

Chapter:	403B	OZONE LAYER PROTECTION (CONTROLLED REFRIGERANTS) REGULATION	Gazette Number	Version Date
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		Empowering section		30/06/1997
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(Cap 403, section 16)

[1 January 1994] *G.N. 4794 of 1993*

(Originally L.N. 158 of 1993)

Section:	1	(Omitted as spent)		30/06/1997
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(Omitted as spent)

Section:	2	Interpretation		30/06/1997
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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.

(Enacted 1993)

Section:	3	Director to declare controlled refrigerant		30/06/1997
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The Director may, by notice in the Gazette, declare any scheduled substance to be a controlled refrigerant for the purposes of this Regulation.

(Enacted 1993)

Section:	4	Approval of refrigerant recycling equipment	30/06/1997
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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.

(Enacted 1993)

Section:	5	Prohibition on releasing controlled refrigerant	30/06/1997
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(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 of \$100000.

(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.

(Enacted 1993)

Section:	6	Control of recycling of controlled refrigerant	30/06/1997
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(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 of \$100000.

(Enacted 1993)

Section:	7	Records to be kept in relation to refrigeration equipment	30/06/1997
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(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 of 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 of \$100000.

(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.

(Enacted 1993)

Section:	8	Records to be kept in relation to motor vehicle air-conditioners		30/06/1997
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(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 of \$100000.

(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.

(Enacted 1993)