

《保護臭氧層 (受管制製冷劑) 規例》
(第 403 章，附屬法例 B)

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

版本日期
Version date
11.4.2025

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：

- “經核證文本”；及
 - 以下列表顯示的該頁的最後更新日期，
- 該頁所載條文即視作於上述“版本日期”的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:

- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
整條 Whole	1—12	11.4.2025

尚未實施的條文 / 修訂 —

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

Please see Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

制定史

本為 1993 年第 158 號法律公告 —— 2019 年第 1 號編輯修訂紀錄，
2021 年第 3 號編輯修訂紀錄，2025 年第 7 號

Enactment History

Originally L.N. 158 of 1993 — E.R. 1 of 2019, E.R. 3 of 2021, 7 of 2025

《保護臭氧層 (受管制製冷劑) 規例》

(第 403 章，附屬法例 B)

目錄

條次		頁次
1.	(已失時效而略去)	1
2.	釋義	1
3.	環保署署長可宣布受管制物質為受管制製冷劑	3
4.	製冷劑回收再造機的批准	5
5.	禁止釋放受管制製冷劑	5
6.	對循環使用受管制製冷劑的管制	7
7.	須備存的關於冷凍設備的紀錄	9
8.	須備存的關於汽車空調機的紀錄	9

Ozone Layer Protection (Controlled Refrigerants)
Regulation

(Cap. 403 sub. leg. B)

Contents

Section	Page
1. (Omitted as spent)	2
2. Interpretation	2
3. Director of EP to declare controlled refrigerant	4
4. Approval of refrigerant recycling equipment	6
5. Prohibition on releasing controlled refrigerant	6
6. Control of recycling of controlled refrigerant	8
7. Records to be kept in relation to refrigeration equipment	10
8. Records to be kept in relation to motor vehicle air-conditioners	10

《保護臭氧層（受管制製冷劑）規例》

(第 403 章第 16 條)

(略去制定語式條文——2019 年第 1 號編輯修訂紀錄)

[1994 年 1 月 1 日] 1993 年第 4794 號政府公告

(格式變更——2019 年第 1 號編輯修訂紀錄)

1. (已失時效而略去——2019 年第 1 號編輯修訂紀錄)

2. 釋義

在本規例中，除文意另有所指外——

回收 (recover) 指將受管制製冷劑從冷凍設備或汽車空調機內取出，並存放於在設計上供儲存製冷劑用的容器內；**冷凍設備** (refrigeration equipment) 指——

- (a) 在設計上用於將任何物品冷卻或冷凍或用作為熱泵；
- (b) 使用受管制製冷劑作上述用途；及
- (c) 裝設於並非住宅的處所內 (2025 年第 7 號第 23 條)

的機器或器械，但不包括汽車空調機或製冷劑量在 50 公斤或以下的設備；(2019 年第 1 號編輯修訂紀錄)

汽車 (motor vehicle) 指以機械推動、供路上使用的車輛；**汽車空調機** (motor vehicle air-conditioner) 指在設計上用於將汽車的司機間或乘客間的溫度降低或升高的空調機或熱泵，而該空調機或熱泵是使用受管制製冷劑作上述用途的；**受管制製冷劑** (controlled refrigerant) 指環保署署長以憲報公告宣布為受管制製冷劑的受管制物質；(2025 年第 7 號第 23 條)Ozone Layer Protection (Controlled Refrigerants)
Regulation

(Cap. 403, section 16)

(Enacting provision omitted—E.R. 1 of 2019)

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

(Format changes—E.R. 1 of 2019)

1. (Omitted as spent—E.R. 1 of 2019)

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 of EP has by notice in the Gazette, declared to be a controlled refrigerant; (7 of 2025 s. 23)**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;

循環使用 (recycle), 就受管制製冷劑而言, 指將之淨化或蒸餾, 或用其他方式處理, 使之適宜重新地使用;

製冷劑回收再造機 (refrigerant recycling equipment) 指在設計上用於回收或處理製冷劑的設備;

製冷劑量 (refrigerant charge), 就冷凍設備而言, 指該冷凍設備盛載供其運作之用的受管制製冷劑的最高擬載分量, 而此分量是根據以下方式釐定——

- (a) 以該冷凍設備的設計及規格作參考; 或
- (b) 如沒有關於該冷凍設備的設計及規格的資料, 則採用冰箱或空調機製造商普遍使用的估算方法。

(2019 年第 1 號編輯修訂紀錄)

3. 環保署署長可宣布受管制物質為受管制製冷劑

(2025 年第 7 號第 24 條)

環保署署長可以憲報公告宣布任何受管制物質為本規例所指的受管制製冷劑。

(2025 年第 7 號第 24 條)

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 of EP to declare controlled refrigerant

(7 of 2025 s. 24)

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

4. 製冷劑回收再造機的批准

為施行本規例，環保署署長可批准使用任何種類的製冷劑回收再造機，並以憲報公告示明其所批准的事宜。

(2025 年第 7 號第 25 條)

5. 禁止釋放受管制製冷劑

(1) 任何人容許或令致用於或擬用於冷凍設備或汽車空調機的受管制製冷劑洩漏至大氣中，即屬犯罪，一經定罪——
(2021 年第 3 號編輯修訂紀錄；2025 年第 7 號第 26 條)

- (a) 可處罰款 \$200,000 及監禁 6 個月；及
 - (b) 如屬持續的罪行——可就罪行持續期間的每一日，另處罰款 \$10,000。
- (2) 任何被控犯了本條所訂罪行的人，如證明——
- (a) 受管制製冷劑的洩漏是在以下過程中發生的——
 - (i) 將有關的受管制製冷劑從冷凍設備或汽車空調機轉移至在設計上供儲存製冷劑用的容器內；
 - (ii) 循環使用有關的受管制製冷劑；
 - (iii) 將有關的受管制製冷劑從在設計上供儲存該製冷劑用的容器轉移至冷凍設備或汽車空調機；或
 - (iv) 用環保署署長以憲報公告所批准的方法處置有關的受管制製冷劑，

而該人已採取一切合理的預防措施及盡了一切應盡的努力以避免發生洩漏；

- (b) 受管制製冷劑的洩漏是出於意外或其他非其所能控制的原因，而該人已採取一切合理的預防措施及盡了一切應盡的努力以避免發生洩漏；或

(7 of 2025 s. 24)

4. Approval of refrigerant recycling equipment

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

(7 of 2025 s. 25)

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 on conviction— (E.R. 3 of 2021; 7 of 2025 s. 26)

- (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) 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

- (c) 因情況危急及要避免危及任何人的健康或安全，以致讓受管制製冷劑洩漏是有必要的，
即為免責辯護。

(2025 年第 7 號第 26 條)

6. 對循環使用受管制製冷劑的管制

- (1) 任何人不得回收、循環使用或以其他方式處理受管制製冷劑，或者安排或容許他人將之回收、循環使用或以其他方式處理，除非——
- (a) 回收或循環使用該受管制製冷劑所用的設備是環保署署長根據第 4 條所批准的製冷劑回收再造機；及
- (b) 該設備是——
- (i) 按照該機的製造商所發出的指示使用；及
- (ii) 按照環保署署長以憲報公告所指明的方式使用。
- (2) 任何人違反本條，即屬犯罪，一經定罪——(2021 年第 3 號編輯修訂紀錄；2025 年第 7 號第 27 條)
- (a) 可處罰款 \$200,000 及監禁 6 個月；及
- (b) 如屬持續的罪行——可就罪行持續期間的每一日，另處罰款 \$10,000。

(2025 年第 7 號第 27 條)

- (iv) disposing of the controlled refrigerant by a method approved by the Director of EP by notice in the Gazette,
- and that he or she 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 or her control and that he or she 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.

(7 of 2025 s. 26)

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 of EP 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 of EP.
- (2) A person who contravenes this section commits an offence and is liable on conviction—(E.R. 3 of 2021; 7 of 2025 s. 27)
- (a) to a fine of \$200,000 and imprisonment for 6 months; and

7. 須備存的關於冷凍設備的紀錄

- (1) 凡任何處所內有冷凍設備，該處所的業主或佔用人須在該處所內備存以下最新的資料，以作紀錄——(2025 年第 7 號第 28 條)
 - (a) 在保養或修理該設備時，從該設備取出受管制製冷劑的日期；
 - (b) 在保養或修理該設備時，將替換用的受管制製冷劑加入該設備的日期，以及所加入的重量(以千克計)。
- (2) 該業主或佔用人作出第 (1) 款所指的紀錄後，須保存有關的紀錄最少 1 年。
- (3) 任何人不遵從第 (1) 或 (2) 款，即屬犯罪，一經定罪，可處罰款 \$200,000 及監禁 6 個月。(2021 年第 3 號編輯修訂紀錄；2025 年第 7 號第 28 條)
- (4) 第 (1)(b) 款所規定的重量紀錄不包括該款所指的設備先前所使用的受管制製冷劑。

8. 須備存的關於汽車空調機的紀錄

- (1) 任何人凡經營保養、修理或拆卸汽車空調機的業務，或其經營範圍包括上述任何業務，須在進行該等工作的地方，以書面備存以下紀錄——

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

(7 of 2025 s. 27)

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 on conviction to a fine of \$200,000 and imprisonment for 6 months. (E.R. 3 of 2021; 7 of 2025 s. 28)
- (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) 自本規例生效日期 * 起，或在最近的 12 個月內 (以較短的期間為準)，在每一公曆月，在該地方保養或修理的汽車空調機的總數；
 - (b) 自本規例生效日期起，或在最近的 12 個月內 (以較短的期間為準)，在每一公曆月，在該地方拆卸的汽車空調機的總數；
 - (c) 加入 (a) 段所指的所有汽車空調機以作替換用的受管制製冷劑的總重量 (以千克計)；及
 - (d) 從 (b) 段所指的所有汽車空調機取出的受管制製冷劑的總重量 (以千克計)。
- (2) 任何人不遵從第 (1) 款，即屬犯罪，一經定罪，可處罰款 \$200,000 及監禁 6 個月。 (2021 年第 3 號編輯修訂紀錄；2025 年第 7 號第 29 條)
- (3) 第 (1)(c) 款所規定的重量紀錄不包括該款所指的空調機先前所使用的受管制製冷劑。

編輯附註：

* 生效日期：1994 年 1 月 1 日。

- (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 on conviction to a fine of \$200,000 and imprisonment for 6 months. (*E.R. 3 of 2021; 7 of 2025 s. 29*)
- (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.