baseline¹ in 2036.

2. Hong Kong's HFCs baseline and the proposed phasedown schedule are illustrated in the table below. The requirements to phase down the consumption will apply to Hong Kong when the Kigali Amendment becomes applicable to Hong Kong.

	Carbon dioxide equivalent (Kilotonnes)
HFCs Baseline	1 682
60% of baseline (2024-2028)	1 009
30% of baseline (2029-2033)	504
20% of baseline (2034-2035)	336
15% of baseline (2036 and thereafter)	252

¹ In accordance with the Kigali Amendment, the HFCs baseline of Hong Kong is calculated as average of annual HFCs consumption for 2011-2013 plus 15% of the hydrochlorofluorocarbons ("HCFCs") consumption baseline (calculated based on 1989 HCFCs consumption plus 2.8% of 1989 CFCs consumption). The baseline and phasedown figures are calculated based on the import and export statistics from the Census and Statistics Department.

Annex E

List of Regulated HFC Products with their Respective GWP Limits and Effective Dates for Prohibition of (i) Import or Manufacture and (ii) Supply

Category of Regulated HFC Product	GWP Limit	Effective Date	
		Prohibition of Import or Manufacture (1)	Prohibition of Supply (2) & (3)
1. Household air-conditioner ⁽⁴⁾	750	1 July 2026	Not Applicable (6)
2. Household refrigerator or household freezer (or combination of both)	150		
3. Commercial stand-alone refrigeration equipment ⁽⁵⁾	150		
4. Commercial condensing unit refrigeration system	1500		1 July 2026
5. Commercial multipack centralised refrigeration system	1500		
6. Cold storage warehouse refrigeration system	1500		
7. Air-cooled chiller (for comfort cooling)	750		
8. Water-cooled chiller (for comfort cooling)	750		
9. Fire extinguishing installation	15		
10. Private car air-conditioner	150	Manufacture year 2029	

Note:

1. Category 1, 2, 3, 7 and 8 will be exempted from the prohibition of import if the supply agreement has already been entered into before the commencement of the regulation.
2. Subject to the same condition set out in item (1) above, Category 7 and 8 will also be exempted from the prohibition of supply.
3. The prohibition of supply will not apply to second-hand P&Es, i.e. those already owned by a local end user. Import, manufacture and supply of parts and components that are used for repairing and maintenance of existing P&Es are also not subject to control.
4. Category 1 refers to single package window type or single split type air-conditioner that has a rated cooling capacity not exceeding 7.5 kilowatts.
5. Category 3 refers to a self-contained plug-in refrigeration equipment, which is designed to be installed in premises other than domestic premises. It includes refrigerator, freezer, vending machine, ice machine, display cabinet, and semi plug-in waterloop system.
6. Category 1, 2 and 3 are widely used in households, offices, retail stores or restaurants. To minimize impacts brought to the trade and the market, we will continue to monitor the market development and work with the suppliers on the way forward for these products.

Responsibilities relating to (i) Air-conditioning or refrigeration equipment with HFCs/ODSs-containing refrigerants charge over 50kg and (ii) Fire extinguishing equipment with HFCs/ODSs-containing fire suppressants charge over 30kg¹

Equipment owners*
Prior registered with EPD
Engage registered handlers to conduct works involving using and handling of refrigerants/fire suppressants on the Regulated Equipment
Refrigerant/fire suppressant handlers[#]
Prior registered with EPD
Provide adequate and properly maintained tools and equipment
Establish policies and operating procedures
Arrange certified technicians to conduct relevant handling works
Recycle or dispose of recovered refrigerant/fire suppressant according to the Waste Disposal Ordinance (Cap.354)
Submit annual handling records to EPD

- * Regardless of the quantity of refrigerant charged, owners of air-conditioning or refrigeration equipment using refrigerants with flammability, higher toxicity or high operating pressure, must (i) engage registered handlers to conduct relevant works and (ii) operate the equipment safely and maintain the equipment in a safe condition².
- # If the type of refrigerants are with flammability, higher toxicity or high operating pressure, regardless of quantity charged, handlers must also be registered with EMSD and comply with safety requirements, like proper refrigerant handling and use of associated equipment, avoidance of refrigerant leakage and accumulation, provision of refrigerant detection and personal protection equipment, proper refrigerant storage on-site, etc., that are to set out in the codes of practice.

¹ The proposals set out in the preceding table are to be implemented by the new regulation to be made and are subject to review upon further engagement and consultation with the trade and stakeholders.

² Director of Electrical and Mechanical Services will issue codes of practice on the safe operation and maintenance of the relevant Regulated Equipment.

Proposed New Offences and Penalties

Proposed offence	Proposed penalty
Offences related to cross-boundary trading and manufacturing	
Any person who:	
Manufactures the Scheduled HFCs*	Maximum fine of \$1,000,000 and imprisonment for 2 years. For continuing offence: A further fine of \$100,000/day.
Imports or exports the Scheduled HFCs without a licence*	Maximum fine of \$1,000,000 and imprisonment for 2 years.
Imports, manufactures or supplies Regulated HFC Products that use HFCs-containing refrigerants or fire suppressants exceeding the prescribed GWP limit	
Offences related to Regulated Equipment using HFCs/ODSs-containing refrigerants/fire suppressants	
Any person who:	
Causes the release of any HFCs/ODSs-containing refrigerants/fire suppressants used in the Regulated Equipment	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.
Undertakes refrigerant/fire suppressant handling work on the Regulated Equipment without being a registered handler ¹	
Any person owning Regulated Equipment who:	
Fails to register the Regulated Equipment with EPD	Maximum fine of \$50,000.
Fails to affix label to the Regulated Equipment	

¹ This requirement applies to both Regulated Equipment using HFCs/ODSs-containing refrigerants/fire suppressants and Regulated Equipment using refrigerants with flammability, higher toxicity or high operating pressure.

Proposed offence	Proposed penalty
Fails to engage registered refrigerant/fire suppressant handlers to conduct works involving HFCs/ODSs-containing refrigerants/fire suppressants on the Regulated Equipment	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.
Any person handling refrigerants/fire suppressants who:	
Fails to comply with responsibilities at <u>Annex F</u>	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.
Offences related to Regulated Equipment (using refrigerants with flammability, higher toxicity or high operating pressure)	
Any person owning Regulated Equipment who:	
Fails to operate the equipment safely or maintain the equipment in a safe condition	Maximum fine of \$200,000 and imprisonment for 6 months.
Fails to engage registered refrigerant handlers to conduct works involving refrigerants with flammability, higher toxicity or high operating pressure on the Regulated Equipment	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.
Any person handling refrigerants who:	
Fails to comply with responsibilities at <u>Annex F</u>	Maximum fine of \$200,000 and imprisonment for 6 months. For continuing offence: A further fine of \$10,000/day.

Remark

- * These offences are covered by the existing offences for scheduled substances in the OLPO.

To give effect to Hong Kong's international obligations under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; to provide for the prohibition of the manufacture of, and to control the importation and exportation of, and to conserve the resources of, substances that deplete the ozone layer and of products containing or made with those substances; and to provide for related matters.

(Amended 26 of 1993 s. 2)

[1 July 1989] *L.N. 204 of 1989*
(Format changes—E.R. 1 of 2019)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

Advisory Council on the Environment (環境諮詢委員會) means the advisory body established by the Chief Executive to advise on matters relating to pollution control and sustainability of the environment; *(Added 6 of 1997 s. 2. Amended L.N. 631 of 1997; 34 of 2000 s. 3)*

air transshipment cargo (航空轉運貨物) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); *(Added 29 of 2000 s. 9)*

aircraft (飛機), ***vehicle*** (車輛) and ***vessel*** (船隻) have the same meanings as in the Import and Export Ordinance (Cap. 60); *(Amended 66 of 1991 s. 2)*

authorized officer (特准人員) means an officer authorized under section 9;

cargo transshipment area of Hong Kong International Airport (機場貨物轉運區) has the meaning assigned to it in section 2 of the Import and Export Ordinance (Cap. 60); *(Added 29 of 2000 s. 9)*

Director (署長) means the Director of Environmental Protection;

domestic premises (住宅) means a premises or place used exclusively for residential purposes and constituting a separate household unit;

export (輸出、出口) means to take, or cause to be taken, out of Hong Kong any article other than an article in transit as

defined in section 2 of the Import and Export Ordinance (Cap. 60); (*Added 66 of 1991 s. 2*)

import (輸入、進口) means to bring, or cause to be brought, into Hong Kong any article other than an article in transit as defined in section 2 of the Import and Export Ordinance (Cap. 60); (*Added 66 of 1991 s. 2*)

licence (許可證) means a licence issued under this Ordinance;

scheduled substance (受管制物質)—

- (a) means a substance listed in the Schedule, whether existing alone or in a mixture; but
- (b) in sections 4 and 6 does not include a substance listed in the Schedule that is—
 - (i) in a manufactured product (other than one used solely for the transportation or storage of the substance) and the substance is used in the operation of the product or the mere dispensing of the contents of the product constitutes the intended use of the substance; or
 - (ii) part of a manufactured product solely because the substance was used in the process of manufacturing the product;

Secretary (局長) means the Secretary for Environment and Ecology. (*Replaced 78 of 1999 s. 7. Amended L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022*)

3. Offence to manufacture scheduled substances

- (1) A person who manufactures a scheduled substance commits an offence and is liable to—
 - (a) a fine of \$1,000,000 and imprisonment for 2 years; and
 - (b) a fine of \$100,000 for each day on which the offence continues.
- (2) Subsection (1) does not apply where the scheduled substance is manufactured solely for the purpose of research or academic instruction and the person manufactures no more than 1 kg of the substance in any 12 month period.

4. Offence to import or export scheduled substances without a licence

A person who imports or exports a scheduled substance without a licence commits an offence and is liable to a fine of \$1,000,000 and to imprisonment for 2 years.

5. Registration

- (1) Where the Director is satisfied that a person—
 - (a) was, before the commencement of this Ordinance, an importer or exporter of scheduled substances; or
 - (b) bona fide intends to import or export scheduled substances if granted a licence under section 6,the Director may, on application to him in a form specified by him and on payment of the prescribed registration fee, register the person under this section.
- (2) It is a condition of continued registration that the registrant bona fide intends to import or export scheduled substances if granted a licence under section 6.
- (3) The Director may, at the time of registration or at any time after giving written notice to a registrant, impose conditions of registration that are reasonably related to Hong Kong's obligations referred to in section 6(4)(a) or to the measures referred to in section 6(4)(b).
- (4) Registration under this section does not entitle a person to a licence under section 6.
- (5) The Director shall issue a certificate of registration in a form specified by him to a person who is registered under this section and the condition of registration under subsection (2) and any conditions of registration imposed under subsection (3) shall be set out in the certificate.
- (6) Where the Director specifies an expiry date in a certificate of registration, the registration ceases to have effect after that date.
- (7) If the Director refuses to register an applicant, the Director shall serve on the applicant, by personal service or by post, a notice stating the reasons for his refusal.
- (8) A person registered under this section who contravenes a condition of registration relating to him commits an offence and is liable to a fine at level 4. (*Amended E.R. 3 of 2021*)

6. Licence to import or export scheduled substances

- (1) The Director may, on the application of a person registered under section 5 and on payment of the prescribed licence fee, issue in respect of a specified consignment of a scheduled substance— (*Amended 33 of 2003 s. 6*)
 - (a) an import licence to import the scheduled substance (*import licence*);

- (b) an export licence to export the scheduled substance (*export licence*); or
 - (c) an import and export licence to import and export the scheduled substance (*import and export licence*),
subject to any conditions that the Director may impose. (*Amended 33 of 2003 s. 6*)
- (2) The Director may, on application to him, vary the conditions of a licence.
 - (3) The Director may specify the forms of the applications and licence under this section.
 - (4) In considering whether to issue a licence or vary the conditions of a licence the Director—
 - (a) shall comply with Hong Kong's obligations under the 1985 Vienna Convention for the Protection of the Ozone Layer, the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as it may be amended from time to time and any other protocols under the Convention that apply to Hong Kong; and
 - (b) may impose more stringent measures than are required by the Convention and the protocols referred to in paragraph (a).
 - (5) If the Director refuses to issue a licence or vary the conditions of a licence as requested by the applicant in his application, the Director shall serve on the applicant, by personal service or by post, a notice stating the reasons for his refusal.
 - (6) A licensee who contravenes a condition of a licence commits an offence and is liable to a fine of \$1,000,000 and to imprisonment for 2 years.

7. Cancellation of registration or licence

- (1) The Director may at any time cancel a registration or licence where he considers that a condition of the registration or licence has been contravened or that the registration was made or licence was issued as a result of an error or an unlawful act of the applicant or a false representation of a fact made by him.
- (2) The Director shall, by personal service or by post, serve on the person whose registration or licence is cancelled a notice of the cancellation stating the reasons for the cancellation.
- (3) Within 10 days after being served with a notice of cancellation the person served shall deliver the relevant certificate of registration or licence to the Director.

- (4) Where the person served is not given an opportunity to be heard before his registration or licence is cancelled, he may apply to the Director to review his decision and the Director may, after hearing the applicant, reinstate the registration or licence, subject to any conditions he may impose.
- (5) A person who fails to deliver a cancelled certificate of registration or licence in compliance with subsection (3) commits an offence and is liable to a fine at level 4. (*Amended E.R. 3 of 2021*)

8. Appeal to Administrative Appeals Board

- (1) A person who is aggrieved by a decision made in respect of him by the Director under section 5, 6 or 7 or under provisions of the regulations that may be specified to be subject to an appeal under this section may, within 28 days after receiving notice of the decision, appeal to the Administrative Appeals Board.
- (2) The Director shall take such action as is necessary to give effect to the Administrative Appeals Board's decision.

(Amended 6 of 1997 s. 3)

9. Appointment of authorized officers

The Director may authorize in writing any public officer to exercise any powers and perform any duties conferred or imposed on an authorized officer by this Ordinance.

10. General powers of authorized officers

- (1) Without prejudice to the powers conferred by section 11, an authorized officer may, for the purposes of this Ordinance—
 - (a) enter at any reasonable time and search—
 - (i) any premises (other than domestic premises) occupied by a person registered under this Ordinance or by the holder of a licence;
 - (ii) any premises (other than domestic premises) in which there is a machine or machinery designed to cool or freeze anything or to function as a heat pump;
 - (iii) any premises (other than domestic premises) occupied by a person who carries on the business of, or any business that includes servicing, repairing or decommissioning air-conditioners or heat pumps; and

- (iv) any premises (other than domestic premises) occupied by a person who carries on the business of, or any business that includes the recovery or recycling of scheduled substances;
- (b) require a person to produce for his inspection—
 - (i) a licence or certificate of registration;
 - (ii) any document which relates to the origin, destination, specifications or nature of anything in respect of which a licence could be issued under this Ordinance or which he suspects to be evidence of an offence under this Ordinance; or
 - (iii) any record or other document required to be kept by this Ordinance;
- (c) examine and make copies of a licence, certificate of registration or of any record or document produced under paragraph (b);
- (d) take possession of, without payment but subject to the issue of a receipt for it, a sample of anything that may be required by the Director for the purpose of examination and investigation to determine whether an offence may have been committed under this Ordinance;
- (e) examine anything if he considers it necessary to do so to ascertain whether or not the provisions of this Ordinance are being, or have been, complied with by any person in respect of that thing;
- (f) require the owner, occupier or person in charge of any premises entered under this section to provide sampling points with safe access for taking a sample under paragraph (d); (*Added 26 of 1993 s. 3*)
- (g) inspect and observe the operation of any equipment, and any gauge, dial or other instrument used or referred to in connection with its operation, or activated by its operation, and record the results of the inspection and observation for the purpose of ascertaining—
 - (i) whether or not this Ordinance applies to that equipment; and
 - (ii) whether or not the provisions of this Ordinance are being, or have been, complied with by any person in respect of that equipment; or (*Added 26 of 1993 s. 3*)

- (h) make any inspection or measurement for the purpose of ascertaining whether any equipment is maintained or used in accordance with this Ordinance. (*Added 26 of 1993 s. 3*)
- (2) An authorized officer may require—
 - (a) the holder of a licence;
 - (b) a person registered under this Ordinance;
 - (c) a servant, employee or agent of a person referred to in paragraph (a) or (b); and
 - (d) the owner, occupier or person in charge of any premises which he is empowered to enter under subsection (1), (*Added 26 of 1993 s. 3*)

to furnish such information or take such action as may be necessary to enable the authorized officer to exercise the powers conferred or perform the duties imposed on him under this Ordinance.

- (3) Where a sample of anything is taken by an authorized officer under subsection (1)(d) the Director may, after his examination and investigation, direct that the sample be returned to the place from which it was taken, or destroyed or disposed of, as the Director thinks fit.

(Amended 26 of 1993 s. 3)

11. Special powers of authorized officers

- (1) An authorized officer may enter and search any place or premises (other than domestic premises) if he reasonably suspects that there is in or on that place or premises anything in respect of which an offence has been committed under this Ordinance or which is, or contains, evidence of the commission of such offence.
- (2) An authorized officer may seize anything, other than an aircraft, vessel or vehicle— (*Amended E.R. 1 of 2019*)
 - (a) in respect of which he reasonably suspects that an offence has been committed under this Ordinance; or
 - (b) which he reasonably suspects to be, or to contain, evidence of the commission of such an offence.
- (3) An authorized officer may enter and search any premises (other than domestic premises) or place connected with the manufacture, processing, production, storage, distribution or sale of anything in respect of which a licence has been issued under this Ordinance.

- (4) An authorized officer who seizes anything under this section shall, as soon as reasonably practicable, give a receipt for it, and he may permit any person who would be entitled to have possession of it, or be entitled to inspect it but for its seizure, to inspect it at any reasonable time and to photograph or make copies of it.

12. Ancillary powers of investigation of suspected offence

An authorized officer may—

- (a) use such force as is reasonably necessary to enter any place or premises which he is empowered by section 10 or 11 to enter and search;
- (b) use such force as is reasonably necessary to remove a person or thing obstructing him in the exercise of a power conferred or the performance of a duty imposed on him by section 10 or 11;
- (c) detain a person found in any place or premises which he is empowered by section 10 or 11 to search until the premises or place has been searched;
- (d) search the person and property and effects of a person whom he reasonably suspects of being guilty of an offence under this Ordinance, but no person shall be searched except by a person of the same sex or be searched in a public place if he objects to being so searched; and
- (e) if there are reasonable grounds for believing that it is necessary for the purpose of carrying out his duties or for the effective enforcement of this Ordinance, require a person found in any place or premises which he is empowered to enter by section 10 or 11 to give details of his identity, name and address and produce evidence of his identity. *(Added 26 of 1993 s. 4)*

(Amended 26 of 1993 s. 3)

13. Offences in relation to enforcement

A person who—

- (a) wilfully resists, obstructs or delays any authorized officer in the exercise of any powers conferred on him by or under this Ordinance;
- (b) fails without reasonable excuse to comply with any requirement made by an authorized officer under section 10, 11 or 12;

- (c) in compliance or purported compliance with any such requirement produces a record or document which is incorrect or inaccurate in a material respect and which he knows to be incorrect or inaccurate or does not believe to be correct or accurate; or
- (d) wilfully or recklessly gives information which is incorrect or inaccurate in a material respect or withholds information as to any of the matters in respect of which information is required to be given under this Ordinance,

commits an offence and is liable to a fine at level 6 and to imprisonment for 6 months.

(Amended E.R. 3 of 2021)

14. Forfeiture

- (1) Anything seized under section 11(2) is liable to forfeiture, whether or not any person has been convicted of an offence in respect of the thing.
- (2) Where anything is seized under section 11(2), the Director may at any time release it, upon payment of reasonable storage charges, to the person who appears to him to be the owner of it or his authorized agent subject to any conditions that the Director may specify in writing.
- (2A) Where anything seized under section 11(2) is without an apparent owner, the Director shall, within 7 days from the date of its seizure, cause a notice to be exhibited at the Environmental Protection Department in a place to which the public have access—
 - (a) calling upon the owner to submit a claim of ownership within 30 days; and
 - (b) declaring the Director's intention to apply for forfeiture of the thing at the expiration of the period if no claim of ownership is submitted. *(Added 6 of 1997 s. 4)*
- (3) Where anything has not been released under subsection (2), the Director may, in proceedings where an offence is prosecuted under this Ordinance or in separate proceedings relating to the thing seized, apply to a court or magistrate for the forfeiture of the thing.
- (4) Upon the hearing of an application under subsection (3), other than in a case to which subsection (4A) applies, if the court or magistrate is satisfied that an offence was committed in respect of the thing, the court or magistrate may order that the thing—
 - (a) be forfeited; or

- (b) be delivered to its owner or his authorized agent upon payment of reasonable storage charges and subject to any conditions that the court or magistrate may specify in the order.
- (4A) Upon the hearing of an application under subsection (3) in a case where no claim of ownership has been submitted under subsection (2A)(a), if the court or magistrate is satisfied that the Director has complied with the provisions of subsection (2A), the court or magistrate may order that the thing be forfeited to the Government. *(Added 6 of 1997 s. 4)*
- (5) Where under subsection (3) an application is made for forfeiture otherwise than in proceedings where an offence under this Ordinance is prosecuted, the Director shall forthwith notify in writing the person who appears to him to be the owner of the thing or his authorized agent, unless the person who appears to him to be the owner or his authorized agent has indicated in writing to the Director that notification is not required.
- (6) If there is more than one apparent owner of the thing seized, it is sufficient for the purposes of subsection (5) to give notice to one apparent owner or his authorized agent, unless that apparent owner or his authorized agent has indicated that notification is not required.
- (7) Anything ordered to be forfeited under this section that is a scheduled substance shall be destroyed or disposed of as determined by the Director.
- (8) The Director shall determine the amount of storage charges payable under subsection (2) which shall not exceed the value of the thing seized. *(Added 6 of 1997 s. 4)*

(Amended 6 of 1997 s. 4)

14A. Claims for the return of thing forfeited under section 14(4A)

- (1) A person wishing to claim the return of anything forfeited to the Government under section 14(4A) may, within 6 weeks after the thing has been forfeited, give notice in writing to the Director of his intention to submit to the Secretary a petition under this section in respect of the thing forfeited.
- (2) A petition shall be submitted to the Secretary by lodging it in triplicate with the Director within 30 days of giving notice under subsection (1).
- (3) The Secretary may after considering the petition—

- (a) upon payment of reasonable storage charges, order the return of the thing forfeited subject to any conditions that the Secretary may specify in writing; or
- (b) reject the petition.
- (4) The Secretary shall determine the amount of storage charges payable under subsection (3)(a) which shall not exceed the value of the thing forfeited.
- (5) The decision of the Secretary under subsection (3) is final.

(Added 6 of 1997 s. 5)

15. Prosecutions

- (1) Prosecutions for offences under this Ordinance may be brought in the name of the Director or the Commissioner of Customs and Excise.
- (2) A complaint or information in respect of an offence under this Ordinance shall be made or laid within 6 months after the time the matter of the complaint or information first came to the knowledge of the Director, the Commissioner of Customs and Excise or an authorized officer.

16. Regulations

- (1) The Secretary may, after consultation with the Advisory Council on the Environment, make regulations generally for the purposes of this Ordinance including regulations for all or any of the following matters— *(Amended 6 of 1997 s. 7)*
 - (a) the control or prohibition of the import, export, manufacture, use, sale, distribution, storage, recycling and disposal of products containing a scheduled substance;
 - (b) the control or prohibition of the import, export, manufacture, use, sale, distribution, storage and disposal of products made with a scheduled substance;
 - (ba) the control or prohibition of the use, sale, distribution, handling, storage, recovering, recycling, emission and disposal of a scheduled substance; *(Added 26 of 1993 s. 5)*
 - (c) the prohibition of the use of a scheduled substance in any prescribed plant or process;
 - (d) the issue of codes of practice relating to the use, recovery, recycling or disposal of scheduled substances for a particular process, plant or product containing or made with a scheduled substance;

- (e) the prohibition of the manufacture or import of products containing or made with a scheduled substance by a person who has not complied with a code of practice relating to the use, recovery, recycling or disposal of scheduled substances used in products manufactured or imported by that person;
 - (f) the labelling or marking of products containing or made with a scheduled substance;
 - (g) the prohibition of the distribution of products that are not labelled or marked in accordance with the regulations;
 - (h) empowering the Director to determine whether a country or place is in full compliance with the requirements of the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as that Protocol may be amended from time to time; *(Added 26 of 1993 s. 5)*
 - (i) empowering the Director to declare by notice in the Gazette a scheduled substance to be a controlled refrigerant; *(Added 26 of 1993 s. 5)*
 - (j) empowering the Director to approve the type of equipment to be used for recovering or recycling a scheduled substance and to signify his approval by notice in the Gazette; and *(Added 26 of 1993 s. 5)*
 - (k) empowering the Director to specify by notice in the Gazette the manner in which equipment designed for recovering or recycling a scheduled substance is to be used. *(Added 26 of 1993 s. 5)*
- (1A) *(Repealed 6 of 1997 s. 7)*
- (2) Regulations made under this section may in respect of any contravention of the regulations provide for—
- (a) a fine not exceeding \$1,000,000 for each contravention and in addition a fine not exceeding \$10,000 for each day on which a contravention continues; and
 - (b) imprisonment not exceeding 2 years.
- (3) Regulations made under this section, other than regulations that only prescribe fees, are subject to the approval of the Legislative Council.

(Amended 26 of 1993 s. 5)

17. Secretary may amend Schedule

The Secretary may, after consultation with the Advisory Council on the Environment, by order published in the Gazette, amend the Schedule.

Schedule

[ss. 2 & 17]

Scheduled Substances

(Schedule replaced L.N. 114 of 2009)

A substance listed in this Schedule includes, except as otherwise stated, the substance's isomers.

Part 1

Chlorofluorocarbons (CFCs)

Chemical Name	Chemical Formula
Trichlorofluoromethane	CFCl_3
Dichlorodifluoromethane	CF_2Cl_2
Trichlorotrifluoroethane	$\text{C}_2\text{F}_3\text{Cl}_3$
Dichlorotetrafluoroethane	$\text{C}_2\text{F}_4\text{Cl}_2$
Chloropentafluoroethane	$\text{C}_2\text{F}_5\text{Cl}$

Part 2

Halons

Chemical Name	Chemical Formula
Bromochlorodifluoromethane	CF_2BrCl
Bromotrifluoromethane	CF_3Br
Dibromotetrafluoroethane	$\text{C}_2\text{F}_4\text{Br}_2$

Part 3

Other Fully Halogenated Chlorofluorocarbons

Chemical Name	Chemical Formula
Chlorotrifluoromethane	CF ₃ Cl
Pentachlorofluoroethane	C ₂ FCl ₅
Tetrachlorodifluoroethane	C ₂ F ₂ Cl ₄
Heptachlorofluoropropane	C ₃ FCl ₇
Hexachlorodifluoropropane	C ₃ F ₂ Cl ₆
Pentachlorotrifluoropropane	C ₃ F ₃ Cl ₅
Tetrachlorotetrafluoropropane	C ₃ F ₄ Cl ₄
Trichloropentafluoropropane	C ₃ F ₅ Cl ₃
Dichlorohexafluoropropane	C ₃ F ₆ Cl ₂
Chloroheptafluoropropane	C ₃ F ₇ Cl

Part 4

Methyl Chloroform

Chemical Name	Chemical Formula
1,1,1-Trichloroethane (except 1,1,2-Trichloroethane)	C ₂ H ₃ Cl ₃

Part 5

Carbon Tetrachloride

Chemical Name	Chemical Formula
Tetrachloromethane	CCl ₄

Part 6

Methyl Bromide

Chemical Name	Chemical Formula
Bromomethane	CH ₃ Br

Part 7

Hydrobromofluorocarbons (HBFCs)

Chemical Name	Chemical Formula
Dibromofluoromethane	CHFBr_2
Bromodifluoromethane	CHF_2Br
Bromofluoromethane	CH_2FBr
Tetrabromofluoroethane	C_2HFBr_4
Tribromodifluoroethane	$\text{C}_2\text{HF}_2\text{Br}_3$
Dibromotrifluoroethane	$\text{C}_2\text{HF}_3\text{Br}_2$
Bromotetrafluoroethane	$\text{C}_2\text{HF}_4\text{Br}$
Tribromofluoroethane	$\text{C}_2\text{H}_2\text{FBr}_3$
Dibromodifluoroethane	$\text{C}_2\text{H}_2\text{F}_2\text{Br}_2$
Bromotrifluoroethane	$\text{C}_2\text{H}_2\text{F}_3\text{Br}$
Dibromofluoroethane	$\text{C}_2\text{H}_3\text{FBr}_2$
Bromodifluoroethane	$\text{C}_2\text{H}_3\text{F}_2\text{Br}$
Bromofluoroethane	$\text{C}_2\text{H}_4\text{FBr}$
Hexabromofluoropropane	C_3HFBr_6
Pentabromodifluoropropane	$\text{C}_3\text{HF}_2\text{Br}_5$
Tetrabromotrifluoropropane	$\text{C}_3\text{HF}_3\text{Br}_4$
Tribromotetrafluoropropane	$\text{C}_3\text{HF}_4\text{Br}_3$
Dibromopentafluoropropane	$\text{C}_3\text{HF}_5\text{Br}_2$
Bromohexafluoropropane	$\text{C}_3\text{HF}_6\text{Br}$
Pentabromofluoropropane	$\text{C}_3\text{H}_2\text{FBr}_5$
Tetrabromodifluoropropane	$\text{C}_3\text{H}_2\text{F}_2\text{Br}_4$
Tribromotrifluoropropane	$\text{C}_3\text{H}_2\text{F}_3\text{Br}_3$
Dibromotetrafluoropropane	$\text{C}_3\text{H}_2\text{F}_4\text{Br}_2$
Bromopentafluoropropane	$\text{C}_3\text{H}_2\text{F}_5\text{Br}$
Tetrabromofluoropropane	$\text{C}_3\text{H}_3\text{FBr}_4$
Tribromodifluoropropane	$\text{C}_3\text{H}_3\text{F}_2\text{Br}_3$
Dibromotrifluoropropane	$\text{C}_3\text{H}_3\text{F}_3\text{Br}_2$
Bromotetrafluoropropane	$\text{C}_3\text{H}_3\text{F}_4\text{Br}$
Tribromofluoropropane	$\text{C}_3\text{H}_4\text{FBr}_3$
Dibromodifluoropropane	$\text{C}_3\text{H}_4\text{F}_2\text{Br}_2$
Bromotrifluoropropane	$\text{C}_3\text{H}_4\text{F}_3\text{Br}$
Dibromofluoropropane	$\text{C}_3\text{H}_5\text{FBr}_2$
Bromodifluoropropane	$\text{C}_3\text{H}_5\text{F}_2\text{Br}$
Bromofluoropropane	$\text{C}_3\text{H}_6\text{FBr}$

Part 8

Hydrochlorofluorocarbons (HCFCs)

Chemical Name	Chemical Formula
Dichlorofluoromethane	CHFCl_2
Chlorodifluoromethane	CHF_2Cl
Chlorofluoromethane	CH_2FCl
Tetrachlorofluoroethane	C_2HFCl_4
Trichlorodifluoroethane	$\text{C}_2\text{HF}_2\text{Cl}_3$
Dichlorotrifluoroethane	$\text{C}_2\text{HF}_3\text{Cl}_2$
Chlorotetrafluoroethane	$\text{C}_2\text{HF}_4\text{Cl}$
Trichlorofluoroethane	$\text{C}_2\text{H}_2\text{FCl}_3$
Dichlorodifluoroethane	$\text{C}_2\text{H}_2\text{F}_2\text{Cl}_2$
Chlorotrifluoroethane	$\text{C}_2\text{H}_2\text{F}_3\text{Cl}$
Dichlorofluoroethane	$\text{C}_2\text{H}_3\text{FCl}_2$
Chlorodifluoroethane	$\text{C}_2\text{H}_3\text{F}_2\text{Cl}$
Chlorofluoroethane	$\text{C}_2\text{H}_4\text{FCl}$
Hexachlorofluoropropane	C_3HFCl_6
Pentachlorodifluoropropane	$\text{C}_3\text{HF}_2\text{Cl}_5$
Tetrachlorotrifluoropropane	$\text{C}_3\text{HF}_3\text{Cl}_4$
Trichlorotetrafluoropropane	$\text{C}_3\text{HF}_4\text{Cl}_3$
Dichloropentafluoropropane	$\text{C}_3\text{HF}_5\text{Cl}_2$
Chlorohexafluoropropane	$\text{C}_3\text{HF}_6\text{Cl}$
Pentachlorofluoropropane	$\text{C}_3\text{H}_2\text{FCl}_5$
Tetrachlorodifluoropropane	$\text{C}_3\text{H}_2\text{F}_2\text{Cl}_4$
Trichlorotrifluoropropane	$\text{C}_3\text{H}_2\text{F}_3\text{Cl}_3$
Dichlorotetrafluoropropane	$\text{C}_3\text{H}_2\text{F}_4\text{Cl}_2$
Chloropentafluoropropane	$\text{C}_3\text{H}_2\text{F}_5\text{Cl}$
Tetrachlorofluoropropane	$\text{C}_3\text{H}_3\text{FCl}_4$
Trichlorodifluoropropane	$\text{C}_3\text{H}_3\text{F}_2\text{Cl}_3$
Dichlorotrifluoropropane	$\text{C}_3\text{H}_3\text{F}_3\text{Cl}_2$
Chlorotetrafluoropropane	$\text{C}_3\text{H}_3\text{F}_4\text{Cl}$
Trichlorofluoropropane	$\text{C}_3\text{H}_4\text{FCl}_3$
Dichlorodifluoropropane	$\text{C}_3\text{H}_4\text{F}_2\text{Cl}_2$
Chlorotrifluoropropane	$\text{C}_3\text{H}_4\text{F}_3\text{Cl}$
Dichlorofluoropropane	$\text{C}_3\text{H}_5\text{FCl}_2$
Chlorodifluoropropane	$\text{C}_3\text{H}_5\text{F}_2\text{Cl}$
Chlorofluoropropane	$\text{C}_3\text{H}_6\text{FCl}$

Part 9

Bromochloromethane (BCM)

Chemical Name	Chemical Formula
Bromochloromethane	CH ₂ BrCl

2. Interpretation

In this Regulation, unless the context otherwise requires—

controlled refrigerant (受管制製冷劑) means a scheduled substance which the Director has by notice in the Gazette, declared to be a controlled refrigerant;

motor vehicle (汽車) means a mechanically propelled vehicle for use on roads;

motor vehicle air-conditioner (汽車空調機) means an air-conditioner or heat pump that is designed to cool or heat the driver's or passenger's compartment of a motor vehicle and that utilizes for that purpose a controlled refrigerant;

recover (回收) means to remove a controlled refrigerant from a refrigeration equipment or motor vehicle air-conditioner and to store it in a container designed for the purpose of storing refrigerants;

recycle (循環使用) means, in relation to a controlled refrigerant, to purify or distil it, or to treat it in any other way so as to make it suitable for reuse;

refrigerant charge (製冷劑量), in relation to refrigeration equipment, means the maximum quantity of controlled refrigerant the refrigeration equipment is intended to hold for the purposes of its operation, and for this purpose that quantity shall be determined—

- (a) by reference to the design and specifications of the refrigeration equipment; or
- (b) in the absence of information respecting the design and specifications of the refrigeration equipment, by a method of estimation commonly used by manufacturers of refrigerators or air-conditioners;

refrigerant recycling equipment (製冷劑回收再造機) means equipment designed for recovering or treating refrigerant;

refrigeration equipment (冷凍設備) means a machine or machinery that—

- (a) is designed to cool or freeze anything or to function as a heat pump;
- (b) utilizes for that purpose a controlled refrigerant; and

- (c) is installed in premises other than domestic premises, but does not include equipment in which the refrigerant charge is 50 kg or less or a motor vehicle air-conditioner.

3. Director to declare controlled refrigerant

The Director may, by notice in the Gazette, declare any scheduled substance to be a controlled refrigerant for the purposes of this Regulation.

4. Approval of refrigerant recycling equipment

The Director may for the purpose of this Regulation approve any type of refrigerant recycling equipment and may signify his approval by notice in the Gazette.

5. Prohibition on releasing controlled refrigerant

- (1) A person who allows or causes any controlled refrigerant used or intended for use in a refrigeration equipment or motor vehicle air-conditioner to escape into the atmosphere commits an offence and is liable to a fine at level 6. (*E.R. 3 of 2021*)
- (2) It is a defence for a person charged with an offence under this section to prove that—
 - (a) the escape occurred in the course of—
 - (i) transferring the controlled refrigerant from refrigeration equipment or from a motor vehicle air-conditioner to a container designed for the purpose of storing refrigerants;
 - (ii) recycling the controlled refrigerant;
 - (iii) transferring the controlled refrigerant from a container designed for the storage thereof into refrigeration equipment or into a motor vehicle air-conditioner; or
 - (iv) disposing of the controlled refrigerant by a method approved by the Director by notice in the Gazette, and that he took all reasonable precautions and exercised all due diligence to prevent the escape to occur;
 - (b) the escape occurred by reason of an accident or other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the escape to occur; or
 - (c) it was necessary to allow the escape to occur by reason of an emergency and in order to prevent danger to the health or safety of any person.

6. Control of recycling of controlled refrigerant

- (1) No person shall recover, recycle or otherwise treat or cause or allow to be recovered, recycled or otherwise treated a controlled refrigerant unless—
 - (a) refrigerant recycling equipment approved by the Director under section 4 is used for recovering or recycling the controlled refrigerant; and
 - (b) the equipment is used—
 - (i) in accordance with any instruction issued by the manufacturer of the equipment; and
 - (ii) in a manner as may be specified by notice in the Gazette by the Director.
- (2) A person who contravenes this section commits an offence and is liable to a fine at level 6. (*E.R. 3 of 2021*)

7. Records to be kept in relation to refrigeration equipment

- (1) The owner or occupier of premises in which there is refrigeration equipment shall keep in the premises up-to-date records of—
 - (a) the dates on which any controlled refrigerant was removed from that equipment during servicing or repairing that equipment;
 - (b) the dates on which any replacement controlled refrigerant is added to that equipment during servicing or repairing and the weight, in kilograms, of the controlled refrigerant.
- (2) The owner or occupier shall retain the records referred to in subsection (1) for at least 1 year after they were made.
- (3) A person who fails to comply with subsection (1) or (2) commits an offence and is liable to a fine at level 6. (*E.R. 3 of 2021*)
- (4) The record of weight required in subsection (1)(b) shall not include any controlled refrigerant that has previously been used in the equipment referred to in that subsection.

8. Records to be kept in relation to motor vehicle air-conditioners

- (1) A person who carries on the business of, or any business that includes servicing, repairing or decommissioning motor vehicle air-conditioners shall, at the place where such work is performed, keep records in writing of—

- (a) the total number of motor vehicle air-conditioners serviced or repaired at the place in each calendar month since the commencement* of this Regulation or in the last 12 months, whichever is the shorter period;
 - (b) the total number of motor vehicle air-conditioners decommissioned at the place in each calendar month since the commencement of this Regulation or in the last 12 months, whichever is the shorter period;
 - (c) the total weight, in kilograms, of any replacement controlled refrigerant added to all of the motor vehicle air-conditioners referred to in paragraph (a); and
 - (d) the total weight, in kilograms, of any controlled refrigerant removed from all of the motor vehicle air-conditioners referred to in paragraph (b).
- (2) A person who fails to comply with subsection (1) commits an offence and is liable to a fine at level 6. (*E.R. 3 of 2021*)
- (3) The record of weight required in subsection (1)(c) shall not include any controlled refrigerant that has previously been used in the air-conditioners referred to in that subsection.

Editorial Note:

* Commencement date: 1 January 1994.

2. Interpretation

In this Regulation, unless the context otherwise requires—

aerosol product (噴霧劑產品) means a container that contains a substance packed under pressure and that is fitted with a valve for the purpose of discharging a substance as aerosol, spray, fog, mist, gas, foam, paste or cream but does not include a container used solely for the transportation or storage of the substance;

air-conditioner (空調機) means an encased assembly or encased assemblies that—

- (a) is or are designed primarily to provide free delivery of conditioned air to an enclosed space, room or zone; and
- (b) has or have a prime source of refrigeration for cooling or heating; (*L.N. 244 of 2009*)

controlled product (受管制產品) means any of the following things that contains a scheduled substance listed in Part 1, 2, 3, 8 or 9 of the Schedule to the Ordinance— (*L.N. 244 of 2009*)

- (a) any air-conditioner or heat pump designed to cool the driver's or passengers' compartment of a motor vehicle (whether or not installed in the motor vehicle);
- (b) any refrigeration equipment or air-conditioning or heat pump equipment (whether for domestic or commercial use); (*L.N. 244 of 2009*)
- (c) an aerosol product;
- (d) an insulation panel, insulation board or insulation pipe cover;
- (e) a pre-polymer; (*L.N. 244 of 2009*)

motor vehicle (汽車) means a mechanically propelled vehicle for use on roads;

portable fire extinguisher (手提式滅火器) means a portable fire extinguisher that contains a scheduled substance listed in Part 1, 2, 3, 8 or 9 of the Schedule to the Ordinance; (*L.N. 244 of 2009*)

pre-polymer (預聚合物) means a polymer that—

- (a) has a low degree of polymerization;

(b) is prepared through preliminary reaction of polyisocyanate and polyol; and

(c) is used in the production of polyurethane foam;

Protocol (議 定 書) means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as that Protocol may be amended from time to time;

refrigeration equipment (冷 凍 設 備) includes refrigerators, freezers, chillers, dehumidifiers, water coolers and ice machines; (*L.N. 244 of 2009*)

transhipment (轉 運) means the importation of a controlled product that—

(a) is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong; and

(b) is or is to be removed from the vessel, vehicle or aircraft in which it was imported, and, before being exported, is either—

(i) returned to the same vessel, vehicle or aircraft; or

(ii) transferred to another vessel, vehicle or aircraft, whether it is or is to be transferred directly between the vessels, vehicles or aircraft or whether it is to be landed in Hong Kong after its importation and stored, pending exportation. (*L.N. 244 of 2009*)

(*L.N. 244 of 2009*)

3. Offence to import certain products

(1) No person shall import a controlled product from any country or place, whether or not the country or place is bound by the terms of the Protocol. (*L.N. 244 of 2009*)

(1A) Without prejudice to subsection (1), no person shall import a portable fire extinguisher from any country or place, whether or not bound by the terms of the Protocol, unless the Director after consulting the Director of Fire Services certifies that the portable fire extinguisher is required for essential applications relating to emergency situations or where lives are at risk. (*L.N. 443 of 1996*)

(2) This section does not apply to a controlled product or portable fire extinguisher imported into Hong Kong by a vessel, aircraft or vehicle if the controlled product or portable fire extinguisher is— (*L.N. 443 of 1996*)

(a) the necessary equipment or part of the necessary stores of the vessel, aircraft or vehicle;

- (b) an item of personal property reasonably required for the personal use of the crew or passengers of the vessel, aircraft or vehicle;
 - (c) an used item imported for the personal use of an owner who is taking up residence in Hong Kong; or
 - (d) imported by a passenger of the vessel, aircraft or vehicle in his personal baggage or carried by him.
- (2A) This section does not apply to a controlled product that is—
 - (a) in the course of transshipment; or
 - (b) imported solely for export. (*L.N. 244 of 2009*)
- (2B) In a prosecution for an offence under this section, a controlled product that is found in Hong Kong is presumed, in the absence of evidence to the contrary, to be a controlled product that is not—
 - (a) in the course of transshipment; or
 - (b) imported solely for export. (*L.N. 244 of 2009*)
- (3) A person who contravenes this section commits an offence and is liable to a fine of \$1,000,000 and to imprisonment for 2 years. (*L.N. 244 of 2009*)

Schedule

[s. 1]

Specification of Public Offices

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Justice	Bankruptcy Ordinance (Cap. 6), paragraph (c) of the definition of Registrar in section 99A(7).
Chief Justice	Evidence Ordinance (Cap. 8), sections 27(2) and 29A(2).
Chief Justice	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), paragraph (d) of the definition of Registrar in section 286E(7). <i>(14 of 2016 s. 180)</i>
Chief Justice	Juvenile Offenders Ordinance (Cap. 226), section 3A(2).
Chief Secretary for Administration	The Rules of the High Court (Cap. 4 sub. leg. A), Order 69, rule 2, and Order 70, rule 3. <i>(E.R. 4 of 2024)</i>
Chief Secretary for Administration	Evidence Ordinance (Cap. 8), sections 19A(1) and 40(5).
Chief Secretary for Administration	Immigration Ordinance (Cap. 115).
Chief Secretary for Administration	Air Passenger Departure Tax Ordinance (Cap. 140).
Chief Secretary for Administration	Registration of Persons Ordinance (Cap. 177), section 11.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Criminal Procedure Ordinance (Cap. 221), section 85(1).
Chief Secretary for Administration	Prison Rules (Cap. 234 sub. leg. A), rule 222(2).
Chief Secretary for Administration	Probation of Offenders Rules (Cap. 298 sub. leg. A), rule 42.
Chief Secretary for Administration	Basel Evangelical Missionary Society Incorporation Ordinance (Cap. 1002), section 6(2).
Chief Secretary for Administration	Scout Association of Hong Kong Ordinance (Cap. 1005), section 9(3).
Chief Secretary for Administration	Catholic Mission of Macao Incorporation Ordinance (Cap. 1006), section 5(2).
Chief Secretary for Administration	China Peniel Missionary Society Incorporation Ordinance (Cap. 1011), section 6(2).
Chief Secretary for Administration	Church of England Trust Ordinance (Cap. 1014), sections 3(2) and 4(1).
Chief Secretary for Administration	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Cap. 1016), section 5(2).
Chief Secretary for Administration	Maryknoll Sisters of St. Dominic Incorporation Ordinance (Cap. 1019), section 5(2).
Chief Secretary for Administration	Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025), section 3(1) and (2).
Chief Secretary for Administration	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Cap. 1028), section 5(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Jesuit Order (English Assistancy) Incorporation Ordinance (Cap. 1029), section 5(2).
Chief Secretary for Administration	Jesuit Order (Portuguese Province) Incorporation Ordinance (Cap. 1030), section 5(2).
Chief Secretary for Administration	Kowloon Union Church Incorporation Ordinance (Cap. 1032), section 6(2).
Chief Secretary for Administration	Petites Sœurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Cap. 1039), section 6(2).
Chief Secretary for Administration	Pontifical Foreign Missions Institute Incorporation Ordinance (Cap. 1041), section 5(2).
Chief Secretary for Administration	Salesian Society Incorporation Ordinance (Cap. 1043), section 5(2).
Chief Secretary for Administration	Sisters of the Precious Blood Order Incorporation Ordinance (Cap. 1045), section 4(2).
Chief Secretary for Administration	Sœurs de Saint Paul de Chartres Incorporation Ordinance (Cap. 1046), section 5(2).
Chief Secretary for Administration	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Cap. 1050), section 4(3).
Chief Secretary for Administration	Union Church Incorporation Ordinance (Cap. 1052), section 14(5).
Chief Secretary for Administration	Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance (Cap. 1060), section 3(1) and (2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Cap. 1063), section 6(3).
Chief Secretary for Administration	Daughters of Mary Help of Christians Incorporation Ordinance (Cap. 1070), section 6(2).
Chief Secretary for Administration	Hong Kong Baptist Church Incorporation Ordinance (Cap. 1078), section 10(1).
Chief Secretary for Administration	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Cap. 1084), section 6(2).
Chief Secretary for Administration	Education Scholarships Fund Ordinance (Cap. 1085), section 6(2).
Chief Secretary for Administration	Tsung Tsin Mission of Hong Kong Incorporation Ordinance (Cap. 1090), section 6(2).
Chief Secretary for Administration	Heung Yee Kuk Ordinance (Cap. 1097).
Chief Secretary for Administration	Abbot of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Cap. 1107), section 6(2).
Collector of Stamp Revenue	Betting Duty Ordinance (Cap. 108), sections 6GH(3), 6GI(5), 6GJ(1), 6GK(1), (3)(b) and (4), 6GL(2), (3) and (5), 6GM(1), 6GN(4) and (8)(b), 6GO(4)(a), 6L(2), 6M(3), 6N(4), 6O(1), 6P, 6Q, 6R(1), 6S(4) and (7)(b), 6T(4) (a), 6V(2), (4) and (6)(b), 6ZL(1), 6ZM(1), 6ZO(2), (3), (4) and (6)(a) and 7(3).
Collector of Stamp Revenue	Betting Duty Regulations (Cap. 108 sub. leg. A), regulation 3(4).
Commissioner for Innovation and Technology	Inland Revenue Ordinance (Cap. 112), section 19 of Schedule 45. <i>(29 of 2018 s. 14)</i>

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Cap. 59), sections 7(4) and 9A.
Commissioner for Labour	Employees' Compensation Ordinance (Cap. 282).
Commissioner for Labour	Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360).
Commissioner for Transport	Ferry Services Ordinance (Cap. 104).
Commissioner for Transport	Ferry Services Regulations (Cap. 104 sub. leg. A).
Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229).
Commissioner for Transport	Public Bus Services Ordinance (Cap. 230).
Commissioner for Transport	Public Bus Services Regulations (Cap. 230 sub. leg. A).
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237).
Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272).
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Cap. 330).
Commissioner for Transport	Road Tunnels (Government) Ordinance (Cap. 368).
Commissioner for Transport	Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A).
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Cap. 372).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A).
Commissioner for Transport	Road Traffic Ordinance (Cap. 374).
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B).
Commissioner for Transport	Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C).
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D).
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F).
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Cap. 374 sub. leg. N).
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O).
Commissioner for Transport	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Cap. 375).
Commissioner for Transport	Tsing Sha Control Area Ordinance (Cap. 594).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).
Commissioner for Transport	Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B).
Commissioner of Correctional Services	Training Centres Ordinance (Cap. 280).
Commissioner of Customs and Excise	Import and Export Ordinance (Cap. 60), sections 7, 12, 13G, 13H, 27(3) and (3B), 28(2A) and (10), 29A(1) and 33A(1)(b). <i>(16 of 2023 s. 4)</i>
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Cap. 60 sub. leg. E).
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Cap. 60 sub. leg. I), regulation 4.
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Cap. 109), except section 7.
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Cap. 109 sub. leg. A).
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Cap. 109 sub. leg. C), regulations 9 and 11.
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Cap. 145).
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Cap. 296), section 10.
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A), regulations 7A and 9(2).
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Cap. 318).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Cap. 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5).
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Cap. 371), section 10A(4).
Commissioner of Customs and Excise	Copyright Ordinance (Cap. 528).
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Cap. 544).
Commissioner of Inland Revenue	Inland Revenue Ordinance (Cap. 112), section 16C. <i>(29 of 2018 s. 14)</i>
Commissioner of Mines	Mining Ordinance (Cap. 285), sections 13, 18, 20, 21, 31 and 37.
Commissioner of Mines	Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295 sub. leg. D), regulations 3(2) and 7.
Director of Accounting Services	Waterworks Regulations (Cap. 102 sub. leg. A), regulation 50(2) and (3).
Director of Agriculture, Fisheries and Conservation	Forests and Countryside Ordinance (Cap. 96), sections 22(5) and 23.
Director of Agriculture, Fisheries and Conservation	Pesticides Ordinance (Cap. 133), except sections 5(4), 6(c), 10, 11 and 14.
Director of Agriculture, Fisheries and Conservation	Pesticides Regulations (Cap. 133 sub. leg. A).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Ordinance (Cap. 139), sections 6, 7 and 10(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg. A), regulations 30, 34, 35, 37, 44 and 51.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139 sub. leg. B), regulations 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H and 7. (<i>L.N. 68 of 2016</i>)
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), regulations 4, 11(1) and 13.
Director of Agriculture, Fisheries and Conservation	Dairies Regulations (Cap. 139 sub. leg. D), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F), regulations 4(1) and (3), 6(a) and (b) and 8(1) and (3).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139 sub. leg. I), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Riding Establishment) Regulations (Cap. 139 sub. leg. J), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Wild Animals Protection Ordinance (Cap. 170), section 13.
Director of Agriculture, Fisheries and Conservation	Plant (Importation and Pest Control) Ordinance (Cap. 207).
Director of Agriculture, Fisheries and Conservation	Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A), regulations 4(1) and (2) (a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a), (b), (c) and (d) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5).
Director of Agriculture, Fisheries and Conservation	Marine Parks Ordinance (Cap. 476), section 22(1).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A), section 17.
Director of Agriculture, Fisheries and Conservation	Kadoorie Agricultural Aid Loan Fund Ordinance (Cap. 1080), section 7.
Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 5, 7(1), 13, 14(1), 15(1), (2)(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g).
Director of Buildings as Building Authority	Buildings Ordinance (Cap. 123).
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276), section 15(1).
Director of Buildings as Building Authority	Education Ordinance (Cap. 279), section 12(1) (d).
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Cap. 370).
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Cap. 372), section 35(1).
Director of Civil Engineering and Development	Ferry Services Ordinance (Cap. 104), sections 16(1)(a), 20(1) and 28(4).
Director of Civil Engineering and Development	Sand Ordinance (Cap. 147), sections 2 and 3.
Director of Electrical and Mechanical Services	Evidence Ordinance (Cap. 8), section 28(1)(b) (i).
Director of Electrical and Mechanical Services	Tramway Ordinance (Cap. 107), sections 25 and 33.
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Cap. 211).
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Cap. 265), section 14A.
Director of Electrical and Mechanical Services	Electricity Ordinance (Cap. 406).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Environmental Protection	Waste Disposal Ordinance (Cap. 354), sections 16(1), 17, 19(1) and 36(3).
Director of Environmental Protection	Ozone Layer Protection Ordinance (Cap. 403).
Director of Environmental Protection	Environmental Impact Assessment Ordinance (Cap. 499).
Director of Environmental Protection	Environmental Impact Assessment (Appeal Board) Regulation (Cap. 499 sub. leg. A).
Director of Health	Undesirable Medical Advertisements Ordinance (Cap. 231).
Director of Health	Animals (Control of Experiments) Ordinance (Cap. 340).
Director of Highways	Public Lighting Ordinance (Cap. 105).
Director of Highways	Tramway Ordinance (Cap. 107).
Director of Highways	Road Traffic Ordinance (Cap. 374).
Director of Highways	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Director of Highways	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Director of Highways	Tsing Sha Control Area Ordinance (Cap. 594).
Director of Highways	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).
Director of Immigration	Immigration Ordinance (Cap. 115).
Director of Intellectual Property	Director of Intellectual Property (Establishment) Ordinance (Cap. 412).
Director of Intellectual Property as Registrar of Designs	Registered Designs Ordinance (Cap. 522).
Director of Intellectual Property as Registrar of Designs	Registered Designs Rules (Cap. 522 sub. leg. A).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Intellectual Property as Registrar of Patents	Patents Ordinance (Cap. 514).
Director of Intellectual Property as Registrar of Patents	Patents (Transitional Arrangements) Rules (Cap. 514 sub. leg. B).
Director of Intellectual Property as Registrar of Patents	Patents (General) Rules (Cap. 514 sub. leg. C).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Ordinance (Cap. 559).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Rules (Cap. 559 sub. leg. A).
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Cap. 28).
Director of Lands	Government Leases Ordinance (Cap. 40).
Director of Lands	Lands Resumption Ordinance (Cap. 124).
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), section 7(3).
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127).
Director of Lands	Mining Ordinance (Cap. 285).
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2).
Director of Lands	Road Traffic Ordinance (Cap. 374), sections 123(3) and (4) and 124(1) and (2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Marine	Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F), sections 4(2) and (3), 8(1) and (2), 9(1) and (2), 15(1) and (2), 19(1), 20(1), 21(1), 23(1), 24(1) and (2), 25(1), (2) and (3), 26(1) and (2) and 27(1) and (2). <i>(29 of 2021 s. 11)</i>
Director of Marketing	Agricultural Products (Marketing) Ordinance (Cap. 277).
Director of Marketing	Marine Fish (Marketing) Ordinance (Cap. 291).
Director of Social Welfare	Offences against the Person Ordinance (Cap. 212), section 44(4).
Director of Social Welfare	Reformatory Schools Ordinance (Cap. 225).
Director of Social Welfare	Juvenile Offenders Ordinance (Cap. 226).
Director of Social Welfare	Probation of Offenders Ordinance (Cap. 298).
Director-General of Civil Aviation	Air Passenger Departure Tax Ordinance (Cap. 140).
Director-General of Trade and Industry	Import and Export Ordinance (Cap. 60), sections 9(3), 33A(1)(b) and 36(2).
Director-General of Trade and Industry	Import and Export (General) Regulations (Cap. 60 sub. leg. A), regulations 5AB(1), (2), (3), (4) and (5), 5AC(1) and (3), 5AD(1) and (2), 5AE(1)(c) and 6(3) and (4) and item 1 of Part 1 and item 13 of Part 4 of Schedule 5.
Director-General of Trade and Industry	Import and Export (Fees) Regulations (Cap. 60 sub. leg. B).
Director-General of Trade and Industry	Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G), regulation 2.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director-General of Trade and Industry	Export (Certificates of Origin) Regulations (Cap. 60 sub. leg. H), regulations 6(2), 7(1) to (4), 8(1) and (3), 9(2) and 11(1)(c).
Director-General of Trade and Industry	Import (Radiation) (Prohibition) Regulations (Cap. 60 sub. leg. K).
Director-General of Trade and Industry	Reserved Commodities Ordinance (Cap. 296), section 6.
Director-General of Trade and Industry	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A).
Director-General of Trade and Industry	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296 sub. leg. B).
Financial Secretary	Legal Tender Notes Issue Ordinance (Cap. 65), section 3(2), (3) and (5).
Financial Secretary	Money Lenders Ordinance (Cap. 163), sections 33A and 33B.
Financial Secretary	Prison Rules (Cap. 234 sub. leg. A), rule 263.
Financial Secretary	Hong Kong Tourism Board Ordinance (Cap. 302), section 7(d).
Financial Secretary	Government Lotteries Ordinance (Cap. 334).
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulation (Cap. 342 sub. leg. C), section 8.
Financial Secretary	The Hong Kong Association of Banks Ordinance (Cap. 364), section 12(1).
Financial Secretary	Trading Funds Ordinance (Cap. 430), sections 3(1) and 8(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Financial Secretary	Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565), sections 23(6) and 24.
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115), sections 12, 17(1) and 24(2).
Gas Authority	Gas Safety Ordinance (Cap. 51).
Insurance Authority	Financial Institutions (Resolution) Ordinance (Cap. 628). <i>(23 of 2016 s. 205 and E.R. 2 of 2017)</i>
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), sections 11(1) and (3) and 12(1) and (3).
Land Registrar	Land Registration Ordinance (Cap. 128).
Land Registrar	Building Management Ordinance (Cap. 344).
Monetary Authority	Crimes Ordinance (Cap. 200), sections 103(1) and 104(1).
Monetary Authority	Financial Institutions (Resolution) Ordinance (Cap. 628). <i>(23 of 2016 s. 205 and E.R. 2 of 2017)</i>
Permanent Secretary for Education	Post Secondary Colleges Ordinance (Cap. 320), sections 3, 8, 9, 11 and 12(2).
Principal Probation Officer	Probation of Offenders Rules (Cap. 298 sub. leg. A), rules 15, 20(2) and 21.
Registrar of Companies	Trustee Ordinance (Cap. 29).
Registrar of Companies	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32).
Registrar of Companies	Limited Partnerships Ordinance (Cap. 37).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Registrar of Companies	Registered Trustees Incorporation Ordinance (Cap. 306).
Registrar of Companies	Securities and Futures Ordinance (Cap. 571), Part IVA. <i>(33 of 2021 s. 34)</i>
Registrar of Companies	Securities and Futures (Open-ended Fund Companies) Rules (Cap. 571 sub. leg. AQ). <i>(33 of 2021 s. 34)</i>
Registrar of Companies	Companies Ordinance (Cap. 622).
Registrar of Companies	Limited Partnership Fund Ordinance (Cap. 637). <i>(14 of 2020 s. 101; E.R. 5 of 2020)</i>
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Cap. 33).
Registrar of Co-operative Societies	J. E. Joseph Trust Fund Ordinance (Cap. 1067), sections 3, 4, 5, 6 and 7.
Registrar of Credit Unions	Credit Unions Ordinance (Cap. 119).
Registrar of Money Lenders	Money Lenders Ordinance (Cap. 163).
Secretary for Constitutional and Mainland Affairs	Sex Discrimination Ordinance (Cap. 480), section 65(3) and sections 16(2) and (3) and 17(2) of Schedule 6.
Secretary for Constitutional and Mainland Affairs	Personal Data (Privacy) Ordinance (Cap. 486), section 14(6) and sections 2(2) and (3) and 3(2) of Schedule 2.
Secretary for Culture, Sports and Tourism	Books Registration Ordinance (Cap. 142). <i>(L.N. 144 of 2022)</i>
Secretary for Development	Buildings Ordinance (Cap. 123).
Secretary for Education	Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493), section 8(1)(a)(ii)(B).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Education	Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150), sections 4(1)(g) and (2), 5(2)(e), (ea), (g) and (l), 9(1), 12(b), 13(1), (2) and (3) and 17.
Secretary for Home and Youth Affairs	Probate and Administration Ordinance (Cap. 10), sections 60B, 60C, 60D, 60E, 60F, 60G and 60K. (<i>L.N. 144 of 2022</i>)
Secretary for Home and Youth Affairs	New Territories Ordinance (Cap. 97), sections 15, 16 and 18. (<i>L.N. 144 of 2022</i>)
Secretary for Home and Youth Affairs	Hotel and Guesthouse Accommodation Ordinance (Cap. 349), sections 19(1) and 20(1), (2), (4)(b)(ii) and (5). (<i>6 of 2020 s. 43; L.N. 144 of 2022</i>)
Secretary for Home and Youth Affairs	Clubs (Safety of Premises) Ordinance (Cap. 376). (<i>L.N. 144 of 2022</i>)
Secretary for Home and Youth Affairs	New Territories Land (Exemption) Ordinance (Cap. 452), section 12. (<i>L.N. 144 of 2022</i>)
Secretary for Home and Youth Affairs	Heung Yee Kuk Ordinance (Cap. 1097), section 3(2)(c) and (3) and paragraph 6 of the First Schedule and paragraph 5(2) of the Second Schedule. (<i>L.N. 144 of 2022</i>)
Secretary for Labour and Welfare	Employees Retraining Ordinance (Cap. 423), sections 9(2) and (3) and 14(4).
Secretary for Security	Immigration Ordinance (Cap. 115), sections 29(1), (2) and (4), 32(2), (2A), (3) and (4)(a), 34(b) and 35(2).
Secretary for Security	Marriage Ordinance (Cap. 181), section 5J(7).
Secretary for Security	Essential Services Corps Ordinance (Cap. 197).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Security	Public Order Ordinance (Cap. 245), section 31(6)(i).
Secretary for Security	Auxiliary Medical Service Ordinance (Cap. 517).
Secretary for Security	Civil Aid Service Ordinance (Cap. 518).
Secretary for Transport and Logistics	Merchant Shipping (Safety) Ordinance (Cap. 369), section 5. (<i>L.N. 144 of 2022</i>)
Secretary for Transport and Logistics	Roads (Works, Use and Compensation) Ordinance (Cap. 370). (<i>L.N. 144 of 2022</i>)
(<i>Schedule replaced 18 of 2014 s. 62. 12 of 2015 s. 99; 7 of 2016 s. 21; 9 of 2018 s. 12; 24 of 2023 s. 29; E.R. 4 of 2024</i>)	

Schedule

[ss. 3, 4 & 22]

Item	Ordinance	Decision
1.	Apprenticeship Ordinance (Cap. 47)	A decision of the Director of Apprenticeship or any public officer in the performance or exercise of any function, duty or power under the Ordinance.
2.	Boilers and Pressure Vessels Ordinance (Cap. 56)	<p>(a) The revocation or suspension of an appointment as a boiler inspector, air receiver inspector or pressurized fuel container inspector under section 5A. (<i>Amended 15 of 2002 s. 8</i>)</p> <p>(b) A decision of the Boilers and Pressure Vessels Authority on the issue or endorsement of a certificate of competency under section 6(1)(a) or (3A)(a). (<i>Added 15 of 2002 s. 8</i>)</p> <p>(c) A decision of the Boilers and Pressure Vessels Authority to revoke or amend a certificate of competency under section 6(4)(a) or (b), as the case may be. (<i>Added 15 of 2002 s. 8</i>)</p>
3.	Employment Ordinance (Cap. 57)	A decision of the Commissioner for Labour under section 53(1) to refuse to issue or renew or to revoke a licence to operate an employment agency.
4.	Factories and Industrial Undertakings Ordinance (Cap. 59)	<p>(a) An exemption by the Commissioner for Labour under section 7(4) of an industrial undertaking from any regulation.</p> <p>(b) An order by the Commissioner for Labour under section 7(4), for an industrial undertaking to adopt special precautions in addition to any precautions required by any regulation.</p> <p>(c) Under section 9A—</p>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> (i) the issue by the Commissioner for Labour of a prohibition notice in respect of a notifiable workplace; (ii) a refusal by the Commissioner for Labour to cancel a prohibition notice; (iii) the giving by the Commissioner for Labour of any direction upon the cancellation of a prohibition notice.
5.	Quarries (Safety) Regulations (Cap. 59 sub. leg. F)	<p>(d) <i>(Repealed 39 of 1997 s. 49)</i></p> <ul style="list-style-type: none"> (a) A refusal by the Commissioner for Labour to approve any person as a supervisor or deputy supervisor under regulation 4(1) or 6(1). (b) A withdrawal by the Commissioner for Labour of his approval of a supervisor or deputy supervisor under regulation 10(1).
6.	Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap. 59 sub. leg. Z)	<ul style="list-style-type: none"> (a) A refusal by the Commissioner for Labour to register a person as a safety officer under regulation 7. (b) The cancellation by the Commissioner for Labour of a person's registration as a safety officer under regulation 9. (c) The suspension by the Commissioner for Labour of a person's registration as a safety officer under regulation 10. (d) A refusal by the Commissioner for Labour to renew or revalidate a person's registration as a safety officer under regulation 7B. <i>(Added L.N. 100 of 2002)</i>
7.	Weights and Measures Ordinance (Cap. 68)	A decision of the Commissioner, as defined in section 2, or of an authorized officer which is taken in the exercise or performance of any function under the Ordinance.
8.	Miscellaneous Licences Ordinance (Cap. 114)	The decision under section 5 of any officer authorized to issue a licence under the Ordinance as to the grant of a licence, the renewal of a licence or the revocation of a licence.

Item	Ordinance	Decision
9.	Control of Chemicals Ordinance (Cap. 145) (<i>Amended 23 of 2002 s. 14</i>)	<p>A decision of the Commissioner, as defined in section 2(1), under the Ordinance, relating to—</p> <ul style="list-style-type: none"> (a) the issue of a licence or permit; (b) the refusal to issue a licence or permit; (c) the cancellation or suspension of a licence or permit; (d) the cancellation or variation of any condition or the specification of a new condition in a licence or permit.
10.	Gambling Ordinance (Cap. 148)	The decision under section 22 of the public officer appointed by the Secretary for Home and Youth Affairs as to the grant of a licence, the renewal of a licence, the imposition of conditions of a licence or the cancellation of a licence. (<i>Amended 17 of 2011 s. 28; L.N. 144 of 2022</i>)
11.	Chinese Temples Ordinance (Cap. 153)	<ul style="list-style-type: none"> (a) The refusal by the Chinese Temples Committee under section 4 to grant an exemption from section 4(1). (b) The withdrawal by the Chinese Temples Committee under section 4 of an exemption granted under section 4(1).
12.	Weapons Ordinance (Cap. 217)	A decision of the Commissioner of Police under section 9(1) to order the delivery up to him or seizure of any martial arts weapon.
13.	<i>(Repealed 37 of 2018 s. 171)</i>	
14.	Firearms and Ammunition Ordinance (Cap. 238)	<ul style="list-style-type: none"> (a) A decision of the Commissioner of Police refusing to grant a licence under section 30 or to renew a licence under section 32. (b) A decision of the Commissioner of Police, under section 33, cancelling a licence or varying or revoking any condition attached thereto or adding any further condition or deleting any premises from a dealer's licence at which business may be carried on. (c) The imposition of a condition of licence which is considered to be unreasonable.

Item	Ordinance	Decision
		(d) A decision of the Commissioner referred to in section 34(1AA). <i>(Added 14 of 2000 s. 33)</i>
		(e) The imposition of a term or condition under section 4(3), 12(4), 12A(3), 27A(1), 29 or 46C(3), which is considered to be unreasonable. <i>(Added 14 of 2000 s. 33)</i>
15.	Massage Establishments Ordinance (Cap. 266)	A decision of the licensing authority under section 6, 7, 8 or 9.
16.	Grant Schools Provident Fund Rules (Cap. 279 sub. leg. C)	A question of interpretation or application of the Rules.
17.	Subsidized Schools Provident Fund Rules (Cap. 279 sub. leg. D)	A decision of the Board under the Rules.
18.	Mining Ordinance (Cap. 285)	The cancellation of an Authorized Buyer's Licence under section 41.
19.	Mining (General) Regulations (Cap. 285 sub. leg. A)	A decision of the Commissioner of Mines under regulation 30(4A)(a) specifying the rate per tonne at which royalty shall be payable in respect of minerals and the period for which it shall be payable.
20.	Dangerous Goods Ordinance (Cap. 295)	A decision under section 9 of an officer authorized under the Ordinance to issue a licence— <ul style="list-style-type: none"> (a) to refuse to grant a licence; (b) to refuse to renew a licence; or (c) to revoke a licence.
21.	Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G)	(a) Prohibiting or imposing conditions on, under section 103(1), the use of a licensed tank for the storage of certain dangerous goods.
		(b) Prohibiting or imposing conditions on, under section 125(1), the use of a tank on a licensed tank vehicle for containing certain dangerous goods. <i>(Replaced 29 of 2021 s. 44)</i>

Item	Ordinance	Decision
22.	Business Registration Ordinance (Cap. 310)	<p>(a) The service of a notice under section 3(4) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business.</p> <p>(b) The service of a notice under section 3(4AA) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business at a branch of a business.</p> <p>(c) The service of a notice under section 6(4D) by the Commissioner of Inland Revenue requesting a person to notify a change to a different name. (<i>Replaced 13 of 2010 s. 28</i>)</p> <p>(d) The service of a notice under section 9(5) by the Commissioner of Inland Revenue that an exemption is not granted. (<i>Added 23 of 2002 s. 14</i>)</p>
23.	Motor Vehicles (First Registration Tax) Ordinance (Cap. 330)	A decision of the Commissioner for Transport under the Ordinance.
24.	Animals (Control of Experiments) Ordinance (Cap. 340)	A refusal to issue a licence, endorsement or permit under section 7, 8, 9, 10 or 14.
25.	Chinese Permanent Cemeteries Rules (Cap. 1112 sub. leg. A)	<p>A decision of the Board of Management of the Chinese Permanent Cemeteries not to withdraw a notice in rule 12(2) regarding reversion of a subscriber lot to the Board.</p> <p>Note: The Board of Management of the Chinese Permanent Cemeteries is specified for the purposes of section 22(5) of this Ordinance.</p>
26.	Sewage Services Ordinance (Cap. 463)	A decision of the Drainage Authority under the Ordinance. (<i>Added 105 of 1994 s. 15</i>)
27.	Timber Stores Ordinance (Cap. 464)	<p>A decision of the Director relating to—</p> <p>(a) an application for a licence under section 4;</p> <p>(b) an application for transfer of a licence under section 5;</p>

Item	Ordinance	Decision
		(c) the revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence under section 8. (<i>Added 11 of 1995 s. 23</i>)
28.	Marine Parks Ordinance (Cap. 476)	A decision of the Country and Marine Parks Authority under section 11 or 22 of the Ordinance. (<i>Added 37 of 1995 s. 36</i>)
29.	Personal Data (Privacy) Ordinance (Cap. 486)	<p>A decision of the Privacy Commissioner for Personal Data—</p> <ul style="list-style-type: none"> (a) to impose conditions on his consent to the carrying out of a matching procedure under section 32(1)(b)(i); (b) to refuse to consent to the carrying out of a matching procedure under section 32(1)(b)(ii); (c) to refuse under section 39(3) to carry out an investigation initiated by a complaint; (<i>Amended 18 of 2012 s. 44</i>) (ca) to terminate under section 39(3A) an investigation initiated by a complaint; (<i>Added 18 of 2012 s. 44</i>) (d) not to delete under section 46(5) a matter from a report under the Ordinance; (e) not to serve an enforcement notice under section 47; (f) to serve an enforcement notice under section 50; (<i>Added 81 of 1995 s. 73. Amended 32 of 2021 s. 14</i>) (g) to serve a cessation notice under section 66M. (<i>Added 32 of 2021 s. 14</i>)
30.	Dutiable Commodities Ordinance (Cap. 109)	A decision of the Commissioner of Customs and Excise under section 7, 26, 26A or 29. (<i>Added 46 of 1996 s. 43</i>)
31.	Dogs and Cats Ordinance (Cap. 167)	(a) A decision by a police officer or an authorized officer under section 6(1)(c) (i) or (ii) to destroy a dog.

Item	Ordinance	Decision
		<ul style="list-style-type: none"> (b) A decision by an authorized officer under section 9 in specifying the place or period of detention of a dog or cat or any other thing under this Ordinance. (c) A decision by an authorized officer under section 10 to vary the period of detention of a dog or cat or any other thing under this Ordinance. (d) A decision by an authorized officer under section 11(1) to refuse an application for the removal from detention under this Ordinance of a dog or cat or any other thing. (e) A decision by the Director under section 11(2) to order the forfeiture of a dog or cat or any other thing. (f) A decision by the Director under section 17(2) to impose any condition in granting an exemption under section 17. <i>(Added 97 of 1997 s. 11)</i>
32.	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)	A decision of the Commissioner for Transport under regulation 12L(1). <i>(Added 25 of 2005 s. 40)</i>
33.	Child Care Services Ordinance (Cap. 243)	<p>A decision of the Director of Social Welfare —</p> <ul style="list-style-type: none"> (a) under section 7(2), refusing an application for registration; (b) under section 9, cancelling a registration; (c) under section 11B(3), refusing an application for exemption from registration; (d) under section 11D, revoking an exemption from registration; (e) under section 15B(2), determining a person to be unsuited to act as a childminder; (f) under section 15C(4), refusing a request for the issue of a certificate;

Item	Ordinance	Decision
		(g) under section 15D(4), refusing to make a declaration that a person should no longer be deemed unsuited to act as a childminder. <i>(Added 38 of 1997 s. 19)</i>
34.	Wild Animals Protection Ordinance (Cap. 170)	A decision of the Director in relation to— (a) the granting of or the refusal to grant a permit or a special permit pursuant to section 13 or 15; or (b) the cancellation of a permit or a special permit under section 15A. <i>(Added 77 of 1996 s. 22)</i>
35.	Occupational Safety and Health Ordinance (Cap. 509)	A decision of the Commissioner for Labour under Part III. <i>(Added 39 of 1997 s. 49)</i>
36.	Ozone Layer Protection Ordinance (Cap. 403)	A decision of the Director of Environmental Protection under section 5, 6 or 7 or under provisions of the regulations that may be specified to be subject to an appeal under section 8. <i>(Added 6 of 1997 s. 10)</i>
37.	Human Reproductive Technology Ordinance (Cap. 561)	(a) A determination of the Council on Human Reproductive Technology referred to in section 28(5) to which section 28(6) applies. (b) The suspension of a licence under section 29. <i>(Added 47 of 2000 s. 48)</i>
38.	Freight Containers (Safety) Ordinance (Cap. 506)	A decision of the Director— (a) <i>(Repealed 14 of 2006 s. 20)</i> (b) under section 9, that an approval shall no longer be valid; (c) under section 12 or 13, in an application for approval of an examination procedure; (d) under sections 14 to 16, in relation to control of the use of a container; (e) under section 23, in relation to an application for the review of a decision of an authorized person; (f) under section 25, in relation to any request for exemption under that section. <i>(Added 32 of 1997 s. 29)</i>

Item	Ordinance	Decision
39.	Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)	A decision in a review under section 22. <i>(Added 56 of 1997 s. 7)</i>
40.	Child Care Services Regulations (Cap. 243 sub. leg. A)	A decision of the Director of Social Welfare under regulation 4 refusing an application for inclusion in a register or removing the name of a person from a register. <i>(Added L.N. 272 of 1997. Amended 32 of 2000 s. 37)</i>
41.	Prevention of Copyright Piracy Ordinance (Cap. 544)	A decision of the Commissioner of Customs and Excise under section 11 or 12 of the Ordinance. <i>(Added 22 of 1998 s. 43)</i>
42.	Education Ordinance (Cap. 279)	(a) An attendance order made under section 74(1). (b) A variation of an attendance order made under section 74(2). <i>(Added 8 of 2001 s. 31)</i>
43.	Merchant Shipping (Local Vessels) Ordinance (Cap. 548)	A decision of the Director of Marine— (a) to refuse to authorize under section 7 a person as a surveyor; (b) to attach conditions to an authorization under section 7; (c) to revoke an authorization under section 7; (d) to serve a detention order; (e) to give a direction under section 53(1)(a); (f) to refuse to comply with a request under section 54(2); (g) to refuse to grant permission under section 66; (h) to attach conditions to a permission under section 66; (i) to revoke a permission under section 66; (j) to give a direction specified in an improvement notice under section 73(1). <i>(Added 43 of 1999 s. 91)</i>
44.	Dangerous Dogs Regulation (Cap. 167 sub. leg. D)	A direction by an authorized officer under section 14 of the Regulation. <i>(Added L.N. 185 of 2000)</i>

Item	Ordinance	Decision
45.	Factories and Industrial Undertakings (Safety Management) Regulation (Cap. 59 sub. leg. AF)	<p>(a) A decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions.</p> <p>(b) A decision of the Commissioner for Labour under section 24(1) to require the appointment of a new safety review officer.</p> <p>(c) A decision of the disciplinary board under section 29(2) to reprimand a registered person, cancel the registration of a registered person or suspend the registration of a registered person. <i>(Added L.N. 298 of 1999)</i></p>
46.	Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg. A)	A decision of the Director or the supervisor under regulation 4A(4), 5B, 6AA, 7, 7A, 7B, 7C, 7D, 7E, 13 or 21. <i>(Added L.N. 280 of 1999)</i>
47.	Karaoke Establishments Ordinance (Cap. 573)	A decision of the Secretary for Home and Youth Affairs or the Director of Food and Environmental Hygiene (as the case may be) under section 5, 6, 8, 9 or 10. <i>(Added 22 of 2002 s. 22. Amended L.N. 144 of 2022)</i>
48.	Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566)	A determination or decision of the Director of Social Welfare under section 6(2)(b), 8(3)(b), 9(3)(b) or 14. <i>(Added 10 of 2001 s. 33)</i>
49.	Road Traffic Ordinance (Cap. 374)	A decision of the Commissioner of Police under section 55(3). <i>(Added 3 of 2002 s. 17)</i>
50.	Dutiable Commodities Regulations (Cap. 109 sub. leg A)	A forfeiture of security under regulation 27(2). <i>(Added 23 of 2002 s. 14)</i>
51.	Security and Guarding Services Ordinance (Cap. 460)	A decision under section 14(5), 15(3), 16(4), 18(4), 21(2), 23(4), 24(4), 24A(13) or 25(4). <i>(Added 23 of 2002 s. 14)</i>

Item	Ordinance	Decision
52.	Merchant Shipping (Seafarers) Ordinance (Cap. 478)	A decision of the Superintendent of the Mercantile Marine Office— (a) to refuse to grant a permit; (b) to impose any condition under section 52(3); or (<i>Amended 16 of 2013 s. 84</i>) (c) (<i>Repealed 16 of 2013 s. 84</i>) (d) to cancel a permit under section 56(1). (<i>Added 23 of 2002 s. 14. Amended 16 of 2013 s. 84</i>)
53.	Merchant Shipping (Seafarers) (Certification of Officers) Regulation (Cap. 478 sub. leg. J)	A decision of the Seafarers' Authority— (<i>Amended L.N. 143 of 2016</i>) (a) to refuse to issue or renew a certificate of competency under section 7B; or (b) to refuse to issue a licence under section 10(2). (<i>Added 23 of 2002 s. 14. Amended L.N. 143 of 2016</i>)
54.	<i>(Repealed L.N. 143 of 2016)</i>	
55.	Merchant Shipping (Seafarers) (Engine Room Watch Ratings and Electro-technical Ratings) Regulation (Cap. 478 sub. leg. V)	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 4A. (<i>Added 23 of 2002 s. 14. Amended L.N. 143 of 2016</i>)
56.-58.	<i>(Repealed L.N. 143 of 2016)</i>	
58A.	Merchant Shipping (Seafarers) (Working and Living Conditions) Regulation (Cap. 478 sub. leg. AF) (<i>Amended E.R. 4 of 2017</i>)	A decision of the Seafarers' Authority— (a) to require a deficiency to be rectified under section 100(2); or (b) to direct that a ship must not proceed to sea under section 100(3). (<i>Added L.N. 143 of 2016</i>)

Item	Ordinance	Decision
58B.	Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (Cap. 478 sub. leg. AJ) <i>(Amended E.R. 4 of 2017)</i>	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 9. <i>(Added L.N. 143 of 2016)</i>
58C.	Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (Cap. 478 sub. leg. AI) <i>(Amended E.R. 4 of 2017)</i>	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 8. <i>(Added L.N. 143 of 2016)</i>
58D.	Merchant Shipping (Seafarers) (Navigational Watch) Regulation (Cap. 478 sub. leg. AH) <i>(Amended E.R. 4 of 2017)</i>	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency under section 6. <i>(Added L.N. 143 of 2016)</i>
58E.	Merchant Shipping (Seafarers) (Tankers) Regulation (Cap. 478 sub. leg. AG) <i>(Amended E.R. 4 of 2017)</i>	A decision of the Seafarers' Authority to refuse to issue a certificate of proficiency or an endorsement, or to refuse to renew an endorsement, under section 6. <i>(Added L.N. 143 of 2016)</i>
58F.	Merchant Shipping (Seafarers) (Ships Using Low-flashpoint Fuels) Regulation (Cap. 478 sub. leg. AK) <i>(Amended E.R. 2 of 2019)</i>	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 6. <i>(Added L.N. 18 of 2019)</i>

Item	Ordinance	Decision
58G.	Merchant Shipping (Seafarers) (Ships Operating in Polar Waters) Regulation (Cap. 478 sub. leg. AL) (<i>Amended E.R. 2 of 2019</i>)	A decision of the Seafarers' Authority to refuse to issue or renew a certificate of proficiency under section 6. (<i>Added L.N. 18 of 2019</i>)
59.	Marine Fish Culture Ordinance (Cap. 353)	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <ul style="list-style-type: none"> (a) to refuse to grant or renew a licence under section 8(6); (b) to refuse to approve the transfer of a licence under section 8A(3)(b); (c) to cancel a licence under section 9(1); (d) to refuse to grant a permit under section 14(1); (e) to cancel or refuse to renew a permit under section 14(2). (<i>Added 10 of 2005 s. 230</i>)
60.	Land (Miscellaneous Provisions) Ordinance (Cap. 28)	A decision of the Director of Highways under section 10M(13) relating to an assessment made under section 10M(1)(d), (g), (h) or (i). (<i>Added 17 of 2003 s. 15</i>)
61.	Adoption Ordinance (Cap. 290)	<p>A decision of the Director of Social Welfare —</p> <ul style="list-style-type: none"> (a) on the assessment of a person's suitability to be an adoptive parent; (b) to terminate a placement; (c) on a person's application to become or continue to be an accredited body; or (d) to suspend or revoke a person's status as an accredited body, <p>as referred to in section 30. (<i>Added 28 of 2004 s. 35</i>)</p>
62.	Medical Clinics Ordinance (Cap. 343)	<ul style="list-style-type: none"> (a) A refusal by the Registrar of Clinics under section 8 to grant or renew an exemption in respect of a clinic. (b) A cancellation by the Registrar of Clinics under section 8 of an exemption granted in respect of a clinic.

Item	Ordinance	Decision
		(c) An order by the Registrar of Clinics under section 11 to refuse an application for the registration of a clinic or to cancel the registration of a clinic. <i>(Added 10 of 2005 s. 7)</i>
63.	Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)	<p>A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation relating to—</p> <ul style="list-style-type: none"> (a) the refusal to issue a licence under section 23; (b) an application to extend or renew a licence under section 24; (c) an application to vary a licence under section 24; (d) any condition specified in a licence issued under section 23 or extended, renewed or varied under section 24; or (e) the cancellation of a licence under section 26. <i>(Added 3 of 2006 s. 58)</i>
64.	Merchant Shipping (Security of Ships and Port Facilities) Ordinance (Cap. 582)	A decision of the Director of Marine under section 7(1)(a) or (c) or 8(2). <i>(Added 13 of 2004 s. 18)</i>
65.	Merchant Shipping (Security of Ships and Port Facilities) Rules (Cap. 582 sub. leg. A)	A decision of the Director of Marine under rule 27(1). <i>(Added L.N. 130 of 2004)</i>
66.	Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 592)	<p>A decision of the Secretary for Education — <i>(Amended L.N. 130 of 2007)</i></p> <ul style="list-style-type: none"> (a) not to re-appoint an assessment agency under section 8(1); (b) on the length of a term of re-appointment specified under section 8(1)(b); (c) to impose any conditions or restrictions under section 8(1)(c) in re-appointing an assessment agency; and

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		(d) to cancel an appointment or re-appointment under section 8(5). (<i>Added 6 of 2007 s. 51</i>)
67.	Genetically Modified Organisms (Control of Release) Ordinance (Cap. 607)	<p>(a) A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation—</p> <p>(i) under section 10(1)(a) on an application for approval of a genetically modified organism;</p> <p>(ii) under section 11(5)(a) on a request to vary a prior decision on an application for approval of a genetically modified organism;</p> <p>(iii) under section 12(1) to vary a prior decision on an application for approval of a genetically modified organism or on a request to vary such a prior decision.</p> <p>(b) A direction of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation—</p> <p>(i) under section 12(7) on the safekeeping or disposal of a genetically modified organism or a container containing the organism;</p> <p>(ii) under section 41(2) to dispose of a forfeited thing through repatriation or destruction.</p> <p>(c) A decision of the Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation under section 16(3)(a) to enter certain information submitted for the approval of a genetically modified organism in the register. (<i>Added 7 of 2010 s. 55</i>)</p>

Item	Ordinance	Decision
68.	Bunker Oil Pollution (Liability and Compensation) Ordinance (Cap. 605)	<p>(a) A decision of the Director of Marine or a person authorized under section 25(1) to refuse to issue an insurance certificate under section 16.</p> <p>(b) A decision of the Director of Marine or a person authorized under section 25(1) to impose any condition under section 16.</p> <p>(c) A decision of the Director of Marine or a person authorized under section 25(1) to cancel an insurance certificate under section 17.</p> <p>(d) A decision of the Director of Marine to refuse to grant an exemption under section 23.</p> <p>(e) A decision of the Director of Marine to impose any condition under section 23. <i>(Added 14 of 2009 s. 40)</i></p>
69.	Residential Care Homes (Elderly Persons) Ordinance (Cap. 459)	A decision of the Director of Social Welfare under section 8, 9 or 10(1). <i>(Added 12 of 2011 s. 31. Amended 12 of 2023 s. 113)</i>
70.	Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613)	A decision of the Director of Social Welfare under section 7, 8, 9(1), 11 or 12. <i>(Added 12 of 2011 s. 31)</i>
71.	Companies Ordinance (Cap. 622)	<p>(a) A direction of the Registrar of Companies under section 109(1) to change a company name.</p> <p>(b) A decision of the Registrar of Companies to serve a notice under section 780(1)(b). <i>(Added 28 of 2012 ss. 912 & 920)</i></p>
72.	Fisheries Protection Ordinance (Cap. 171)	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <p>(a) to refuse to register a vessel on application made under section 14(1), 14A(2), 14B(8), 19(1), 21(1) or 21A(8); <i>(Amended 22 of 2020 s. 14)</i></p> <p>(ab) to refuse to issue a provisional approval under section 14B(2); <i>(Added 22 of 2020 s. 14)</i></p>

Item	Ordinance	Decision
		<ul style="list-style-type: none"> (b) to impose conditions under section 16; (c) to add, remove or amend any conditions or refuse to do so under section 17; (ca) to refuse to issue a certificate of eligibility under section 21A(2); <i>(Added 22 of 2020 s. 14)</i> (d) to cancel a registration under section 24; (e) to refuse to issue or renew a research fishing permit under section 25; (f) to impose conditions in respect of a research fishing permit under section 25(3); and (g) to cancel a research fishing permit under section 29. <i>(Added 13 of 2012 s. 20)</i>
73.	Pesticides Ordinance (Cap. 133)	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <ul style="list-style-type: none"> (a) to refuse to register a pesticide under section 5(3)(b); (b) to register a pesticide subject to conditions under section 5(5); (c) to cancel or suspend the registration of a pesticide, or to modify, add to or cancel any condition, under section 6; (d) to refuse to issue a licence or permit under section 9(2)(b); (e) to issue a licence subject to conditions under section 9(5); (f) to issue a permit subject to conditions under section 9(7); (g) to vary the particulars of a licence or permit, or to modify, add to or cancel the conditions of a licence or permit, under section 9(8); (h) to cancel or suspend a licence under section 10; (i) to cancel a permit under section 11;

Item	Ordinance	Decision
		(j) to confirm or vary under section 13(3)(b) the directions given under section 13(1). (<i>Added 14 of 2013 s. 28</i>)
74.	Electronic Health Record Sharing System Ordinance (Cap. 625)	<p>A decision of the Commissioner for the Electronic Health Record—</p> <ul style="list-style-type: none"> (a) to refuse to register a healthcare recipient under section 8(1); (b) to suspend the registration of a healthcare recipient under section 10(1); (c) to cancel the registration of a healthcare recipient under section 11(1); (d) to refuse to register a healthcare provider as a healthcare provider for the Electronic Health Record Sharing System under section 20(1); (e) to suspend a registration of a registered healthcare provider under section 24(1); (f) to cancel a registration of a registered healthcare provider under section 25(1). (<i>Added 15 of 2015 s. 63 and E.R. 3 of 2015</i>)
75.	Private Healthcare Facilities Ordinance (Cap. 633)	<p>A decision of the Director of Health—</p> <ul style="list-style-type: none"> (a) to refuse to issue a licence under section 17(1)(b); (b) to issue a licence subject to particular conditions under section 17(3); (c) to refuse to renew a licence under section 21(2); (d) to impose particular conditions on renewing a licence under section 21(3); (e) to approve an application for variation of the scale or scope of services subject to particular conditions under section 23(3); (f) to refuse an application for variation of the scale or scope of services under section 23(4) or (5);

Item	Ordinance	Decision
		<ul style="list-style-type: none"> (g) to approve an application for variation of the class of specialized service subject to particular conditions under section 24(3); (h) to refuse an application for variation of the class of specialized service under section 24(4) or (5); (i) to suspend or cancel a licence under section 28(1); (j) to suspend a facility service under section 29(1); or (k) to amend the conditions of a licence under section 37(1). <i>(Added 34 of 2018 s. 141 and E.R. 5 of 2018)</i>
76.	Conservation of Antarctic Marine Living Resources (Toothfish Catch Documentation Scheme) Regulation (Cap. 635 sub. leg. A) <i>(Amended E.R. 5 of 2020)</i>	<p>A decision of the Director of Agriculture, Fisheries and Conservation—</p> <ul style="list-style-type: none"> (a) to attach a condition to a licence under section 14(1); (b) to refuse an application for a licence under section 15(1); or (c) to cancel a licence under section 16(1)(b), (c), (d) or (e). <i>(Added L.N. 152 of 2019)</i>
77.	Limited Partnership Fund Ordinance (Cap. 637) <i>(Amended E.R. 5 of 2020)</i>	A direction of the Registrar of Companies to change the name of a limited partnership fund under section 42 or 43. <i>(Added 14 of 2020 s. 121)</i>
78.	Mercury Control Ordinance (Cap. 640) <i>(Amended E.R. 5 of 2021)</i>	<p>A decision of the Director of Environmental Protection—</p> <ul style="list-style-type: none"> (a) to refuse to issue a permit under section 18, 20 or 22; (b) to impose conditions under section 18, 20, 22 or 27; (c) to refuse to renew a permit under section 27; (d) to refuse to issue a duplicate of a permit under section 28; (e) under section 30 to vary a condition imposed under Part 3 in respect of a permit;

Item	Ordinance	Decision
		<ul style="list-style-type: none"> (f) under section 31 to refuse to vary a condition imposed under Part 3 in respect of a permit; (g) to suspend a permit under section 34; (h) to cancel a permit under section 35; (i) to give a disposal direction under section 39; or (j) to refuse to vary a disposal direction under section 40. (<i>Added 19 of 2021 s. 88</i>)
79.	Small Unmanned Aircraft Order (Cap. 448 sub. leg. G) (<i>Amended E.R. 5 of 2022</i>)	A decision of the Director-General of Civil Aviation in a review under section 61(3). (<i>Added L.N. 115 of 2021</i>) (<i>Amended E.R. 1 of 2012; E.R. 1 of 2015</i>)

Note:

The following enactments also give a right of appeal to the Administrative Appeals Board—

- s. 19 of the Merchant Shipping (Local Vessels)(Dwelling Vessels) Regulation (Cap. 548 sub. leg. A);
- s. 53 of the Merchant Shipping (Local Vessels)(Certification and Licensing) Regulation (Cap. 548 sub. leg. D);
- s. 11 of the Merchant Shipping (Local Vessels)(Typhoon Shelters) Regulation (Cap. 548 sub. leg. E);
- s. 47 of the Merchant Shipping (Local Vessels)(General) Regulation (Cap. 548 sub. leg. F);
- s. 86 of the Merchant Shipping (Local Vessels)(Safety and Survey) Regulation (Cap. 548 sub. leg. G);
- s. 10 of the Merchant Shipping (Local Vessels)(Compulsory Third Party Risks Insurance) Regulation (Cap. 548 sub. leg. H);
- s. 72 of the Merchant Shipping (Local Vessels)(Works) Regulation (Cap. 548 sub. leg. I);
- s. 42 of the Hazardous Chemicals Control Ordinance (Cap. 595).

Implications of the Proposals

Financial and Civil Service Implications

EPD will implement the proposals under the Amendment Bill (i.e. Control Strategy 1). C&ED will conduct import and export inspections of the Scheduled HFCs and refer cases requiring follow-up to EPD. The additional resources and manpower requirements needed will be absorbed within departments' existing resources. Regarding the progressive prohibition of Regulated HFC Products and the introduction of the relevant safety requirements (i.e. Control Strategies 2 and 3) no early than mid-2026, the additional workload will be absorbed within the existing resources of C&ED, EMSD and EPD initially. Additional resources, if required, will be sought with justifications under the established mechanism.

2. From revenue perspective, the actual financial implications of the proposed penalty are subject to the amount of fine imposed by the Court in the event of prosecution. In any case, raising government revenue is not the policy intent behind the proposals.

3. From fees and charges perspective, registration fees are proposed to be charged in the proposed refrigerant handler and fire suppressant handler registration scheme on a full-cost recovery basis. As per established practice, the said fees will be credited to the General Revenue Account. Separately, EEB is considering ways to suitably incentivise technicians to attend qualified training courses for meeting the proposed training and certification requirement. The cost involved, if any, will be fully absorbed by existing resources of EEB.

Economic Implications

4. The licencing requirement and the quota system for importing/exporting the Scheduled HFCs may introduce some compliance cost for the trade, and prohibiting the supply of P&Es using high GWP HFCs may result in paying higher prices for consumers to switch to low GWP alternatives. Nevertheless, as low GWP P&Es are becoming increasingly common in the market, the price differences between low

GWP P&Es and high GWP P&Es, if any, would likely narrow in the future. In fact, for households, the majority of new refrigerators and air conditioners are already low GWP models¹. Furthermore, the prohibition on the supply of Regulated HFC Products is proposed to be implemented in a progressive manner. This approach will provide relevant suppliers, trades and domestic users with sufficient time to gradually switch to suitable low GWP alternatives.

5. On competition implications, EEB will continue to consult the Competition Commission as necessary, particularly in relation to the future importation quota arrangement, so as to ascertain, and if needed, mitigate any potential competition impacts and minimize market disruption.

Sustainability and Environmental Implications

6. The proposals will help Hong Kong to achieve the ultimate target of the Kigali Amendment, protecting the environment and combating the climate change.

Mainland Relations Implications

7. Aligning Hong Kong with the Mainland in implementing the Kigali Amendment to phase down the consumption of the Scheduled HFCs, our proposals should be welcomed by the Mainland.

¹ According to the granting of energy labels under the Mandatory Energy Efficiency Labelling Scheme, as at September 2024, all models of new domestic refrigerator and over 90% of new domestic air conditioner models are using low-GWP refrigerants.