

《保護臭氧層 (含受管制物質產品) (禁止進口) 規例》
(第 403 章，附屬法例 C)

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

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**經核證文本
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第 403C 章

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Cap. 403C

制定史

本為 1993 年第 159 號法律公告 —— 1996 年第 443 號法律公告，1997 年第 62 號法律公告，2009 年第 244 號法律公告，2012 年第 2 號編輯修訂紀錄，2025 年第 7 號

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《保護臭氧層 (含受管制物質產品)(禁止進口) 規例》

(第 403 章，附屬法例 C)

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

(Cap. 403 sub. leg. C)

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《保護臭氧層 (含受管制物質產品) (禁止進口) 規例》

(第 403 章第 16 條)

(略去制定語式條文——2012 年第 2 號編輯修訂紀錄)

[1993 年 5 月 27 日]

(格式變更——2012 年第 2 號編輯修訂紀錄)

1. (已失時效而略去——2012 年第 2 號編輯修訂紀錄)

2. 釋義

在本規例中，除文意另有所指外——

手提式滅火器 (portable fire extinguisher) 指含有本條例附表第 1、2、3、8 或 9 部所列的受管制物質的手提式滅火器；(2009 年第 244 號法律公告)

冷凍設備 (refrigeration equipment) 包括冰箱、低溫凍櫃、冷凍器、抽濕機、冷水機及製冰機；

汽車 (motor vehicle) 指以機械推動、供路上使用的車輛；

受管制產品 (controlled product) 指以下任何含有本條例附表第 1、2、3、8 或 9 部所列的受管制物質的物品——(2009 年第 244 號法律公告)

- (a) 任何經設計用於降低汽車的司機間或乘客間的溫度的空調機或熱泵 (不論是否裝設在該汽車內)；
- (b) 任何冷凍設備、空調設備或熱泵設備 (不論是家庭用或商用)；(2009 年第 244 號法律公告)
- (c) 噴霧劑產品；

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)

- (d) 隔熱嵌板、隔熱板或隔熱喉套；
- (e) 預聚合物；(2009 年第 244 號法律公告)

空調機 (air-conditioner) 指符合以下說明的一台或多於一台有外殼的組件——

- (a) 經設計主要用作向圍封空間、房間或地區輸送不受阻礙地流動的經過調節的空氣；及
- (b) 有為製冷或供暖而設的主要製冷來源；(2009 年第 244 號法律公告)

預聚合物 (pre-polymer) 指——

- (a) 聚合作用低；
- (b) 透過聚異氰酸酯與多元醇的初步反應製成；及
- (c) 用於生產聚氨酯泡沫塑料的聚合物；

噴霧劑產品 (aerosol product) 指盛載壓縮物質的容器，而該容器裝有閥門，以便將物質以噴霧、噴沫、霧、輕霧、氣體、泡沫、漿狀物或乳劑形式排出，但只用作運載或儲存該物質的容器則不包括在內；

轉運 (transshipment) 指符合以下說明的受管制產品的輸入——

- (a) 以全程提單或全程航空貨單，自香港境外的一處地方托運往香港境外的另一處地方的；及
- (b) 以某船隻、車輛或飛機輸入，並從或將從該船隻、車輛或飛機移走，而在出口前——
 - (i) 被放回同一船隻、車輛或飛機；或
 - (ii) 被轉移至另一船隻、車輛或飛機，不論該產品是否在該等船隻、車輛或飛機之間直接轉移，亦不論該產品是否在輸入後等候出口期間先行在香港卸岸及儲存。(2009 年第 244 號法律公告；2025 年第 7 號第 30 條)

- (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;

refrigeration equipment (冷凍設備) includes refrigerators, freezers, chillers, dehumidifiers, water coolers and ice machines; (L.N. 244 of 2009)

transshipment (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

(2009 年第 244 號法律公告；2012 年第 2 號編輯修訂紀錄；
2025 年第 7 號第 30 條)

2A. (由 2009 年第 244 號法律公告廢除)

3. 輸入某些產品即屬犯罪

- (1) 任何人均不得自任何國家或地方輸入受管制產品，不論該國家或地方是否受《蒙特利爾議定書》條款約束。(2009 年第 244 號法律公告；2025 年第 7 號第 31 條)
- (1A) 在不損害第 (1) 款的原則下，任何人均不得自任何(不論是否受《蒙特利爾議定書》條款約束的)國家或地方輸入任何手提式滅火器，但如環保署署長在諮詢消防處處長後，以證明書證明在關乎緊急的情況下須將該手提式滅火器作應急應用或在有人有生命危險的情況中必須應用該手提式滅火器，則不在此限。(1996 年第 443 號法律公告；2025 年第 7 號第 31 條)
- (2) 任何經船隻、飛機或車輛輸入香港的受管制產品或手提式滅火器如屬——(1996 年第 443 號法律公告)
 - (a) 該船隻、飛機或車輛所必需的設備或儲存的物料；
 - (b) 該船隻、飛機或車輛的乘務員或乘客為供私人使用而合理需要的私人物品；
 - (c) 物主因留居香港而為供其私人使用所輸入的已用過的物品；或

- (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; 7 of 2025 s. 30)

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 Montreal Protocol. (L.N. 244 of 2009, 7 of 2025 s. 31)
- (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 Montreal Protocol, unless the Director of EP 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, 7 of 2025 s. 31)
- (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;

- (d) 由該船隻、飛機或車輛的乘客放在其私人行李內輸入或由該乘客攜帶進口，
則本條對該等產品或手提式滅火器不適用。(1996 年第 443 號法律公告)
- (2A) 本條不適用於——
- (a) 轉運中的受管制產品；或
- (b) 只供出口而進口的受管制產品。(2009 年第 244 號法律公告)
- (2B) 在就本條所訂罪行而進行的檢控中，在香港發現的受管制產品，在沒有相反證據的情況下，須推定為並非——
- (a) 轉運中的受管制產品；或
- (b) 只供出口而進口的受管制產品。(2009 年第 244 號法律公告)
- (3) 任何人違反本條，即屬犯罪，可處罰款 \$1,000,000 及監禁 2 年。(2009 年第 244 號法律公告)

- (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)