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Cap. 403C Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation

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Ozone Layer Protection (Products Containing Scheduled Substances) (Import Banning) Regulation

(Cap. 403, section 16)

(Enacting provision omitted—E.R. 2 of 2012)

[27 May 1993]
(Format changes—E.R. 2 of 2012)

1. *(Omitted as spent—E.R. 2 of 2012)*

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)

2A. *(Repealed 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,

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