

OZONE LAYER PROTECTION (PRODUCTS CONTAINING SCHEDULED SUBSTANCES)
(IMPORT BANNING) REGULATION
- CHAPTER 403C

Empowering section VerDate:30/06/1997

(Cap 403, section 16)

[27 May 1993]

(L.N. 159 of 1993)

SECT 1

(Omitted as spent) VerDate:30/06/1997

(Omitted as spent)
(Enacted 1993)

SECT 2

Interpretation VerDate:30/06/1997

In this Regulation, unless the context otherwise requires-

"aerosol product" 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;
"controlled product" means any of the following things which contain a substance listed in Part 1 or 2 of the Schedule to the Ordinance-

(a) an 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) refrigeration equipment or air-conditioning or heat pump equipment (whether for domestic or commercial use);

(c) an aerosol product other than an aerosol product containing a pharmaceutical product or medicine as defined in section 2 of the Pharmacy and Poisons Ordinance (Cap 138);

(d) (Repealed L.N. 443 of 1996)

(e) insulation panel, insulation board or insulation pipe cover;

(f) a pre-polymer;

"motor vehicle" means a mechanically propelled vehicle for use on roads;

"portable fire extinguisher" means a portable fire extinguisher which contains a substance listed in Part 2 of the Schedule to the Ordinance; (L.N. 443 of 1996)

"pre-polymer" 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" means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer as that Protocol may be amended from time to time;

"refrigeration equipment" includes refrigerators, freezers, chillers, dehumidifiers, water coolers and ice machines.

(Enacted 1993)

SECT 3

Offence to import certain products VerDate:30/06/1997

(1) No person shall import a controlled product from any country or place which is not bound by the terms of the Protocol unless the Director is satisfied that the country or place is in full compliance with the relevant requirements of the Protocol.

(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.

(3) A person who contravenes this section commits an offence and is liable to a fine of \$200000 and to imprisonment for 6 months.

(Enacted 1993)