

**《汞管制條例》  
(第 640 章)**  
**Mercury Control Ordinance  
(Cap. 640)**

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**經核證文本  
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附表 3 Schedule 3	S3-1—S3-10	1.12.2021
附表 4 Schedule 4	S4-1—S4-4	1.12.2021

#### 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 —

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### 制定史

本為 2021 年第 19 號 —— 2021 年第 5 號編輯修訂紀錄，2022 年第 1 號編輯修訂紀錄，2022 年第 144 號法律公告

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## 《汞管制條例》

## (第 640 章)

## 目錄

條次		頁次
	<b>第 1 部 導言</b>	
1.	簡稱	1-1
2.	釋義	1-1
3.	添汞產品及受規管添汞產品的涵義	1-7
4.	關於第 1 部化學品、第 2 部化學品及受規管添汞產品的推定	1-7
5.	條例適用於政府	1-9
6.	條例不適用於某些汞等	1-9
7.	條例不適用於痕量汞等	1-11
	<b>第 2 部 關乎第 1 部化學品、第 2 部化學品、受規管添汞產品及受規管製造工序的禁制</b>	

## Mercury Control Ordinance

## (Cap. 640)

## Contents

Section		Page
	<b>Part 1 Preliminary</b>	
1.	Short title	1-2
2.	Interpretation	1-2
3.	Meaning of <i>mercury-added product</i> and <i>regulated mercury-added product</i>	1-8
4.	Presumptions concerning Part 1 chemical, Part 2 chemical and regulated mercury-added product	1-8
5.	Ordinance applies to Government	1-10
6.	Ordinance does not apply to certain mercury etc.	1-10
7.	Ordinance does not apply to mercury etc. of trace quantity	1-12
	<b>Part 2 Prohibitions relating to Part 1 Chemical, Part 2 Chemical, Regulated Mercury-added Product and Regulated Manufacturing Process</b>	

條次		頁次
	<b>第 1 分部 —— 第 1 部化學品及第 2 部化學品</b>	
8.	第 2 部第 1 分部的釋義	2-1
9.	禁止出口第 1 部化學品	2-3
10.	禁止進口第 1 部化學品	2-5
11.	禁止存放第 2 部化學品	2-5
12.	禁止使用第 2 部化學品	2-7
	<b>第 2 分部 —— 受規管添汞產品</b>	
13.	禁止出口受規管添汞產品	2-9
14.	禁止進口受規管添汞產品	2-9
15.	禁止製造受規管添汞產品等	2-9
16.	禁止供應受規管添汞產品	2-11
	<b>第 3 分部 —— 受規管製造工序</b>	
17.	禁止進行受規管製造工序	2-11
	<b>第 3 部</b>	
	<b>出口許可證、進口許可證及管有許可證</b>	
	<b>第 1 分部 —— 許可證的發出及續期</b>	

Section		Page
	<b>Division 1—Part 1 Chemical and Part 2 Chemical</b>	
8.	Interpretation of Division 1 of Part 2	2-2
9.	Prohibition on export of Part 1 chemical	2-4
10.	Prohibition on import of Part 1 chemical	2-6
11.	Prohibition on keeping of Part 2 chemical	2-6
12.	Prohibition on use of Part 2 chemical	2-8
	<b>Division 2—Regulated Mercury-added Product</b>	
13.	Prohibition on export of regulated mercury-added product	2-10
14.	Prohibition on import of regulated mercury-added product	2-10
15.	Prohibition on manufacture of regulated mercury-added product etc.	2-10
16.	Prohibition on supply of regulated mercury-added product	2-12
	<b>Division 3—Regulated Manufacturing Process</b>	
17.	Prohibition on carrying out regulated manufacturing process	2-12
	<b>Part 3</b>	
	<b>Export Permit, Import Permit and Possession Permit</b>	
	<b>Division 1—Issue and Renewal of Permit</b>	

條次	頁次	Section	Page
18.	出口許可證	18.	Export permit
19.	拒絕發出出口許可證的理由	19.	Grounds for refusing to issue export permit
20.	進口許可證	20.	Import permit
21.	拒絕發出進口許可證的理由	21.	Grounds for refusing to issue import permit
22.	管有許可證	22.	Possession permit
23.	拒絕發出管有許可證的理由	23.	Grounds for refusing to issue possession permit
24.	許可證的有效期——出口許可證及進口許可證	24.	Validity period of permit—export permit and import permit
25.	許可證的有效期——管有許可證	25.	Validity period of permit—possession permit
26.	許可證持有人須遵從許可證條件	26.	Permit holder to comply with permit condition
27.	許可證的續期	27.	Renewal of permit
28.	許可證的複本	28.	Duplicate of permit
	<b>第 2 分部——許可證條件的更改</b>		<b>Division 2—Variation of Permit Condition</b>
29.	第 3 部第 2 分部的釋義	29.	Interpretation of Division 2 of Part 3
30.	署長主動更改許可證條件	30.	Variation of permit condition on Director's own initiative
31.	應申請而更改許可證條件	31.	Variation of permit condition on application
32.	關於更改許可證條件的補充條文	32.	Supplementary provisions as to variation of permit condition
	<b>第 3 分部——暫時吊銷和取消許可證</b>		<b>Division 3—Suspension and Cancellation of Permit</b>

條次		頁次	Section	Page	
33.	第 3 部第 3 分部的釋義	3-19	33.	Interpretation of Division 3 of Part 3	3-20
34.	暫時吊銷許可證	3-21	34.	Suspension of permit	3-22
35.	取消許可證	3-21	35.	Cancellation of permit	3-22
36.	暫時吊銷或取消許可證的理由	3-21	36.	Grounds for suspending or cancelling permit	3-22
37.	擬暫時吊銷或取消許可證的通知等	3-23	37.	Notice of intention to suspend or cancel permit etc.	3-24
38.	交還已取消的許可證	3-25	38.	Return of permit on its cancellation	3-26
39.	署長如取消許可證，可發出處置指示	3-25	39.	Director may give disposal direction on cancellation	3-26
40.	應申請而更改處置指示	3-27	40.	Variation of disposal direction on application	3-28
	第 4 分部 —— 關於本部所指的申請的一般條文			Division 4—General Provisions about Applications under this Part	
41.	第 3 部第 4 分部的適用範圍	3-29	41.	Application of Division 4 of Part 3	3-30
42.	如何提出申請	3-29	42.	How to make application	3-30
43.	署長可為決定申請而要求提供資料等	3-29	43.	Director may require information etc. for determining application	3-30
44.	擬拒絕申請的通知	3-31	44.	Notice of intention to refuse application	3-32
45.	決定的通知	3-31	45.	Notice of decision	3-32
	第 4 部 執行			Part 4 Enforcement	
	第 1 分部 —— 釋義等			Division 1—Interpretation etc.	
46.	第 4 部的釋義	4-1	46.	Interpretation of Part 4	4-2

條次	頁次
47.	對行使第 2 及 3 分部之下的權力的限制 4-1
<b>第 2 分部 —— 查閱及檢視</b>	
48.	查閱根據規管性規定備存的文件及紀錄的權力等 4-1
49.	為確定規管性規定是否獲遵從而進入非居住處所的權力 4-3
<b>第 3 分部 —— 調查</b>	
<b>第 1 次分部 —— 調查的權力</b>	
50.	截停和扣留的權力 4-9
51.	為調查而取得文件及紀錄等的權力 4-11
52.	保留和檢取東西的權力等 4-13
53.	為調查而進入和搜查處所的權力 4-13
54.	關乎第 53 條的罪行 4-19
55.	在法律程序中使用導致入罪的證據 4-19
<b>第 2 次分部 —— 處置和沒收根據第 1 次分部檢取的物品</b>	
56.	第 4 部第 3 分部第 2 次分部的釋義 4-21
57.	獲授權人員可處置某些檢取物品 4-21

Section	Page
47.	Limitation on exercise of power under Divisions 2 and 3 4-2
<b>Division 2—Inspection</b>	
48.	Power to inspect document and record kept under regulatory requirement etc. 4-2
49.	Power to enter non-dwelling premises for ascertaining compliance with regulatory requirement 4-4
<b>Division 3—Investigation</b>	
<b>Subdivision 1—Investigation Power</b>	
50.	Power to stop and detain 4-10
51.	Power to obtain document and record etc. for investigation 4-12
52.	Power to retain and seize things etc. 4-14
53.	Power to enter and search premises for investigation 4-14
54.	Offence relating to section 53 4-20
55.	Use of incriminating evidence in proceedings 4-20
<b>Subdivision 2—Disposal and Forfeiture of Item Seized under Subdivision 1</b>	
56.	Interpretation of Subdivision 2 of Division 3 of Part 4 4-22
57.	Authorized officer may dispose of certain seized item 4-22



條次	頁次
58. 若無提控，如何處置檢取物品	4-21
59. 沒收申請	4-25
60. 若有提控，如何處置檢取物品	4-25
61. 處置沒收歸政府所有的物品	4-27
62. 為檢取作出補償等	4-29
<b>第 5 部</b> <b>雜項罪行及關乎罪行的其他事宜</b>	
<b>第 1 分部 —— 雜項罪行</b>	
63. 提供虛假或具誤導性資料等	5-1
64. 妨礙公職人員等	5-1
<b>第 2 分部 —— 關乎罪行的其他事宜</b>	
65. 第 63(1) 條所訂罪行的檢控期限	5-3
66. 法人團體高級人員、合夥人及不屬法團的團體的成員的法律責任	5-3
67. 僱主就僱員的作為負有法律責任	5-5
68. 採取合理步驟等屬免責辯護	5-7
69. 合理辯解	5-9
70. 如何確立免責辯護	5-11

Section	Page
58. Disposal of seized item when no offence is prosecuted	4-22
59. Application for forfeiture	4-26
60. Disposal of seized item when offence is prosecuted	4-26
61. Disposal of item forfeited to Government	4-28
62. Compensation for seizure etc.	4-30
<b>Part 5</b> <b>Miscellaneous Offences and Other Matters relating to Offences</b>	
<b>Division 1—Miscellaneous Offences</b>	
63. Provision of false or misleading information etc.	5-2
64. Obstruction of public officer etc.	5-2
<b>Division 2—Other Matters relating to Offences</b>	
65. Prosecution deadline for offence under section 63(1)	5-4
66. Liability of officer of body corporate, partner and member of unincorporated body	5-4
67. Employer's liability for employee's act	5-6
68. Taking reasonable steps etc. is defence	5-8
69. Reasonable excuse	5-10
70. How to establish defence	5-12

條次		頁次	Section		Page
	第 6 部 雜項條文			Part 6 Miscellaneous Provisions	
71.	局長及署長可轉授職能	6-1	71.	Secretary and Director may delegate function	6-2
72.	署長可授權公職人員等	6-1	72.	Director may authorize public officer etc.	6-2
73.	身分證明等	6-3	73.	Proof of identity etc.	6-4
74.	根據本條例作出的要求	6-3	74.	Requirement made under this Ordinance	6-4
75.	署長可指明格式	6-3	75.	Director may specify form	6-4
76.	局長可豁免公職人員	6-3	76.	Secretary may exempt public officer	6-4
77.	局長可修訂附表	6-5	77.	Secretary may amend Schedule	6-6
78.	局長可訂立規例	6-5	78.	Secretary may make regulation	6-6
79.	訂明費用	6-7	79.	Prescribed fee	6-8
80.	已繳費用概不退回	6-7	80.	Paid fee not refundable	6-8
81.	豁免民事法律責任	6-7	81.	Immunity from civil liability	6-8
82.	通知等可否接納為證據	6-7	82.	Admissibility of notice etc.	6-8
83.	通知等的送達	6-9	83.	Service of notice etc.	6-10
84.	上訴權利	6-11	84.	Right of appeal	6-12
	第 7 部 (已失時效而略去)			Part 7 (Omitted as spent)	
	第 1 分部 —— (已失時效而略去)			Division 1——(Omitted as spent)	
85.	(已失時效而略去)	7-1	85.	(Omitted as spent)	7-2
	第 2 分部 —— (已失時效而略去)			Division 2——(Omitted as spent)	
86-87.	(已失時效而略去)	7-1	86-87.	(Omitted as spent)	7-2

T-15

第 640 章

T-16

Cap. 640

條次		頁次
	<b>第 3 分部 —— (已失時效而略去)</b>	
88.	(已失時效而略去)	7-1
附表 1	第 1 部化學品及第 2 部化學品	S1-1
附表 2	受規管製造工序	S2-1
附表 3	添汞產品	S3-1
附表 4	訂明費用	S4-1

Section		Page
	<b>Division 3—(Omitted as spent)</b>	
88.	(Omitted as spent)	7-2
Schedule 1	Part 1 Chemicals and Part 2 Chemicals	S1-2
Schedule 2	Regulated Manufacturing Processes	S2-2
Schedule 3	Mercury-added Products	S3-2
Schedule 4	Prescribed Fees	S4-2

1-1  
第 640 章

第 1 部  
第 1 條

Part 1  
Section 1

1-2  
Cap. 640

本條例旨在實施《關於汞的水俣公約》；規管汞、汞混合物及汞化合物的出口、進口、存放及使用；管制某些添汞產品的出口、進口、製造及供應；管制使用汞或汞化合物的某些製造工序；以及就相關事宜訂定條文。

An Ordinance to implement the Minamata Convention on Mercury; to regulate the export, import, keeping and use of mercury, mercury mixtures and mercury compounds; to control the export, import, manufacture and supply of certain mercury-added products; to control certain manufacturing processes in which mercury or mercury compounds are used; and to provide for related matters.

[2021 年 12 月 1 日] 2021 年第 157 號法律公告

[1 December 2021] L.N. 157 of 2021

(略去制定語式條文——2022 年第 1 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 1 of 2022)

## 第 1 部

## Part 1

### 導言

### Preliminary

#### 1. 簡稱

(編輯修訂——2022 年第 1 號編輯修訂紀錄)

- (1) 本條例可引稱為《汞管制條例》。
- (2) (已失時效而略去——2022 年第 1 號編輯修訂紀錄)

#### 1. Short title

(Amended E.R. 1 of 2022)

- (1) This Ordinance may be cited as the Mercury Control Ordinance.
- (2) (Omitted as spent—E.R. 1 of 2022)

#### 2. 釋義

在本條例中——

**《公約》**(Convention) 指在 2013 年 10 月 10 日於日本獲得全權代表會議通過的、經不時修訂的《關於汞的水俣公約》，以其適用於香港的版本為準；

**出口許可證**(export permit) 指根據第 18 條發出並正屬有效的許可證，或根據第 27 條續期時發出並正屬有效的該等許可證；

**交通工具**(transport) 指車輛、鐵路列車、船隻、飛機，或任何其他交通工具；

#### 2. Interpretation

In this Ordinance—

**air transhipment cargo** (航空轉運貨物) has the meaning given by section 2 of the Import and Export Ordinance (Cap. 60);

**article in transit** (過境物品) has the meaning given by section 2 of the Import and Export Ordinance (Cap. 60);

**authorized officer** (獲授權人員) means a public officer authorized under section 72;

**Convention** (《公約》) means the Minamata Convention on Mercury adopted by the Conference of Plenipotentiaries on

**局長** (Secretary) 指環境及生態局局長；(由 2022 年第 144 號法律公告修訂)

**汞** (mercury) 指元素汞 (Hg(0)，化學文摘社登記號碼 7439-97-6)；

**汞化合物** (mercury compound) 指符合以下說明的物質——

- (a) 只有通過化學反應，才能分解為不同成分；及
- (b) 由以下原子構成——
  - (i) 汞原子；及
  - (ii) 其他化學元素的一個或多於一個原子；

**汞混合物** (mercury mixture) 指汞與其他物質的混合物 (包括汞的合金)，而該混合物的汞含量按重量計至少達 95%；

**供應** (supply) 指不論是否收費而供應 (不論是透過互聯網或類似的電子網絡或其他方式)，並包括為該等供應的目的而要約或展示 (不論是透過互聯網或類似的電子網絡或其他方式)；

**受規管添汞產品** (regulated mercury-added product)——參閱第 3(2) 條；

**受規管製造工序** (regulated manufacturing process) 指符合附表 2 第 2 欄中某項說明的工序；

**訂明費用** (prescribed fee) 就附表 4 第 2 欄指明的某事宜而言，指在該附表第 3 欄與該事宜相對之處所指明的費用；

**航空轉運貨物** (air transhipment cargo) 具有《進出口條例》(第 60 章) 第 2 條所給予的涵義；

**添汞產品** (mercury-added product)——參閱第 3(1) 條；

**第 1 部化學品** (Part 1 chemical) 指附表 1 第 1 部指明的化學品，但包含在添汞產品中的則除外；

**第 2 部化學品** (Part 2 chemical) 指附表 1 第 2 部指明的化學品，但包含在添汞產品中的則除外；

**規管性規定** (regulatory requirement) 指——

10 October 2013 in Japan, as amended from time to time and as applied to Hong Kong;

**Director** (署長) means the Director of Environmental Protection;

**export permit** (出口許可證) means a permit issued under section 18, or such a permit issued on renewal under section 27, and that is in force;

**function** (職能) includes a power and a duty;

**import permit** (進口許可證) means a permit issued under section 20, or such a permit issued on renewal under section 27, and that is in force;

**mercury** (汞) means elemental mercury (Hg(0), Chemical Abstracts Service registry number 7439-97-6);

**mercury compound** (汞化合物) means a substance—

- (a) that can be separated into different components only by chemical reactions; and
- (b) that consists of—
  - (i) atoms of mercury; and
  - (ii) one or more atoms of other chemical elements;

**mercury mixture** (汞混合物) means a mixture, having a mercury concentration of at least 95% by weight, of mercury and other substances (including alloys of mercury);

**mercury-added product** (添汞產品)—see section 3(1);

**Part 1 chemical** (第1部化學品) means a chemical specified in Part 1 of Schedule 1, other than that contained in a mercury-added product;

**Part 2 chemical** (第2部化學品) means a chemical specified in Part 2 of Schedule 1, other than that contained in a mercury-added product;

- (a) 本條例之下的規定，或根據本條例作出的要求；
- (b) 根據本條例施加的條件之下的規定，或根據該等條件作出的要求；或
- (c) 根據第 39 條發出的指示之下的規定，或根據該等指示作出的要求；

**進口許可證** (import permit) 指根據第 20 條發出並正屬有效的許可證，或根據第 27 條續期時發出並正屬有效的該等許可證；

**署長** (Director) 指環境保護署署長；

**過境物品** (article in transit) 具有《進出口條例》(第 60 章) 第 2 條所給予的涵義；

**管有許可證** (possession permit) 指根據第 22 條發出並正屬有效的許可證，或根據第 27 條續期時發出並正屬有效的該等許可證；

**獲授權人員** (authorized officer) 指根據第 72 條獲授權的公職人員；

**職能** (function) 包括權力及責任；

**類別** (type) ——

- (a) 就第 1 部化學品而言 —— 指附表 1 第 1 部第 2 欄指明的第 1 部化學品的某類別；及
- (b) 就第 2 部化學品而言 —— 指附表 1 第 2 部第 2 欄指明的第 2 部化學品的某類別。

**possession permit** (管有許可證) means a permit issued under section 22, or such a permit issued on renewal under section 27, and that is in force;

**prescribed fee** (訂明費用), in relation to a matter specified in column 2 of Schedule 4, means the fee specified in column 3 of that Schedule opposite the matter;

**regulated manufacturing process** (受規管製造工序) means a process falling within a description in column 2 of Schedule 2;

**regulated mercury-added product** (受規管添汞產品)—see section 3(2);

**regulatory requirement** (規管性規定) means a requirement under—

- (a) this Ordinance;
- (b) a condition imposed under this Ordinance; or
- (c) a direction given under section 39;

**Secretary** (局長) means the Secretary for Environment and Ecology; (*Amended L.N. 144 of 2022*)

**supply** (供應) means to supply (whether through the Internet or a similar electronic network or otherwise) with or without payment, and includes offering or exhibiting (whether through the Internet or a similar electronic network or otherwise) for the purpose of such supplying;

**transport** (交通工具) means a vehicle, train, vessel, aircraft or any other means of transport;

**type** (類別)—

- (a) in relation to Part 1 chemicals—means a type of Part 1 chemical specified in column 2 of Part 1 of Schedule 1; and
- (b) in relation to Part 2 chemicals—means a type of Part 2 chemical specified in column 2 of Part 2 of Schedule 1.



**3. 添汞產品及受規管添汞產品的涵義**

- (1) 在本條例中，添汞產品是包含有意添加的汞或汞化合物的東西，不論該東西是否進一步作為組成部分而被納入另一東西。
- (2) 在本條例中，受規管添汞產品是符合附表 3 第 1 部第 2 欄中某項說明的添汞產品。
- (3) 就本條例而言，如受規管添汞產品 (**組件**) 作為組成部分而被納入另一東西 (**主體**)，只要該主體本身並非受規管添汞產品，則——
  - (a) 該組件須視為並非受規管添汞產品；
  - (b) 該主體並不會僅因有某組件被納入其中，而成為受規管添汞產品；及
  - (c) 該組件及該主體作為一整體，須視為添汞產品。

**4. 關於第 1 部化學品、第 2 部化學品及受規管添汞產品的推定**

- (1) 就本條例而言，如某東西的任何相關材料顯示，該東西符合附表 1 第 1 部第 2 欄中某項說明，則該東西在沒有相反證據的情況下，須推定為第 1 部化學品。
- (2) 就本條例而言，如某東西的任何相關材料顯示，該東西符合附表 1 第 2 部第 2 欄中某項說明，則該東西在沒有相反證據的情況下，須推定為第 2 部化學品。
- (3) 就本條例而言，在不抵觸第 3(3) 條的情況下，如某東西的任何相關材料顯示，該東西符合附表 3 第 1 部第 2 欄

**3. Meaning of *mercury-added product* and *regulated mercury-added product***

- (1) In this Ordinance, a mercury-added product is a thing that contains intentionally added mercury or mercury compounds, irrespective of whether the thing is to be further incorporated into another thing as a component.
- (2) In this Ordinance, a regulated mercury-added product is a mercury-added product falling within a description in column 2 of Part 1 of Schedule 3.
- (3) For the purposes of this Ordinance, as long as a regulated mercury-added product (***component part***) is incorporated into another thing (***main body***) that is not by itself a regulated mercury-added product as a component—
  - (a) the component part is regarded as not being a regulated mercury-added product;
  - (b) the main body does not become a regulated mercury-added product merely because it has a component part incorporated into it; and
  - (c) the component part and the main body as a whole are regarded as a mercury-added product.

**4. Presumptions concerning Part 1 chemical, Part 2 chemical and regulated mercury-added product**

- (1) For the purposes of this Ordinance, if any of the relevant materials of a thing shows that the thing falls within a description in column 2 of Part 1 of Schedule 1, the thing is, in the absence of evidence to the contrary, presumed to be a Part 1 chemical.
- (2) For the purposes of this Ordinance, if any of the relevant materials of a thing shows that the thing falls within a description in column 2 of Part 2 of Schedule 1, the thing is,

1-9  
第 640 章

第 1 部  
第 5 條

中某項說明，則該東西在沒有相反證據的情況下，須推定為受規管添汞產品。

(4) 在本條中 ——

**相關材料** (relevant materials) 就某東西而言，指 ——

- (a) 該東西的標籤或包裝；或
- (b) 由該東西的製造者、進口者、出口者或供應者提供的、載有關於該東西的資料、說明或陳述的其他文件。

## 5. 條例適用於政府

- (1) 本條例適用於政府。
- (2) 政府不得被控犯本條例所訂的罪行。
- (3) 凡公職人員在執行或看來是執行本條例之下的職能時，真誠地作出或沒有作出某作為，則該作為或不作為並不構成本條例所訂的罪行。
- (4) 政府無須繳付訂明費用。

## 6. 條例不適用於某些汞等

本條例不就符合任何以下一項說明的汞、汞混合物、汞化合物或添汞產品而適用 ——

- (a) 《除害劑條例》(第 133 章) 第 2 條所界定的除害劑；
- (b) 《廢物處置條例》(第 354 章) 第 2 條所界定的廢物；
- (c) 《中醫藥條例》(第 549 章) 第 2 條所界定的中藥材；

Part 1  
Section 5

1-10  
Cap. 640

in the absence of evidence to the contrary, presumed to be a Part 2 chemical.

- (3) For the purposes of this Ordinance and subject to section 3(3), if any of the relevant materials of a thing shows that the thing falls within a description in column 2 of Part 1 of Schedule 3, the thing is, in the absence of evidence to the contrary, presumed to be a regulated mercury-added product.

(4) In this section—

**relevant materials** (相關材料), in relation to a thing, means—

- (a) labels or packaging of the thing; or
- (b) other documents, provided by the manufacturer, importer, exporter or supplier of the thing, containing information, descriptions or statements about the thing.

## 5. Ordinance applies to Government

- (1) This Ordinance applies to the Government.
- (2) The Government is not liable to be prosecuted for an offence under this Ordinance.
- (3) An act done, or omitted to be done, by a public officer in good faith in performing or purportedly performing a function under this Ordinance does not constitute an offence under this Ordinance.
- (4) No prescribed fee is payable by the Government.

## 6. Ordinance does not apply to certain mercury etc.

This Ordinance does not apply in relation to mercury, mercury mixtures, mercury compounds or mercury-added products falling within any of the following descriptions—

- (a) pesticide as defined by section 2 of the Pesticides Ordinance (Cap. 133);



1-11  
第 640 章

第 1 部  
第 7 條

- (d) 過境物品；
- (e) 屬航空轉運貨物的東西，或屬該等貨物的一部分的東西；
- (f) 由符合以下說明的人帶進香港的東西 ——
  - (i) 純粹為離開香港，而從香港境外地方，抵達香港國際機場；及
  - (ii) 身處香港時，沒有通過出入境檢查關卡。

## 7. 條例不適用於痕量汞等

本條例不就符合任何以下一項說明的汞、汞混合物或汞化合物而適用 ——

- (a) 在任何以下東西中存在的 (或在從任何以下東西衍生出來的產品中存在的)、屬自然生成的痕量汞或汞化合物 ——
  - (i) 非汞金屬；
  - (ii) 非汞礦石；
  - (iii) 非汞礦產品 (例如煤)；
- (b) 在化學產品中存在的、屬無意生成的痕量汞或汞化合物。

Part 1  
Section 7

1-12  
Cap. 640

- (b) waste as defined by section 2 of the Waste Disposal Ordinance (Cap. 354);
- (c) Chinese herbal medicine as defined by section 2 of the Chinese Medicine Ordinance (Cap. 549);
- (d) article in transit;
- (e) thing that is, or is a part of, an air transshipment cargo;
- (f) thing that is brought into Hong Kong by a person who—
  - (i) arrives at the Hong Kong International Airport from a place outside Hong Kong solely for the purpose of leaving Hong Kong; and
  - (ii) does not pass through immigration control while in Hong Kong.

## 7. Ordinance does not apply to mercury etc. of trace quantity

This Ordinance does not apply in relation to mercury, mercury mixtures or mercury compounds falling within any of the following descriptions—

- (a) naturally occurring trace quantities of mercury or mercury compound present in any of the following or in the products derived from any of the following—
  - (i) non-mercury metals;
  - (ii) non-mercury ores;
  - (iii) non-mercury mineral products (such as coal);
- (b) unintentional trace quantities of mercury or mercury compound present in a chemical product.

## 第 2 部

### 關乎第 1 部化學品、第 2 部化學品、受規管添汞產品 及受規管製造工序的禁制

#### 第 1 分部 —— 第 1 部化學品及第 2 部化學品

#### 8. 第 2 部第 1 分部的釋義

在本分部中 ——

**指明實驗室** (specified laboratory) 指 ——

- (a) 由醫療機構營運的實驗室；
- (b) 由《教育規例》(第 279 章，附屬法例 A) 附表 2 所界定的指明院校營運的實驗室；
- (c) 由《教育規例》(第 279 章，附屬法例 A) 第 2 條所界定的科學實驗室；
- (d) 由《醫務化驗師 (註冊及紀律處分程序) 規例》(第 359 章，附屬法例 A) 所指的註冊醫務化驗師所監督的醫療化驗所；或
- (e) 根據創新科技署署長代政府管理的香港實驗所認可計劃而認可的實驗室；

**醫療機構** (medical establishment) 指 ——

- (a) 《私營醫療機構條例》(第 633 章) 所指的、根據該條例領有有效牌照的私營醫療機構；
- (b) 《私營醫療機構條例》(第 633 章) 所指的、根據該條例第 128 條獲有效豁免的附表護養院；
- (c) 《安老院條例》(第 459 章) 所指的護養院；
- (d) 由根據《醫院管理局條例》(第 113 章) 設立的醫院管理局管理或掌管的醫院、留產院或診療所；

## Part 2

### Prohibitions relating to Part 1 Chemical, Part 2 Chemical, Regulated Mercury-added Product and Regulated Manufacturing Process

#### Division 1—Part 1 Chemical and Part 2 Chemical

#### 8. Interpretation of Division 1 of Part 2

In this Division—

**medical establishment** (醫療機構) means—

- (a) a private healthcare facility within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which a licence under that Ordinance is in force;
- (b) a scheduled nursing home within the meaning of the Private Healthcare Facilities Ordinance (Cap. 633) for which an exemption granted under section 128 of that Ordinance is in force;
- (c) a nursing home within the meaning of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459);
- (d) a hospital, maternity home or clinic managed or controlled by the Hospital Authority established under the Hospital Authority Ordinance (Cap. 113);
- (e) a mental hospital within the meaning of the Mental Health Ordinance (Cap. 136); or
- (f) premises used exclusively by any of the following persons in the course of the person's practice on the person's own account—

- (e) 《精神健康條例》(第 136 章)所指的精神病院；或
- (f) 純粹由任何以下人士在自行執業過程中使用的處所——
  - (i) 《醫生註冊條例》(第 161 章)所指的註冊醫生；
  - (ii) 《牙醫註冊條例》(第 156 章)所指的註冊牙醫；
  - (iii) 《獸醫註冊條例》(第 529 章)所指的註冊獸醫。

## 9. 禁止出口第 1 部化學品

- (1) 任何人除非根據出口許可證行事，否則不得出口第 1 部化學品。
- (2) 在符合以下條件的情況下，第 (1) 款不適用——
  - (a) 有關第 1 部化學品是為用作實驗室規模的研究而出口，或為用作參照標準而出口；

- (i) a registered medical practitioner within the meaning of the Medical Registration Ordinance (Cap. 161);
- (ii) a registered dentist within the meaning of the Dentists Registration Ordinance (Cap. 156);
- (iii) a registered veterinary surgeon within the meaning of the Veterinary Surgeons Registration Ordinance (Cap. 529);

***specified laboratory*** (指明實驗室) means—

- (a) a laboratory maintained by a medical establishment;
- (b) a laboratory maintained by a specified institution as defined by the Second Schedule to the Education Regulations (Cap. 279 sub. leg. A);
- (c) a science laboratory as defined by regulation 2 of the Education Regulations (Cap. 279 sub. leg. A);
- (d) a medical laboratory supervised by a registered medical laboratory technologist (within the meaning of the Medical Laboratory Technologists (Registration and Disciplinary Procedure) Regulations (Cap. 359 sub. leg. A)); or
- (e) a laboratory accredited under the Hong Kong Laboratory Accreditation Scheme managed by the Commissioner for Innovation and Technology on behalf of the Government.

## 9. Prohibition on export of Part 1 chemical

- (1) A person must not export Part 1 chemicals except under an export permit.
- (2) Subsection (1) does not apply if—
  - (a) the Part 1 chemical is exported for use for laboratory-scale research or as a reference standard;

2-5  
第 640 章

第 2 部 —— 第 1 分部  
第 10 條

- (b) 該化學品在出口時，是盛載於包裹或盛器內，而在每個包裹或盛器內，該化學品所屬類別的化學品中的汞，總量不超過 250 克；及
  - (c) 由上述的人在有關付運批次內出口的該類別的化學品中的汞，總量不超過 5 公斤。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

#### 10. 禁止進口第 1 部化學品

- (1) 任何人除非根據進口許可證行事，否則不得進口第 1 部化學品。
- (2) 在符合以下條件的情況下，第 (1) 款不適用 ——
  - (a) 有關第 1 部化學品是為用作實驗室規模的研究而進口，或為用作參照標準而進口；
  - (b) 該化學品在進口時，是盛載於包裹或盛器內，而在每個包裹或盛器內，該化學品所屬類別的化學品中的汞，總量不超過 250 克；及
  - (c) 由上述的人在有關付運批次內進口的該類別的化學品中的汞，總量不超過 5 公斤。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

#### 11. 禁止存放第 2 部化學品

- (1) 任何人除非根據管有許可證行事，否則不得存放第 2 部化學品。

Part 2—Division 1  
Section 10

2-6  
Cap. 640

- (b) the chemical, while being exported, is contained in packages or containers, and the total quantity of mercury in the type of chemical to which the chemical belongs in each package or container does not exceed 250 g; and
  - (c) the total quantity of mercury in that type of chemical to be exported in the shipment by the person does not exceed 5 kg.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

#### 10. Prohibition on import of Part 1 chemical

- (1) A person must not import Part 1 chemicals except under an import permit.
- (2) Subsection (1) does not apply if—
  - (a) the Part 1 chemical is imported for use for laboratory-scale research or as a reference standard;
  - (b) the chemical, while being imported, is contained in packages or containers, and the total quantity of mercury in the type of chemical to which the chemical belongs in each package or container does not exceed 250 g; and
  - (c) the total quantity of mercury in that type of chemical to be imported in the shipment by the person does not exceed 5 kg.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

#### 11. Prohibition on keeping of Part 2 chemical

- (1) A person must not keep Part 2 chemicals except under a possession permit.

2-7  
第 640 章

第 2 部 —— 第 1 分部  
第 12 條

- (2) 在符合以下條件的情況下，第 (1) 款不適用 ——
- (a) 有關第 2 部化學品是為用作實驗室規模的研究，或為用作參照標準，而存放於指明實驗室；及
  - (b) 在存放於該實驗室的該化學品所屬類別的化學品中的汞，總量不超過 500 克。
- (3) 就第 (2) 款而言，如 ——
- (a) 多於一所分開的指明實驗室，位處某建築物的同一樓層；及
  - (b) 該等實驗室的運作，是由同一人（不論是單獨或聯同另一人）監督的，
- 則該等實驗室須視為單一所實驗室。
- (4) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

## 12. 禁止使用第 2 部化學品

- (1) 任何人除非根據管有許可證行事，否則不得使用第 2 部化學品。
- (2) 在符合以下條件的情況下，第 (1) 款不適用 ——
- (a) 由於第 11(2) 條的施行，第 11(1) 條不適用於有關第 2 部化學品的存放；及
  - (b) 該化學品是為用作實驗室規模的研究，或為用作參照標準，而在指明實驗室中使用。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

Part 2—Division 1  
Section 12

2-8  
Cap. 640

- (2) Subsection (1) does not apply if—
- (a) the Part 2 chemical is kept in a specified laboratory for use for laboratory-scale research or as a reference standard; and
  - (b) the total quantity of mercury in the type of chemical to which the chemical belongs being kept in the laboratory does not exceed 500 g.
- (3) For the purposes of subsection (2), if—
- (a) 2 or more separate specified laboratories are situated on the same floor of a building; and
  - (b) the operation of those laboratories is supervised by the same person (whether alone or jointly with another person),
- those laboratories are regarded as a single laboratory.
- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

## 12. Prohibition on use of Part 2 chemical

- (1) A person must not use Part 2 chemicals except under a possession permit.
- (2) Subsection (1) does not apply if—
- (a) section 11(1) does not apply to the keeping of the Part 2 chemical because of the operation of section 11(2); and
  - (b) the chemical is used in a specified laboratory for laboratory-scale research or as a reference standard.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

**第 2 分部 —— 受規管添汞產品****13. 禁止出口受規管添汞產品**

- (1) 任何人不得出口受規管添汞產品。
- (2) 如有關受規管添汞產品符合附表 3 第 2 部第 2 欄中某項說明，則第 (1) 款不適用。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

**14. 禁止進口受規管添汞產品**

- (1) 任何人不得進口受規管添汞產品。
- (2) 如有關受規管添汞產品符合附表 3 第 2 部第 2 欄中某項說明，則第 (1) 款不適用。
- (3) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

**15. 禁止製造受規管添汞產品等**

- (1) 任何人不得製造受規管添汞產品。
- (2) 如製造中的受規管添汞產品符合附表 3 第 2 部第 2 欄中某項說明，則第 (1) 款不適用。
- (3) 任何人不得將受規管添汞產品作為組成部分而納入另一東西。
- (4) 任何人違反第 (1) 或 (3) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

**Division 2—Regulated Mercury-added Product****13. Prohibition on export of regulated mercury-added product**

- (1) A person must not export regulated mercury-added products.
- (2) Subsection (1) does not apply if the regulated mercury-added product falls within a description in column 2 of Part 2 of Schedule 3.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

**14. Prohibition on import of regulated mercury-added product**

- (1) A person must not import regulated mercury-added products.
- (2) Subsection (1) does not apply if the regulated mercury-added product falls within a description in column 2 of Part 2 of Schedule 3.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

**15. Prohibition on manufacture of regulated mercury-added product etc.**

- (1) A person must not manufacture regulated mercury-added products.
- (2) Subsection (1) does not apply if the regulated mercury-added product under manufacture falls within a description in column 2 of Part 2 of Schedule 3.
- (3) A person must not incorporate a regulated mercury-added product into another thing as a component.



2-11  
第 640 章

第 2 部 —— 第 3 分部  
第 17 條

Part 2—Division 3  
Section 17

2-12  
Cap. 640

**16. 禁止供應受規管添汞產品**

- (1) 任何人不得在本條例生效日期 \*3 周年當日或之後，供應受規管添汞產品。
- (2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

編輯附註：

\* 生效日期：2021 年 12 月 1 日。

**第 3 分部 —— 受規管製造工序**

**17. 禁止進行受規管製造工序**

- (1) 任何人不得進行受規管製造工序。
- (2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

- (4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

**16. Prohibition on supply of regulated mercury-added product**

- (1) A person must not supply regulated mercury-added products on or after the third anniversary of the commencement date\* of this Ordinance.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

Editorial Note:

\* Commencement date : 1 December 2021.

**Division 3—Regulated Manufacturing Process**

**17. Prohibition on carrying out regulated manufacturing process**

- (1) A person must not carry out regulated manufacturing processes.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.

## 第 3 部

### 出口許可證、進口許可證及管有許可證

#### 第 1 分部 —— 許可證的發出及續期

##### 18. 出口許可證

- (1) 任何人可就某一批第 1 部化學品的出口，向署長申請出口許可證。
- (2) 署長可應申請 ——
  - (a) 向申請人發出出口許可證；或
  - (b) 基於第 19 條指明的某項理由，拒絕發出出口許可證。
- (3) 署長發出出口許可證時，可施加其認為適當的條件，包括規管關於進行出口的事宜的條件，例如 ——
  - (a) 出口可在何日或何段期間內進行；
  - (b) 出口須以何種方式進行；及
  - (c) 有關的一批化學品，須於何處裝載上交通工具以供出口。
- (4) 出口許可證須指明以下事宜 ——
  - (a) 該證的生效日期；
  - (b) 該證的有效期；
  - (c) 如署長根據第 (3) 款，就該證施加條件 —— 該等條件。

##### 19. 拒絕發出出口許可證的理由

## Part 3

### Export Permit, Import Permit and Possession Permit

#### Division 1—Issue and Renewal of Permit

##### 18. Export permit

- (1) A person may apply to the Director for an export permit in relation to the export of a batch of Part 1 chemicals.
- (2) The Director may, on the application—
  - (a) issue an export permit to the applicant; or
  - (b) refuse to issue an export permit on a ground specified in section 19.
- (3) On issuing an export permit, the Director may impose conditions the Director considers appropriate, including conditions regulating matters concerning the carrying out of the export such as—
  - (a) the date on which, or the period within which, the export may be carried out;
  - (b) the manner in which the export is to be carried out; and
  - (c) the place at which the batch of chemicals is to be loaded onto any transport for export.
- (4) The following are to be specified in an export permit—
  - (a) the date on which the permit takes effect;
  - (b) the validity period of the permit;
  - (c) if conditions are imposed in respect of the permit under subsection (3)—the conditions.

##### 19. Grounds for refusing to issue export permit



為施行第 18(2)(b) 條，現就出口某一批第 1 部化學品的出口許可證申請，指明以下理由 ——

- (a) 署長不信納該批化學品擬輸往的地方的有關政府當局，會容許該批化學品進口；
- (b) 署長信納為保障公眾健康或保護環境，有必要拒絕該申請。

## 20. 進口許可證

- (1) 任何人可就某一批第 1 部化學品的進口，向署長申請進口許可證。
- (2) 署長可應申請 ——
  - (a) 向申請人發出進口許可證；或
  - (b) 基於第 21 條指明的某項理由，拒絕發出進口許可證。
- (3) 署長發出進口許可證時，可施加其認為適當的條件，包括規管關於進行進口的事宜的條件，例如 ——
  - (a) 進口可在何日或何段期間內進行；
  - (b) 進口須以何種方式進行；及
  - (c) 有關的一批化學品，須於何處從交通工具卸下。
- (4) 進口許可證須指明以下事宜 ——
  - (a) 該證的生效日期；
  - (b) 該證的有效期；
  - (c) 如署長根據第 (3) 款，就該證施加條件 —— 該等條件。

The following grounds are specified for the purposes of section 18(2)(b) in relation to an application for an export permit to export a batch of Part 1 chemicals—

- (a) the Director is not satisfied that the relevant government authority of the place to which the batch of chemicals is proposed to be exported would allow the batch of chemicals to be imported;
- (b) the Director is satisfied that refusing the application is necessary for protecting the public health or environment.

## 20. Import permit

- (1) A person may apply to the Director for an import permit in relation to the import of a batch of Part 1 chemicals.
- (2) The Director may, on the application—
  - (a) issue an import permit to the applicant; or
  - (b) refuse to issue an import permit on a ground specified in section 21.
- (3) On issuing an import permit, the Director may impose conditions the Director considers appropriate, including conditions regulating matters concerning the carrying out of the import such as—
  - (a) the date on which, or the period within which, the import may be carried out;
  - (b) the manner in which the import is to be carried out; and
  - (c) the place at which the batch of chemicals is to be unloaded from any transport.
- (4) The following are to be specified in an import permit—
  - (a) the date on which the permit takes effect;
  - (b) the validity period of the permit;

**21. 拒絕發出進口許可證的理由**

為施行第 20(2)(b) 條，現就進口某一批第 1 部化學品的進口許可證申請，指明以下理由 ——

- (a) 署長信納該批化學品是純粹為再出口而進口；
- (b) 署長不信納該批化學品如進口的話，會按《公約》規定，以合乎環境無害化的方式存放；
- (c) 署長不信納該批化學品如進口的話，會用於《公約》准許的用途；
- (d) 署長信納為保障公眾健康或保護環境，有必要拒絕該申請。

**22. 管有許可證**

- (1) 任何人可就某一批第 2 部化學品的存放及使用，向署長申請管有許可證。
- (2) 署長可應申請 ——
  - (a) 向申請人發出管有許可證；或
  - (b) 基於第 23 條指明的某項理由，拒絕發出管有許可證。
- (3) 署長發出管有許可證時，可施加其認為適當的條件，包括 ——
  - (a) 規管關於存放有關的一批化學品的事宜的條件，例如 ——
    - (i) 該批化學品須於甚麼地方或處所存放；及

- (c) if conditions are imposed in respect of the permit under subsection (3)—the conditions.

**21. Grounds for refusing to issue import permit**

The following grounds are specified for the purposes of section 20(2)(b) in relation to an application for an import permit to import a batch of Part 1 chemicals—

- (a) the Director is satisfied that the batch of chemicals is to be imported solely for re-export;
- (b) the Director is not satisfied that the batch of chemicals, if imported, would be kept in an environmentally sound manner as required by the Convention;
- (c) the Director is not satisfied that the batch of chemicals, if imported, would be used for a purpose permitted under the Convention;
- (d) the Director is satisfied that refusing the application is necessary for protecting the public health or environment.

**22. Possession permit**

- (1) A person may apply to the Director for a possession permit in relation to the keeping and use of a batch of Part 2 chemicals.
- (2) The Director may, on the application—
  - (a) issue a possession permit to the applicant; or
  - (b) refuse to issue a possession permit on a ground specified in section 23.
- (3) On issuing a possession permit, the Director may impose conditions the Director considers appropriate, including—
  - (a) conditions regulating matters concerning the keeping of the batch of chemicals such as—

3-7  
第 640 章

第 3 部 —— 第 1 分部  
第 23 條

- (ii) 該批化學品須以何種方式存放；及
- (b) 規管關於使用該批化學品的事宜的條件，例如 ——
  - (i) 該批化學品可用於何種用途；及
  - (ii) 該批化學品須以何種方式使用。
- (4) 管有許可證須指明以下事宜 ——
  - (a) 該證的生效日期；
  - (b) 該證的有效期；
  - (c) 如署長根據第 (3) 款，就該證施加條件 —— 該等條件。

## 23. 拒絕發出管有許可證的理由

為施行第 22(2)(b) 條，現就存放和使用某一批第 2 部化學品的管有許可證申請，指明以下理由 ——

- (a) 署長不信納申請人有能力按《公約》規定，以合乎環境無害化的方式，存放該批化學品；
- (b) 署長不信納該批化學品會用於《公約》准許的用途；
- (c) 署長信納為保障公眾健康或保護環境，有必要拒絕該申請。

Part 3—Division 1  
Section 23

3-8  
Cap. 640

- (i) the place or premises at or on which the batch of chemicals is to be kept; and
- (ii) the manner in which the batch of chemicals is to be kept; and
- (b) conditions regulating matters concerning the use of the batch of chemicals such as—
  - (i) the purpose for which the batch of chemicals may be used; and
  - (ii) the manner in which the batch of chemicals is to be used.
- (4) The following are to be specified in a possession permit—
  - (a) the date on which the permit takes effect;
  - (b) the validity period of the permit;
  - (c) if conditions are imposed in respect of the permit under subsection (3)—the conditions.

## 23. Grounds for refusing to issue possession permit

The following grounds are specified for the purposes of section 22(2)(b) in relation to an application for a possession permit to keep and use a batch of Part 2 chemicals—

- (a) the Director is not satisfied that the applicant has the ability to keep the batch of chemicals in an environmentally sound manner as required by the Convention;
- (b) the Director is not satisfied that the batch of chemicals would be used for a purpose permitted under the Convention;
- (c) the Director is satisfied that refusing the application is necessary for protecting the public health or environment.

**24. 許可證的有效期 —— 出口許可證及進口許可證**

出口許可證或進口許可證除非根據第 3 分部暫時吊銷或取消，否則其有效期如下 ——

- (a) 如可根據該證進行出口或進口的日期或期間，被指明為根據本部就該證施加的條件 —— 有效至以下情況的最早者發生時為止 ——
  - (i) 有關化學品根據該證出口或進口之時；
  - (ii) 該指明日期完結時；
  - (iii) 該指明期間完結時；或
- (b) 如屬其他情況 —— 有效至以下情況的較早者發生時為止 ——
  - (i) 有關化學品根據該證出口或進口之時；
  - (ii) 有關期間完結時，該有關期間，指由該證生效當日起計的 12 個月，如署長在該證中，指明一個由該日起計的較短有效期，則該有關期間為該較短有效期。

**25. 許可證的有效期 —— 管有許可證**

管有許可證除非根據第 3 分部暫時吊銷或取消，否則有效至有關期間完結時，該有關期間，指由該證生效當日起計的 12 個月，如署長在該證中，指明一個由該日起計的較短有效期，則該有關期間為該較短有效期。

**26. 許可證持有人須遵從許可證條件**

- (1) 出口許可證、進口許可證或管有許可證的持有人，須遵從根據本部就該證施加的條件。
- (2) 任何人無合理辯解而違反第 (1) 款，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月。

**24. Validity period of permit—export permit and import permit**

Unless suspended or cancelled under Division 3, an export permit or import permit is in force until—

- (a) if the date on which, or the period within which, the export or import may be carried out under the permit is specified as a condition imposed under this Part in respect of the permit—the earliest of the following—
  - (i) the export or import is carried out under the permit;
  - (ii) the expiry of the specified date;
  - (iii) the expiry of the specified period; or
- (b) in any other case—the earlier of the following—
  - (i) the export or import is carried out under the permit;
  - (ii) the expiry of 12 months (or if the Director specifies in the permit a shorter validity period, the shorter period) beginning on the date on which the permit takes effect.

**25. Validity period of permit—possession permit**

Unless suspended or cancelled under Division 3, a possession permit is in force until the expiry of 12 months (or if the Director specifies in the permit a shorter validity period, the shorter period) beginning on the date on which the permit takes effect.

**26. Permit holder to comply with permit condition**

- (1) The holder of an export permit, import permit or possession permit must comply with the conditions imposed under this Part in respect of the permit.

**27. 許可證的續期**

- (1) 出口許可證、進口許可證或管有許可證的持有人，可向署長申請將該證續期。
- (2) 上述申請只可在有關許可證有效期間提出。
- (3) 如在出口許可證的續期申請待決期間，有關化學品根據該證出口，則該證的持有人須於該項出口之後，在合理地切實可行的範圍內，盡快藉書面通知 ——
  - (a) 將該項出口通知署長；及
  - (b) 撤回該申請。
- (4) 如在進口許可證的續期申請待決期間，有關化學品根據該證進口，則該證的持有人須於該項進口之後，在合理地切實可行的範圍內，盡快藉書面通知 ——
  - (a) 將該項進口通知署長；及
  - (b) 撤回該申請。
- (5) 署長可應申請 ——
  - (a) 將有關許可證續期；或
  - (b) 在信納以下事宜的情況下，拒絕將該證續期 ——
    - (i) 如屬出口許可證的續期申請 —— 已根據該證進行出口；
    - (ii) 如屬進口許可證的續期申請 —— 已根據該證進行進口；或
    - (iii) 為保障公眾健康或保護環境，有必要拒絕該申請。
- (6) 署長將許可證續期時 ——

- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.

**27. Renewal of permit**

- (1) The holder of an export permit, import permit or possession permit may apply to the Director for renewal of the permit.
- (2) The application may only be made while the permit concerned is in force.
- (3) If an export is carried out under an export permit while an application for renewing the permit is pending, the permit holder must, as soon as reasonably practicable after the export, by written notice—
  - (a) notify the Director of the export; and
  - (b) withdraw the application.
- (4) If an import is carried out under an import permit while an application for renewing the permit is pending, the permit holder must, as soon as reasonably practicable after the import, by written notice—
  - (a) notify the Director of the import; and
  - (b) withdraw the application.
- (5) The Director may, on the application—
  - (a) renew the permit concerned; or
  - (b) refuse to renew the permit if satisfied that—
    - (i) for an application for renewal of an export permit—an export has been carried out under the permit;
    - (ii) for an application for renewal of an import permit—an import has been carried out under the permit; or

3-13  
第 640 章

第 3 部 —— 第 1 分部  
第 28 條

- (a) 可施加其認為適當的條件，包括以下條文所述的條件 ——
  - (i) 如屬出口許可證 —— 第 18(3) 條；
  - (ii) 如屬進口許可證 —— 第 20(3) 條；或
  - (iii) 如屬管有許可證 —— 第 22(3) 條；及
- (b) 須向申請人發出新的許可證。
- (7) 新的許可證須指明以下事宜 ——
  - (a) 該證的生效日期；
  - (b) 該證的有效期；
  - (c) 如署長根據第 (6)(a) 款，就該證施加條件 —— 該等條件。

## 28. 許可證的複本

- (1) 如出口許可證、進口許可證或管有許可證遭遺失、毀壞、污損或損壞，則本條就該證而適用。
- (2) 許可證 (**許可證正本**) 持有人可向署長提出申請，要求發出許可證正本的複本。
- (3) 在不局限第 4 分部的原則下，上述申請須附有許可證正本，但許可證正本遭遺失則除外。
- (4) 如有就遺失的許可證正本提出的申請，而該證的持有人在申請待決期間，尋回該遺失的許可證，該持有人須在合理地切實可行的範圍內，盡快藉書面通知 ——
  - (a) 將此事通知署長；及
  - (b) 撤回該申請。
- (5) 署長可應申請 ——

Part 3—Division 1  
Section 28

3-14  
Cap. 640

- (iii) the refusal is necessary for protecting the public health or environment.
- (6) On renewing a permit, the Director—
  - (a) may impose conditions the Director considers appropriate, including conditions mentioned in—
    - (i) for an export permit—section 18(3);
    - (ii) for an import permit—section 20(3); or
    - (iii) for a possession permit—section 22(3); and
  - (b) must issue a new permit to the applicant.
- (7) The following are to be specified in a new permit—
  - (a) the date on which the permit takes effect;
  - (b) the validity period of the permit;
  - (c) if conditions are imposed in respect of the permit under subsection (6)(a)—the conditions.

## 28. Duplicate of permit

- (1) This section applies in relation to an export permit, import permit or possession permit that is lost, destroyed, defaced or damaged.
- (2) The holder of a permit (**original permit**) may apply to the Director for the issue of a duplicate of the original permit.
- (3) Without limiting Division 4, the application must be accompanied by the original permit unless the permit is lost.
- (4) If an application is made in relation to a lost original permit, and the holder of the permit finds the lost permit while the application is pending, the holder must, as soon as reasonably practicable, by written notice—
  - (a) notify the Director of this fact; and
  - (b) withdraw the application.



- (a) 批准該申請；或
- (b) 拒絕該申請。
- (6) 許可證正本在其複本發出時，即告失效。
- (7) 許可證正本的複本 ——
  - (a) 與許可證正本的效力相同，但複本的有效期，是許可證正本若非因第 (6) 款本會持續有效的餘下期間；及
  - (b) 凡許可證正本根據 (或視為根據) 某條文發出 —— 須視為根據該條文發出。

## 第 2 分部 —— 許可證條件的更改

### 29. 第 3 部第 2 分部的釋義

在本分部中 ——

**許可證** (permit) 指出口許可證、進口許可證或管有許可證。

### 30. 署長主動更改許可證條件

- (1) 署長如信納為保障公眾健康或保護環境，有必要更改根據本部就某許可證施加的條件 (**許可證條件**)，則可隨時主動作出該項更改。
- (2) 署長如擬更改許可證條件，須藉書面通知，將以下事宜通知許可證持有人 ——
  - (a) 該意向；
  - (b) 擬作出更改的理由；及
  - (c) 該持有人根據第 (3) 款作出申述的權利。

- (5) The Director may, on the application—
  - (a) approve the application; or
  - (b) refuse the application.
- (6) On issuing a duplicate of an original permit, the original permit ceases to have effect.
- (7) A duplicate of an original permit—
  - (a) has the same effect as the original permit for the remainder of the period for which the original permit would have remained in force but for subsection (6); and
  - (b) is to be regarded as having been issued under the same provision under which the original permit was issued or is regarded as having been issued.

## Division 2—Variation of Permit Condition

### 29. Interpretation of Division 2 of Part 3

In this Division—

**permit** (許可證) means an export permit, import permit or possession permit.

### 30. Variation of permit condition on Director's own initiative

- (1) The Director may, on the Director's own initiative, at any time vary a condition (**permit condition**) imposed under this Part in respect of a permit if satisfied that the variation is necessary for protecting the public health or environment.
- (2) If the Director intends to vary a permit condition, the Director must, by written notice, notify the permit holder of—
  - (a) the intention;
  - (b) the grounds for the proposed variation; and

3-17  
第 640 章

第 3 部 —— 第 2 分部  
第 31 條

- (3) 許可證持有人可在上述書面通知的日期後 28 日內 (或署長容許的較長期間內), 向署長作出書面申述, 反對擬作出的更改。
- (4) 如有許可證持有人根據第 (3) 款作出申述, 署長只有在考慮該等申述後, 方可更改許可證條件。
- (5) 署長一旦決定更改許可證條件, 即須藉書面通知, 將以下事宜通知許可證持有人 ——
  - (a) 該許可證條件須如何更改;
  - (b) 作出更改的理由; 及
  - (c) 該項更改的生效日期。

### 31. 應申請而更改許可證條件

- (1) 許可證持有人可向署長提出申請, 要求更改根據本部就該證施加的條件。
- (2) 署長可應申請 ——
  - (a) 批准該申請; 或
  - (b) 拒絕該申請。

### 32. 關於更改許可證條件的補充條文

- (1) 如有許可證 (**現有許可證**) 的任何條件根據第 30 或 31 條更改, 則本條就該證而適用。
- (2) 現有許可證的持有人, 須在以下兩個日期中的較遲者之後的 10 日內, 向署長交還該證 ——
  - (a) 該持有人收到署長根據第 30(5) 條給予關於上述更改的書面通知的日期;

Part 3—Division 2  
Section 31

3-18  
Cap. 640

- (c) the holder's right to make representations under subsection (3).
- (3) The permit holder may, within 28 days after the date of the written notice (or a longer period the Director allows), make representations in writing to the Director objecting to the proposed variation.
- (4) If representations are made under subsection (3), the Director may vary a permit condition only after considering those representations.
- (5) The Director, once having decided to vary a permit condition, must, by written notice, notify the permit holder of—
  - (a) how the permit condition is to be varied;
  - (b) the grounds for the variation; and
  - (c) the date on which the variation takes effect.

### 31. Variation of permit condition on application

- (1) The holder of a permit may apply to the Director for variation of a condition imposed under this Part in respect of the permit.
- (2) The Director may, on the application—
  - (a) approve the application; or
  - (b) refuse the application.

### 32. Supplementary provisions as to variation of permit condition

- (1) This section applies in relation to a permit (**existing permit**) any condition of which is varied under section 30 or 31.
- (2) The holder of an existing permit must return the permit to the Director within 10 days after the later of the following—



- (b) 該項更改的生效日期。
- (3) 署長在收到根據第 (2) 款交還的現有許可證後，須 ——
- (a) 發出新的許可證，以取代現有許可證；及
- (b) 在新許可證中，指明經更改的許可證條件。
- (4) 根據第 (3) 款發出的新的許可證 ——
- (a) 與現有許可證的效力相同，但新許可證的有效期，是現有許可證若非因被取代本會持續有效的餘下期間，但如經更改的許可證條件另有規定則除外；及
- (b) 凡現有許可證根據 (或視為根據) 某條文發出 —— 須視為根據該條文發出。
- (5) 任何人無合理辯解而違反第 (2) 款，即屬犯罪，一經定罪，可處第 1 級罰款及監禁 6 個月。

### 第 3 分部 —— 暫時吊銷和取消許可證

#### 33. 第 3 部第 3 分部的釋義

在本分部中 ——

**前許可證持有人** (former permit holder) 就根據第 35 條取消的許可證而言，指在緊接取消之前持有該證的人；

**許可證** (permit) 指出口許可證、進口許可證或管有許可證。

- (a) the date of the holder's receiving the written notice of the variation given under section 30(5) from the Director;
- (b) the date on which the variation takes effect.
- (3) On receiving an existing permit returned under subsection (2), the Director must—
- (a) issue a new permit to replace the existing permit; and
- (b) specify in the new permit the conditions of the permit as varied.
- (4) A new permit issued under subsection (3)—
- (a) subject to the conditions of the permit as varied, has the same effect as the existing permit for the remainder of the period for which the existing permit would have remained in force but for the replacement; and
- (b) is to be regarded as having been issued under the same provision under which the existing permit was issued or is regarded as having been issued.
- (5) A person who, without reasonable excuse, contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 6 months.

### Division 3—Suspension and Cancellation of Permit

#### 33. Interpretation of Division 3 of Part 3

In this Division—

**former permit holder** (前許可證持有人), in relation to a permit cancelled under section 35, means the person who held the permit immediately before the cancellation;

**permit** (許可證) means an export permit, import permit or possession permit.

**34. 暫時吊銷許可證**

署長可基於第 36 條指明的某項理由，藉命令暫時吊銷許可證，而暫時吊銷的期間由署長在命令中指明。

**35. 取消許可證**

署長可基於第 36 條指明的某項理由，藉命令取消許可證。

**36. 暫時吊銷或取消許可證的理由**

為施行第 34 及 35 條，現就許可證而指明以下理由 ——

- (a) 署長信納有關許可證持有人 (**該人**) 已違反 ——
  - (i) 本條例；或
  - (ii) 根據本部就該證施加的條件；
- (b) 署長信納該證是以欺詐手段或失實陳述取得的；
- (c) 該人符合任何以下說明 ——
  - (i) 如該人是公司 —— 清盤程序已就該人展開，或該人已解散；
  - (ii) 如該人是合夥 —— 該人已解散；
  - (iii) 如該人是個別人士 —— 該人已去世、已破產，或已與其債權人訂立《破產條例》(第 6 章) 所指的自願安排；
  - (iv) 如屬其他情況 —— 該人已不再存在；
- (d) 署長信納為保障公眾健康或保護環境，有必要根據第 34 或 35 條 (視情況所需而定) 行使有關權力。

**34. Suspension of permit**

The Director may, on a ground specified in section 36, by order suspend a permit for the period specified by the Director in the order.

**35. Cancellation of permit**

The Director may, on a ground specified in section 36, by order cancel a permit.

**36. Grounds for suspending or cancelling permit**

The following grounds are specified for the purposes of sections 34 and 35 in relation to a permit—

- (a) the Director is satisfied that the permit holder has contravened—
  - (i) this Ordinance; or
  - (ii) a condition imposed under this Part in respect of the permit;
- (b) the Director is satisfied that the permit was obtained by fraud or misrepresentation;
- (c) the permit holder falls within any of the following descriptions—
  - (i) for a permit holder that is a company—winding up proceedings have been commenced in relation to the permit holder or the permit holder has been dissolved;
  - (ii) for a permit holder that is a partnership—the permit holder has been dissolved;
  - (iii) for a permit holder that is an individual—the permit holder has died, has become bankrupt, or has entered into a voluntary arrangement within

**37. 擬暫時吊銷或取消許可證的通知等**

- (1) 署長如擬根據第 34 或 35 條暫時吊銷或取消許可證，須藉書面通知，將以下事宜通知許可證持有人 ——
  - (a) 該意向；
  - (b) 擬作出暫時吊銷或取消的理由；
  - (c) 該項暫時吊銷或取消的建議生效日期；
  - (d) 如屬暫時吊銷 —— 建議吊銷期；及
  - (e) 該持有人根據第 (2) 款作出申述的權利。
- (2) 許可證持有人可在上述書面通知的日期後 28 日內 (或署長容許的較長期間內)，向署長作出書面申述，反對擬作出的暫時吊銷或取消。
- (3) 如有許可證持有人根據第 (2) 款作出申述，署長只有在考慮該等申述後，方可暫時吊銷或取消許可證。
- (4) 署長一旦決定暫時吊銷或取消許可證，即須藉書面通知，將以下事宜通知許可證持有人 ——
  - (a) 該決定；
  - (b) 作出暫時吊銷或取消的理由；
  - (c) 該項暫時吊銷或取消的生效日期；及
  - (d) 如屬暫時吊銷 —— 暫時吊銷期。

the meaning of the Bankruptcy Ordinance (Cap. 6) with the holder's creditors;

- (iv) in any other case—the permit holder has ceased to exist;
- (d) the Director is satisfied that exercising the power under section 34 or 35 (as the case requires) is necessary for protecting the public health or environment.

**37. Notice of intention to suspend or cancel permit etc.**

- (1) If the Director intends to suspend or cancel a permit under section 34 or 35, the Director must, by written notice, notify the permit holder of—
  - (a) the intention;
  - (b) the grounds for the proposed suspension or cancellation;
  - (c) the date on which the suspension or cancellation is proposed to take effect;
  - (d) for a suspension—the proposed period of suspension; and
  - (e) the holder's right to make representations under subsection (2).
- (2) The permit holder may, within 28 days after the date of the written notice (or a longer period the Director allows), make representations in writing to the Director objecting to the proposed suspension or cancellation.
- (3) If representations are made under subsection (2), the Director may suspend or cancel a permit only after considering those representations.
- (4) The Director, once having decided to suspend or cancel a permit, must, by written notice, notify the permit holder of—
  - (a) the decision;

**38. 交還已取消的許可證**

- (1) 如許可證根據第 35 條取消，前許可證持有人須在取消的生效日期後 10 日內，將該證交還署長。
- (2) 任何人無合理辯解而違反第 (1) 款，即屬犯罪，一經定罪，可處第 1 級罰款及監禁 6 個月。

**39. 署長如取消許可證，可發出處置指示**

- (1) 如許可證根據第 35 條取消，而前許可證持有人控制或管有在香港的以下東西，則署長可藉書面通知，向該持有人發出關於處置該等東西的指示——
  - (a) 若無取消該證，本可出口、進口、存放或使用的化學品；及
  - (b) 包含該等化學品的東西。
- (2) 署長如擬根據第 (1) 款發出指示，須藉書面通知，將以下事宜通知前許可證持有人——
  - (a) 該意向；
  - (b) 擬發出的指示；
  - (c) 發出該指示的理由；
  - (d) 遵從該指示的建議限期；及
  - (e) 該持有人根據第 (3) 款作出申述的權利。
- (3) 前許可證持有人可在根據第 (2) 款給予的書面通知的日期後 28 日內（或署長容許的較長期間內），向署長作出書面申述，反對擬發出的指示。

- (b) the grounds for the suspension or cancellation;
- (c) the date on which the suspension or cancellation takes effect; and
- (d) for a suspension—the period of suspension.

**38. Return of permit on its cancellation**

- (1) If a permit is cancelled under section 35, the former permit holder must return the permit to the Director within 10 days after the date on which the cancellation takes effect.
- (2) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 1 and to imprisonment for 6 months.

**39. Director may give disposal direction on cancellation**

- (1) If a permit is cancelled under section 35, the Director may, by written notice, give a direction to the former permit holder as to the disposal of the following things that are in Hong Kong and in the holder's control or possession—
  - (a) any chemicals that might be exported, imported, kept or used but for the cancellation of the permit; and
  - (b) any thing that contains the chemicals.
- (2) If the Director intends to give a direction under subsection (1), the Director must, by written notice, notify the former permit holder of—
  - (a) the intention;
  - (b) the proposed direction;
  - (c) the grounds for giving the direction;
  - (d) the proposed period within which the direction is to be complied with; and

3-27  
第 640 章

第 3 部 —— 第 3 分部  
第 40 條

- (4) 如有前許可證持有人根據第 (3) 款作出申述，署長只有在考慮該等申述後，方可根據第 (1) 款發出指示。
- (5) 署長一旦決定根據第 (1) 款發出指示，即須 ——
  - (a) 藉書面通知，將該指示通知前許可證持有人；及
  - (b) 在通知中指明 ——
    - (i) 發出該指示的理由；及
    - (ii) 遵從該指示的限期。
- (6) 任何人無合理辯解而沒有於根據第 (5) 款指明的限期內，遵從根據第 (1) 款發出的指示，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。

#### 40. 應申請而更改處置指示

- (1) 前許可證持有人可向署長提出申請，要求更改根據第 39 條向該持有人發出的指示。
- (2) 提出上述申請的限期，是有關持有人收到署長根據第 39(5) 條給予的書面通知的日期後的 10 日內。
- (3) 署長可應申請 ——
  - (a) 批准該申請；或

Part 3—Division 3  
Section 40

3-28  
Cap. 640

- (c) the holder's right to make representations under subsection (3).
- (3) The former permit holder may, within 28 days after the date of the written notice given under subsection (2) (or a longer period the Director allows), make representations in writing to the Director objecting to the proposed direction.
- (4) If representations are made under subsection (3), the Director may give a direction under subsection (1) only after considering those representations.
- (5) The Director, once having decided to give a direction under subsection (1), must—
  - (a) by written notice notify the former permit holder of the direction; and
  - (b) specify in the notice—
    - (i) the grounds for giving the direction; and
    - (ii) the period within which the direction is to be complied with.
- (6) A person who, without reasonable excuse, fails to comply with a direction given under subsection (1) within the period specified under subsection (5) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

#### 40. Variation of disposal direction on application

- (1) A former permit holder may apply to the Director for variation of a direction given to the holder under section 39.
- (2) The application may only be made within 10 days after the date of the holder's receiving the written notice given under section 39(5) from the Director.
- (3) The Director may, on the application—

- (b) 拒絕該申請。

## 第 4 分部 —— 關於本部所指的申請的一般條文

### 41. 第 3 部第 4 分部的適用範圍

本分部就根據本部提出的申請而適用。

### 42. 如何提出申請

#### (1) 申請 ——

- (a) 須採用指明表格；
  - (b) 須附有指明表格所指明的資料、文件及詳情；及
  - (c) 如並非由政府提出 —— 須附有訂明費用。
- (2) 如屬根據第 31 條提出的、要求更改根據本部就某許可證施加的條件的申請，申請人須在申請書中述明 ——
- (a) 申請人要求該條件如何更改；及
  - (b) 建議更改的理由。
- (3) 如屬根據第 40 條提出的更改指示申請，申請人須在申請書中述明 ——
- (a) 申請人要求該指示如何更改；及
  - (b) 建議更改的理由。

### 43. 署長可為決定申請而要求提供資料等

- (a) approve the application; or
- (b) refuse the application.

## Division 4—General Provisions about Applications under this Part

### 41. Application of Division 4 of Part 3

This Division applies in relation to an application made under this Part.

### 42. How to make application

#### (1) An application—

- (a) must be in the specified form;
  - (b) must be accompanied by the information, documents and particulars specified in the specified form; and
  - (c) if not made by the Government—must be accompanied by the prescribed fee.
- (2) For an application under section 31 to vary a condition imposed under this Part in respect of a permit, the applicant must state in the application—
- (a) how the applicant would like the condition to be varied; and
  - (b) the grounds for the proposed variation.
- (3) For an application under section 40 to vary a direction, the applicant must state in the application—
- (a) how the applicant would like the direction to be varied; and
  - (b) the grounds for the proposed variation.

### 43. Director may require information etc. for determining



3-31  
第 640 章

第 3 部 —— 第 4 分部  
第 44 條

- (1) 署長可為決定某申請，要求申請人提供為使署長能夠決定該申請而合理地需要的進一步資料、文件及詳情。
- (2) 如申請人沒有遵從根據第 (1) 款作出的要求，署長 ——
  - (a) 可拒絕進一步處理有關申請；或
  - (b) 可拒絕該申請。

#### 44. 擬拒絕申請的通知

- (1) 署長如擬拒絕某申請，須藉書面通知，將以下事宜通知申請人 ——
  - (a) 該意向；
  - (b) 擬拒絕該申請的理由；及
  - (c) 申請人根據第 (2) 款作出申述的權利。
- (2) 申請人可在上述書面通知的日期後 28 日內（或署長容許的較長期間內），向署長作出書面申述，反對擬拒絕有關申請。
- (3) 如有申請人根據第 (2) 款就申請作出申述，署長只有在考慮該等申述後，方可拒絕該申請。

#### 45. 決定的通知

署長須藉書面通知，將以下事宜通知申請人 ——

- (a) 署長對申請的決定；
- (b) 如署長根據第 31 條，批准要求更改根據本部就許可證施加的條件的申請 ——

Part 3—Division 4  
Section 44

3-32  
Cap. 640

#### application

- (1) For determining an application, the Director may require the applicant to provide further information, documents and particulars that are reasonably necessary to enable the Director to determine the application.
- (2) If the applicant fails to comply with a requirement made under subsection (1), the Director—
  - (a) may refuse to process the application further; or
  - (b) may refuse the application.

#### 44. Notice of intention to refuse application

- (1) If the Director intends to refuse an application, the Director must, by written notice, notify the applicant of—
  - (a) the intention;
  - (b) the grounds for the proposed refusal; and
  - (c) the applicant's right to make representations under subsection (2).
- (2) The applicant may, within 28 days after the date of the written notice (or a longer period the Director allows), make representations in writing to the Director objecting to the proposed refusal.
- (3) If representations are made under subsection (2), the Director may refuse the application only after considering those representations.

#### 45. Notice of decision

The Director must, by written notice, notify the applicant of—

- (a) the Director's decision on the application;



3-33  
第 640 章

第 3 部 —— 第 4 分部  
第 45 條

- (i) 該條件如何更改；及
  - (ii) 該項更改的生效日期；
  - (c) 如署長根據第 40 條，批准要求更改指示的申請 ——
    - (i) 該指示如何更改；及
    - (ii) 該項更改的生效日期；及
  - (d) 如署長拒絕有關申請 —— 拒絕的理由。
- 

Part 3—Division 4  
Section 45

3-34  
Cap. 640

- (b) if the Director approves an application under section 31 to vary a condition imposed under this Part in respect of a permit—
    - (i) how the condition is to be varied; and
    - (ii) the date on which the variation takes effect;
  - (c) if the Director approves an application under section 40 to vary a direction—
    - (i) how the direction is to be varied; and
    - (ii) the date on which the variation takes effect; and
  - (d) if the Director refuses the application—the grounds for the refusal.
-

## 第 4 部

### 執行

#### 第 1 分部 —— 釋義等

46. **第 4 部的釋義**  
在本部中 ——  
**處所** (premises) 包括任何交通工具。
47. **對行使第 2 及 3 分部之下的權力的限制**  
第 2 及 3 分部並不賦權獲授權人員就以下東西行使該等分部之下的任何權力 ——
- (a) 過境物品；
  - (b) 航空轉運貨物；或
  - (c) 符合第 6(f) 條的說明的東西。

#### 第 2 分部 —— 查閱及檢視

48. **查閱根據規管性規定備存的文件及紀錄的權力等**
- (1) 為確定某規管性規定是否已獲或正獲遵從，獲授權人員可藉書面通知 ——
- (a) 要求出口許可證、進口許可證或管有許可證的持有人，或第 33 條所指的前許可證持有人，提供關乎該規管性規定是否獲遵從的文件或紀錄，以供查閱；
  - (b) 要求某人提供該人根據某規管性規定而須備存的文件或紀錄，以供查閱；及
  - (c) 要求 (a) 或 (b) 段所述的人就其提供的文件或紀錄，提供進一步詳情或解釋。

## Part 4

### Enforcement

#### Division 1—Interpretation etc.

46. **Interpretation of Part 4**  
In this Part—  
**premises** (處所) includes any transport.
47. **Limitation on exercise of power under Divisions 2 and 3**  
Divisions 2 and 3 do not empower an authorized officer to exercise any of the powers under those Divisions in relation to—
- (a) an article in transit;
  - (b) an air transshipment cargo; or
  - (c) a thing falling within the description of section 6(f).

#### Division 2—Inspection

48. **Power to inspect document and record kept under regulatory requirement etc.**
- (1) For ascertaining whether a regulatory requirement has been or is being complied with, an authorized officer may by written notice—
- (a) require the holder of an export permit, import permit or possession permit, or a former permit holder (within the meaning of section 33), to provide for inspection a document or record that relates to the compliance with the regulatory requirement;

4-3  
第 640 章

第 4 部 —— 第 2 分部  
第 49 條

- (2) 獲授權人員 ——
  - (a) 可複製為遵從根據第 (1) 款作出的要求而提供的文件或紀錄，或以其他方式記錄其細節；及
  - (b) 可將該文件或紀錄保留一段期間，而該期間是為作進一步查驗或複製或以其他方式記錄而合理所需的。
- (3) 任何人無合理辯解而沒有遵從根據第 (1) 款作出的要求，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。

**49. 為確定規管性規定是否獲遵從而進入非居住處所的權力**

- (1) 為確定某規管性規定是否已獲或正獲遵從 (**進入目的**)，獲授權人員如有合理理由相信 ——
  - (a) 有為出口或進口第 1 部化學品或受規管添汞產品的活動，在任何處所內進行；或
  - (b) 有第 2 部化學品在任何處所內存放或使用，則可在無手令的情況下，於合理時段內進入該處所，以行使第 (3) 款列明的任何或所有權力。
- (2) 第 (1) 款並不賦權獲授權人員 ——
  - (a) 進入純粹或主要作居住用途的處所；或
  - (b) 進入任何處所中純粹或主要作居住用途的部分。
- (3) 有關權力是 ——

Part 4—Division 2  
Section 49

4-4  
Cap. 640

- (b) require a person to provide for inspection a document or record that is required to be kept by the person under a regulatory requirement; and
  - (c) require a person mentioned in paragraph (a) or (b) to provide further particulars or explanations in respect of a document or record provided by the person.
- (2) An authorized officer—
  - (a) may make copies, or otherwise record the details, of a document or record provided in compliance with a requirement made under subsection (1); and
  - (b) may retain the document or record for a period that is reasonably necessary for further examination or copying or otherwise recording.
- (3) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

**49. Power to enter non-dwelling premises for ascertaining compliance with regulatory requirement**

- (1) For ascertaining whether a regulatory requirement has been or is being complied with (***purpose of entry***), an authorized officer who has reasonable grounds to believe that—
  - (a) activities for the purpose of exporting or importing Part 1 chemicals or regulated mercury-added products are carried out on any premises; or
  - (b) Part 2 chemicals are kept or used on any premises, may, without warrant, during reasonable hours enter the premises to exercise any or all of the powers set out in subsection (3).
- (2) Subsection (1) does not empower an authorized officer to—

- (a) 如獲授權人員有合理理由相信，在上述處所內進行的任何活動，關乎第 1 部化學品、第 2 部化學品或受規管添汞產品 —— 觀察和檢視該活動；
- (b) 要求掌管該處所的人在合理地切實可行的範圍內，提供在該處所內備存的任何或所有以下文件或紀錄，以供查閱 ——
  - (i) 根據本條例擬備的文件或紀錄；
  - (ii) 根據某規管性規定而須備存的文件或紀錄；
  - (iii) 載有關於第 1 部化學品、第 2 部化學品或受規管添汞產品的資料的文件或紀錄；
  - (iv) 獲授權人員有合理理由相信與進入目的相關的任何其他文件或紀錄；
- (c) 複製 (b) 段提述的文件或紀錄，或以其他方式記錄其細節；
- (d) 將 (b) 段提述的文件或紀錄移走和保留一段期間，而該期間是為作進一步查驗或複製或以其他方式記錄而合理所需的；
- (e) 要求掌管該處所的人在合理地切實可行的範圍內，提供在該處所內備存的任何或所有以下東西，以供檢視 ——
  - (i) 獲授權人員有合理理由相信是第 1 部化學品、第 2 部化學品或受規管添汞產品的東西 ( 統稱 **相關物品** ) ；
  - (ii) 獲授權人員有合理理由相信包含相關物品的東西；
  - (iii) 獲授權人員有合理理由相信與進入目的相關的任何其他東西；
- (f) 將 (e) 段提述的東西移走和保留一段期間，而該期間是為作進一步查驗或測試而合理所需的；

- (a) enter any premises that are used wholly or principally for dwelling purposes; or
- (b) enter any part of any premises that is a part used wholly or principally for dwelling purposes.
- (3) The powers are—
  - (a) to observe and inspect any activity carried out on the premises that the authorized officer has reasonable grounds to believe to relate to Part 1 chemicals, Part 2 chemicals or regulated mercury-added products;
  - (b) to require the person in charge of the premises to, so far as reasonably practicable, provide for inspection any or all of the following documents or records that are kept on the premises—
    - (i) a document or record prepared under this Ordinance;
    - (ii) a document or record required to be kept under a regulatory requirement;
    - (iii) a document or record containing information about Part 1 chemicals, Part 2 chemicals or regulated mercury-added products;
    - (iv) any other document or record that the authorized officer has reasonable grounds to believe to be relevant to the purpose of entry;
  - (c) to make copies, or otherwise record the details, of a document or record referred to in paragraph (b);
  - (d) to remove and retain a document or record referred to in paragraph (b) for a period that is reasonably necessary for further examination or copying or otherwise recording;
  - (e) to require the person in charge of the premises to, so far as reasonably practicable, provide for inspection

4-7  
第 640 章

第 4 部 —— 第 2 分部  
第 49 條

- (g) 免費取去 (e) 段提述的東西的樣本，以作查驗或測試；
- (h) 拍攝該處所的照片或影片，或在該處所內拍攝照片或影片；
- (i) 要求掌管該處所的人就以下項目，提供進一步詳情或解釋 ——
  - (i) (a) 段提述的活動；
  - (ii) (b) 段提述的文件或紀錄；或
  - (iii) (e) 段提述的東西；及
- (j) 要求掌管該處所的人給予符合以下說明的其他協助 ——
  - (i) 是利便獲授權人員執行本條之下的職能而合理所需的；及
  - (ii) 是該人按理有能力給予的。
- (4) 獲授權人員在行使第 (3)(g) 款列明的權力而取去樣本時，須就該樣本向掌管有關處所的人發出收據。
- (5) 任何人無合理辯解而沒有遵從根據第 (3) 款作出的要求，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。

Part 4—Division 2  
Section 49

4-8  
Cap. 640

- any or all of the following things that are kept on the premises—
- (i) any thing that the authorized officer has reasonable grounds to believe to be a Part 1 chemical, Part 2 chemical or regulated mercury-added product (collectively **relevant article**);
  - (ii) any thing that the authorized officer has reasonable grounds to believe to contain a relevant article;
  - (iii) any other thing that the authorized officer has reasonable grounds to believe to be relevant to the purpose of entry;
  - (f) to remove and retain a thing referred to in paragraph (e) for a period that is reasonably necessary for further examination or testing;
  - (g) to take, free of charge, a sample of a thing referred to in paragraph (e) for examination or testing;
  - (h) to take photographs, or make video recordings, of or inside the premises;
  - (i) to require the person in charge of the premises to provide further particulars or explanations in respect of—
    - (i) the activities referred to in paragraph (a);
    - (ii) the documents or records referred to in paragraph (b); or
    - (iii) the things referred to in paragraph (e); and
  - (j) to require the person in charge of the premises to give any other assistance—
    - (i) that is reasonably necessary to facilitate the authorized officer's performance of functions under this section; and

### 第 3 分部 —— 調查

#### 第 1 次分部 —— 調查的權力

##### 50. 截停和扣留的權力

- (1) 如獲授權人員有合理理由相信，某人已經、正在或即將違反本條例或某規管性規定（**違反事項**），該人員可在無手令的情況下 ——
  - (a) 截停該人（或截停和登上該人正乘搭的交通工具，以截停該人）；及
  - (b) 扣留該人一段期間，而該期間是讓獲授權人員調查違反事項而合理所需的。
- (2) 獲授權人員可要求根據第 (1) 款截停的人 ——
  - (a) 述明其姓名、聯絡電話號碼及地址；及
  - (b) 出示其身分證明文件，以供查閱。
- (3) 獲授權人員 ——
  - (a) 可搜查根據第 (1) 款截停的人；及
  - (b) 可搜查該人的隨身物品。
- (4) 第 (1) 款並不賦權獲授權人員 ——
  - (a) 登上純粹或主要作居住用途的交通工具；或

- (ii) that the person is reasonably able to give.

- (4) On taking a sample by exercising the power set out in subsection (3)(g), the authorized officer must issue a receipt for the sample to the person in charge of the premises concerned.
- (5) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (3) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

### Division 3—Investigation

#### Subdivision 1—Investigation Power

##### 50. Power to stop and detain

- (1) If an authorized officer has reasonable grounds to believe that a person has contravened, is contravening or is about to contravene this Ordinance or a regulatory requirement (**contravention**), the officer may, without warrant—
  - (a) stop the person (or if the person is in or on any transport, stop and board the transport to stop the person); and
  - (b) detain the person for a period that is reasonably necessary for an authorized officer to investigate the contravention.
- (2) An authorized officer may require a person stopped under subsection (1) to—
  - (a) state the person's name, contact telephone number and address; and
  - (b) produce the person's proof of identity for inspection.
- (3) An authorized officer—



- (b) 進入任何交通工具中純粹或主要作居住用途的部分。
- (5) 任何人無合理辯解而沒有遵從根據第 (2) 款作出的要求，即屬犯罪，一經定罪，可處第 3 級罰款。
- (6) 在本條中 ——  
**身分證明文件** (proof of identity) 具有《入境條例》(第 115 章) 第 17B(1) 條所給予的涵義。

**51. 為調查而取得文件及紀錄等的權力**

- (1) 如獲授權人員有合理理由相信 ——
  - (a) 本條例或某規管性規定已經、正在或即將遭違反 (**違反事項**)；及
  - (b) 某人控制或管有關於違反事項的文件、紀錄或資料 (**證據**)，
 則本條適用。
- (2) 為調查違反事項，獲授權人員可要求上述的人 ——
  - (a) 向該人員提供證據；及
  - (b) 就證據提供進一步詳情或解釋。
- (3) 獲授權人員 ——
  - (a) 可複製為遵從根據第 (2) 款作出的要求而提供的證據，或以其他方式記錄其細節；及
  - (b) 可將該證據保留一段期間，而該期間是為作進一步查驗或測試或複製或以其他方式記錄而合理所需的。

- (a) may search a person stopped under subsection (1); and
- (b) may search the belongings of the person.
- (4) Subsection (1) does not empower an authorized officer to—
  - (a) board any transport that is used wholly or principally for dwelling purposes; or
  - (b) enter any part of any transport that is a part used wholly or principally for dwelling purposes.
- (5) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (2) commits an offence and is liable on conviction to a fine at level 3.
- (6) In this section—  
**proof of identity** (身分證明文件) has the meaning given by section 17B(1) of the Immigration Ordinance (Cap. 115).

**51. Power to obtain document and record etc. for investigation**

- (1) This section applies if an authorized officer has reasonable grounds to believe that—
  - (a) this Ordinance or a regulatory requirement has been, is being or is about to be contravened (**contravention**); and
  - (b) a person has in the person's control or possession any document, record or information relating to the contravention (**evidence**).
- (2) For investigating the contravention, the authorized officer may require the person to—
  - (a) provide the evidence to the officer; and
  - (b) provide further particulars or explanations in respect of the evidence.
- (3) The authorized officer—



4-13  
第 640 章

第 4 部 —— 第 3 分部  
第 52 條

- (4) 任何人無合理辯解而沒有遵從根據第 (2) 款作出的要求，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (5) 任何人不得以若遵從根據第 (2) 款作出的要求便可能會導致自己入罪為理由，而獲免遵從該要求。

## 52. 保留和檢取東西的權力等

- (1) 獲授權人員可保留、檢取和移走符合以下說明的東西 ——
  - (a) 該人員有合理理由相信，有人已經、正在或即將就該東西違反本條例或某規管性規定 (**違反事項**)；或
  - (b) 該人員有合理理由相信，該東西構成 (或相當可能構成) 違反事項的證據。
- (2) 獲授權人員可保留根據第 (1) 款檢取或移走的東西，以作查驗或測試。

## 53. 為調查而進入和搜查處所的權力

- (1) 裁判官如根據獲授權人員經宣誓而作的告發，信納有合理理由相信有以下情況，即可發出手令 ——
  - (a) 在任何處所內，本條例或某規管性規定已經、正在或即將遭違反 (**違反事項**)；或

Part 4—Division 3  
Section 52

4-14  
Cap. 640

- (a) may make copies, or otherwise record the details, of the evidence provided in compliance with a requirement made under subsection (2); and
- (b) may retain the evidence for a period that is reasonably necessary for further examination or testing or copying or otherwise recording.
- (4) A person who, without reasonable excuse, fails to comply with a requirement made under subsection (2) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (5) A person is not excused from complying with a requirement made under subsection (2) on the ground that to do so might tend to incriminate the person.

## 52. Power to retain and seize things etc.

- (1) An authorized officer may retain, seize and remove—
  - (a) any thing in respect of which the officer has reasonable grounds to believe that this Ordinance or a regulatory requirement has been, is being or is about to be contravened (**contravention**); or
  - (b) any thing that the officer has reasonable grounds to believe to constitute, or to be likely to constitute, evidence of a contravention.
- (2) A thing seized or removed under subsection (1) may be retained by an authorized officer for examination or testing.

## 53. Power to enter and search premises for investigation

- (1) A magistrate may issue a warrant if satisfied by information on oath laid by an authorized officer that there are reasonable grounds to believe that—

4-15  
第 640 章

第 4 部 —— 第 3 分部  
第 53 條

- (b) 在任何處所內，有（或相當可能有）任何構成違反事項的證據的東西。
- (2) 手令授權獲授權人員進入上述處所，及（如處所屬交通工具）截停和登上該交通工具，並行使第 (3) 款列明的任何或所有權力，以調查違反事項。
- (3) 有關權力是——
- (a) 如獲授權人員有合理理由相信，在上述處所內進行的任何活動，關乎第 1 部化學品、第 2 部化學品或受規管添汞產品——觀察和檢視該活動；
- (b) 如獲授權人員有合理理由相信，在該處所內進行的任何工序，是受規管製造工序，或是第 15(3) 條提述的納入的工序——觀察和檢視該工序；
- (c) 作出以下行動——
- (i) 檢視該處所，並且（如獲授權人員有合理理由相信，有任何文件、紀錄、資料或其他東西，構成或相當可能構成違反事項的證據）為搜尋該等文件、紀錄、資料或其他東西而搜查該處所；
- (ii) 複製該等文件、紀錄或資料，或以其他方式記錄其細節；
- (iii) 檢取該等文件、紀錄或東西；及
- (iv) 將該等文件、紀錄或東西移走和保留一段期間，而該期間是——
- (A) 為作進一步查驗或測試或複製或以其他方式記錄而合理所需的期間；或
- (B) 根據本條例進行的法律程序所需的較長期間；
- (d) 拍攝該處所的照片或影片，或在該處所內拍攝照片或影片；

Part 4—Division 3  
Section 53

4-16  
Cap. 640

- (a) this Ordinance or a regulatory requirement has been, is being or is about to be contravened (**contravention**) on any premises; or
- (b) there is, or is likely to be, on any premises any thing that constitutes evidence of a contravention.
- (2) A warrant authorizes an authorized officer to enter the premises (and in the case of any transport, stop and board the transport) and exercise any or all of the powers set out in subsection (3) to investigate the contravention.
- (3) The powers are—
- (a) to observe and inspect any activity carried out on the premises that the authorized officer has reasonable grounds to believe to relate to Part 1 chemicals, Part 2 chemicals or regulated mercury-added products;
- (b) to observe and inspect any process carried out on the premises that the authorized officer has reasonable grounds to believe to be a regulated manufacturing process or a process of incorporation referred to in section 15(3);
- (c) to—
- (i) inspect the premises and search the premises for any document, record, information or any other thing that the authorized officer has reasonable grounds to believe to constitute, or to be likely to constitute, evidence of the contravention;
- (ii) make copies, or otherwise record the details, of the document, record or information;
- (iii) seize the document, record or thing; and
- (iv) remove and retain the document, record or thing for—

4-17  
第 640 章

第 4 部 —— 第 3 分部  
第 53 條

- (e) 要求掌管該處所的人就以下項目，提供進一步詳情或解釋 ——
  - (i) 該處所；
  - (ii) (a) 或 (b) 段提述的活動或工序；或
  - (iii) (c) 段提述的文件、紀錄、資料或東西；
- (f) 要求掌管該處所的人給予符合以下說明的其他協助 ——
  - (i) 是利便獲授權人員執行本條之下的職能而合理所需的；及
  - (ii) 是該人按理有能力給予的；及
- (g) 截停和搜查在該處所發現的、獲授權人員有合理理由相信已經、正在或即將干犯違反事項的人。
- (4) 獲授權人員 ——
  - (a) 可為得以進入上述處所，使用合理所需的武力；及
  - (b) 可由該人員為執行有關職能而合理地需要的人陪同和協助。
- (5) 執行手令的人如被要求，須出示以下文件供查閱 ——
  - (a) 該人的身分證明文件；及
  - (b) 該手令。

Part 4—Division 3  
Section 53

4-18  
Cap. 640

- (A) a period that is reasonably necessary for further examination or testing or copying or otherwise recording; or
- (B) a longer period that is necessary for proceedings under this Ordinance;
- (d) to take photographs, or make video recordings, of or inside the premises;
- (e) to require the person in charge of the premises to provide further particulars or explanations in respect of—
  - (i) the premises;
  - (ii) the activities or processes referred to in paragraph (a) or (b); or
  - (iii) the documents, records, information or things referred to in paragraph (c);
- (f) to require the person in charge of the premises to give any other assistance—
  - (i) that is reasonably necessary to facilitate the authorized officer's performance of functions under this section; and
  - (ii) that the person is reasonably able to give; and
- (g) to stop and search a person found on the premises whom the authorized officer has reasonable grounds to believe to have committed, is committing or is about to commit the contravention.
- (4) An authorized officer—
  - (a) may use reasonably necessary force for gaining entry into the premises; and

**54. 關乎第 53 條的罪行**

- (1) 任何人無合理辯解而沒有遵從根據第 53 條作出的要求，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (2) 任何人不得以若遵從根據第 53 條作出的要求便可能會導致自己入罪為理由，而獲免遵從該要求。

**55. 在法律程序中使用導致入罪的證據**

- (1) 獲授權人員在根據第 51 或 53 條要求某人提供資料之時或之前，須確保該人獲告知或提示對該要求及該資料可否獲接納為證據的限制（第 (2) 款所施加者）。
- (2) 即使本條例其他條文另有規定，如 ——
  - (a) 獲授權人員根據第 51 或 53 條，要求某人提供資料；
  - (b) 所要求的資料可能會導致該人入罪；及
  - (c) 該人在提供該資料前，聲稱提供該資料可能會導致自己入罪，

則該要求及該資料均不得在法院的刑事法律程序（第 (3) 款指明的刑事法律程序除外）中，獲接納為不利於該人的證據。

- (b) may be accompanied and assisted by any person the officer reasonably requires to perform the function concerned.

- (5) A person executing a warrant must, if requested, produce for inspection—
  - (a) proof of the person's identity; and
  - (b) the warrant.

**54. Offence relating to section 53**

- (1) A person who, without reasonable excuse, fails to comply with a requirement made under section 53 commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (2) A person is not excused from complying with a requirement made under section 53 on the ground that to do so might tend to incriminate the person.

**55. Use of incriminating evidence in proceedings**

- (1) On or before requiring a person to provide any information under section 51 or 53, an authorized officer must ensure that the person is informed or reminded of the limitations imposed by subsection (2) on the admissibility in evidence of the requirement and of the information.
- (2) Despite any other provision of this Ordinance, if—
  - (a) the authorized officer requires a person to provide any information under section 51 or 53;
  - (b) the required information might tend to incriminate the person; and
  - (c) the person claims, before providing the information, that it might so tend,

4-21  
第 640 章

第 4 部 —— 第 3 分部  
第 56 條

- (3) 有關刑事法律程序，是涉及被要求提供資料的人就該資料而被控犯以下罪行的刑事法律程序 ——
- (a) 第 51(4)、54(1) 或 63(1) 條所訂罪行；或
- (b) 《刑事罪行條例》(第 200 章) 第 V 部所訂罪行。
- (4) 在本條中 ——
- 資料** (information) 包括詳情及解釋。

## 第 2 次分部 —— 處置和沒收根據第 1 次分部檢取的物品

56. **第 4 部第 3 分部第 2 次分部的釋義**  
在本次分部中 ——
- 檢取物品** (seized item) 指根據第 52(1) 或 53(3)(c)(iii) 條檢取的文件、紀錄或東西。
57. **獲授權人員可處置某些檢取物品**  
如檢取物品由獲授權人員保存並非切實可行，該人員可按其認為適當的方式 (出售除外)，處置該物品。
58. **若無提控，如何處置檢取物品**
- (1) 如沒有人就檢取物品而根據本條例被控犯任何罪行，則本條適用。
- (2) 獲授權人員可 ——
- (a) 將上述檢取物品，交還 ——

Part 4—Division 3  
Section 56

4-22  
Cap. 640

- the requirement and the information are not admissible in evidence against the person in criminal proceedings in a court of law other than the criminal proceedings specified in subsection (3).
- (3) The criminal proceedings are those in which the person is prosecuted for—
- (a) an offence under section 51(4), 54(1) or 63(1) in respect of the information; or
- (b) an offence under Part V of the Crimes Ordinance (Cap. 200) in respect of the information.
- (4) In this section—
- information** (資料) includes particulars and explanation.

## Subdivision 2—Disposal and Forfeiture of Item Seized under Subdivision 1

56. **Interpretation of Subdivision 2 of Division 3 of Part 4**  
In this Subdivision—
- seized item** (檢取物品) means a document, record or thing seized under section 52(1) or 53(3)(c)(iii).
57. **Authorized officer may dispose of certain seized item**  
An authorized officer may, in the manner (other than by sale) the officer considers appropriate, dispose of a seized item that is impracticable for the officer to keep.
58. **Disposal of seized item when no offence is prosecuted**
- (1) This section applies if no offence is prosecuted under this Ordinance in respect of a seized item.
- (2) An authorized officer may—
- (a) return the seized item to—



- (i) 如該物品是從某人處檢取的 —— 該人或該物品的擁有人；或
- (ii) 如屬其他情況 —— 該物品的擁有人；或
- (b) 如該人員認為將該檢取物品沒收歸政府所有是適當的 —— 如此沒收該物品。
- (3) 除第 (4) 款另有規定外，署長如擬根據第 (2)(b) 款，沒收從某人處檢取的某檢取物品，則須藉書面通知，將以下事宜通知該人或該物品的擁有人（統稱**利益攸關者**）（視情況所需而定）——
  - (a) 該意向；
  - (b) 擬作出沒收的理由；及
  - (c) 利益攸關者根據第 (6) 款發出申索通知的權利，以及發出該通知的限期。
- (4) 如檢取物品的利益攸關者身分不詳或無法聯絡，則署長無須就該物品給予第 (3) 款所指的通知。
- (5) 如第 (4) 款適用，檢取物品須在檢取當日後的 28 日完結時，沒收歸政府所有。
- (6) 檢取物品的利益攸關者如反對將該物品沒收歸政府所有，可在署長根據第 (3) 款給予有關書面通知當日後的 28 日內，向署長發出申索通知。
- (7) 申索通知 ——
  - (a) 須以書面發出；
  - (b) 須載有 ——
    - (i) 利益攸關者的姓名或名稱；及
    - (ii) 利益攸關者在香港的、供送達文件的地址；及
  - (c) 須述明反對建議沒收的理由。
- (8) 如在第 (6) 款指明的期間內，沒有人就檢取物品發出申索通知，該物品須在該期間完結時，沒收歸政府所有。

- (i) if the item was seized from a person—the person or the owner of the item; or
- (ii) in any other case—the owner of the item; or
- (b) forfeit the seized item to the Government if the officer considers it appropriate to do so.
- (3) Subject to subsection (4), if the Director intends to forfeit a seized item under subsection (2)(b), the Director must, by written notice, notify the person from whom the item was seized or the owner of the item (collectively **interested person**) (as the case requires) of—
  - (a) the intention;
  - (b) the grounds for the proposed forfeiture; and
  - (c) the right of the interested person to give a notice of claim under subsection (6) and the period within which such a notice must be given.
- (4) The Director is not required to give a notice under subsection (3) in respect of a seized item if the interested person of the item is unknown or cannot be contacted.
- (5) If subsection (4) applies, a seized item is to be forfeited to the Government on the expiry of 28 days after the date on which the item is seized.
- (6) If the interested person of a seized item objects to the proposed forfeiture of the item to the Government, the person may, within 28 days after the date of the written notice given under subsection (3), give a notice of claim to the Director.
- (7) A notice of claim—
  - (a) is to be in writing;
  - (b) is to contain—
    - (i) the interested person's name; and

**59. 沒收申請**

- (1) 署長收到在第 58(6) 條指明的期間內發出的申索通知後，須在切實可行的範圍內，盡快向法院或裁判官 (**法院**) 提出申請，要求作出將有關檢取物品沒收歸政府所有的命令。
- (2) 法院可應申請，命令將上述檢取物品 ——
  - (a) 交還 ——
    - (i) 如該物品是從某人處檢取的 —— 該人或該物品的擁有人；或
    - (ii) 如屬其他情況 —— 該物品的擁有人；
  - (b) 沒收歸政府所有；或
  - (c) 按法院認為適當的另一方式處置。

**60. 若有提控，如何處置檢取物品**

- (1) 如有人就檢取物品而根據本條例被控犯任何罪行，則不論該人是否被裁定犯該罪行，本條均適用。
- (2) 法院或裁判官可主動或應申請，命令將上述檢取物品 ——
  - (a) 交還 ——

- (ii) the interested person's address for service in Hong Kong; and
  - (c) is to state the grounds for objecting to the proposed forfeiture.
- (8) If no notice of claim is given in respect of a seized item within the period specified in subsection (6), the item is to be forfeited to the Government on the expiry of the period.

**59. Application for forfeiture**

- (1) After receiving a notice of claim given within the period specified in section 58(6), the Director must, as soon as reasonably practicable, apply to the court or magistrate (**court**) for an order that the seized item concerned be forfeited to the Government.
- (2) The court may, on the application, order that the seized item—
  - (a) be returned to—
    - (i) if the item was seized from a person—the person or the owner of the item; or
    - (ii) in any other case—the owner of the item;
  - (b) be forfeited to the Government; or
  - (c) be disposed of in another manner it considers appropriate.

**60. Disposal of seized item when offence is prosecuted**

- (1) This section applies if an offence is prosecuted under this Ordinance in respect of a seized item (irrespective of whether the person prosecuted for the offence is convicted of the offence).
- (2) The court or magistrate may, on their own initiative or on application, order that the seized item—



- (i) 如該物品是從某人處檢取的 —— 該人或該物品的擁有人；或
  - (ii) 如屬其他情況 —— 該物品的擁有人；
  - (b) 沒收歸政府所有；或
  - (c) 按法院或裁判官認為適當的另一方式處置。
- (3) 第 (2) 款所指的申請，只可由以下人士提出 ——
- (a) 獲授權人員；
  - (b) 如上述檢取物品是從某人處檢取的 —— 該人；或
  - (c) 該物品的擁有人。

**61. 處置沒收歸政府所有的物品**

- (1) 如某物品根據第 58(5) 或 (8) 條沒收，或藉第 59(2)(b) 或 60(2)(b) 條所指的命令沒收，獲授權人員可按其認為適當的方式，處置該物品。
- (2) 如藉第 59(2)(b) 或 60(2)(b) 條所指的命令沒收物品，處置該物品而招致的開支，可作為欠政府的民事債項而向以下人士追討 ——
  - (a) 如藉第 59(2)(b) 條所指的命令沒收 —— (如該物品是從某人處檢取的) 該人或該物品的擁有人 (視情況所需而定)；或
  - (b) 如藉第 60(2)(b) 條所指的命令沒收 —— 就該物品根據本條例被控犯任何罪行的人。
- (3) 在不局限第 (1) 款的原則下，如某人就藉第 60(2)(b) 條所指的命令沒收的物品，根據本條例被裁定犯任何罪行，則獲授權人員可藉書面通知，要求該人按該人員指明的方式，處置該物品，處置的開支由該人承擔。
- (4) 任何人沒有遵從根據第 (3) 款作出的要求，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。

- (a) be returned to—
    - (i) if the item was seized from a person—the person or the owner of the item; or
    - (ii) in any other case—the owner of the item;
  - (b) be forfeited to the Government; or
  - (c) be disposed of in another manner it considers appropriate.
- (3) An application under subsection (2) may only be made by—
- (a) an authorized officer;
  - (b) the person from whom the item was seized; or
  - (c) the owner of the item.

**61. Disposal of item forfeited to Government**

- (1) An authorized officer may dispose of an item forfeited under section 58(5) or (8) or by an order under section 59(2)(b) or 60(2)(b) in the manner the officer considers appropriate.
- (2) The cost incurred in disposing of an item forfeited by an order under section 59(2)(b) or 60(2)(b) is recoverable as a civil debt due to the Government from—
  - (a) for an item forfeited by an order under section 59(2)(b)—the person from whom the item was seized or the owner of the item (as the case requires); or
  - (b) for an item forfeited by an order under section 60(2)(b)—the person prosecuted for an offence in respect of the item under this Ordinance.
- (3) Without limiting subsection (1), an authorized officer may, by written notice, require a person who is convicted of an offence under this Ordinance in respect of an item forfeited by an order under section 60(2)(b) to dispose of the item in the manner specified by the officer at the person's cost.

**62. 為檢取作出補償等**

- (1) 政府負有法律責任，向檢取物品的擁有人作出補償，以彌補該擁有人基於以下理由而蒙受的損失 ——
  - (a) 該物品被檢取；或
  - (b) 該物品在被檢取或保留期間，遭遺失或損壞。
- (2) 然而，如某物品是藉第 59(2)(b) 或 60(2)(b) 條所指的命令沒收，則只有在該命令是由於該物品的擁有人在該命令作出之時身分不詳或無法聯絡而作出的情況下，該擁有人方有權獲得第 (1) 款所指的補償。
- (3) 凡有人就申索第 (1) 款所指的補償，針對政府進行法律程序，在該程序中，可追討的補償款額，是在有關個案的整體情況下屬公正而公平的款額。
- (4) 第 (3) 款提述的情況，包括以下人士的行為，以及以下人士在比較之下的過失程度 ——
  - (a) 檢取物品的擁有人；
  - (b) 如該物品是從某人處檢取的 —— 該人；
  - (c) (a) 或 (b) 段提述的人的僱員或代理人 ( 如有的話 ) ；及
  - (d) 署長及其他有關的人。
- (5) 申索補償的法律程序，可在以下限期內展開 ——
  - (a) 如申索是基於第 (1)(a) 款指明的理由 —— 有關物品被檢取當日後的 6 個月；或
  - (b) 如申索是基於第 (1)(b) 款指明的理由 —— 以下兩個日期中的較早者之後的 6 個月 ——
    - (i) 檢取物品的擁有人發現該物品遭遺失或損壞的日期；

**62. Compensation for seizure etc.**

- (1) The Government is liable to compensate the owner of a seized item for any loss suffered by the owner—
  - (a) because of the seizure; or
  - (b) because of the loss of, or damage to, the item during the seizure or retention.
- (2) However, for an item forfeited by an order under section 59(2)(b) or 60(2)(b), the owner of the item is entitled to compensation under subsection (1) only if the order was made because the owner was unknown, or could not be contacted, at the time the order was made.
- (3) In any proceedings against the Government in respect of a claim for compensation under subsection (1), the amount of compensation recoverable is an amount that is just and equitable in all the circumstances of the case.
- (4) The circumstances referred to in subsection (3) include the conduct and comparative blameworthiness of—
  - (a) the owner of the seized item;
  - (b) the person from whom the item was seized;
  - (c) the employees or agents, if any, of a person referred to in paragraph (a) or (b); and
  - (d) the Director and other persons concerned.
- (5) Proceedings in respect of a claim for compensation may be commenced—

4-31  
第 640 章

第 4 部 —— 第 3 分部  
第 62 條

- (ii) 該擁有人假使已作出合理努力則本可發現該物品遭遺失或損壞的日期。
- (6) 申索第 (1) 款所指的補償 ——
- (a) 如申索在小額錢債審裁處的司法管轄權以內 —— 須在小額錢債審裁處或區域法院提出；或
- (b) 如屬其他情況 —— 須在區域法院提出。
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Part 4—Division 3  
Section 62

4-32  
Cap. 640

- (a) for a claim on the ground specified in subsection (1)(a)—within 6 months after the date on which the item concerned is seized; or
- (b) for a claim on the ground specified in subsection (1)(b)—within 6 months after the earlier of the following—
- (i) the date on which the owner of the seized item discovered the loss or damage;
- (ii) the date on which the owner could, with reasonable diligence, have discovered the loss or damage.
- (6) A claim for compensation under subsection (1) is to be made—
- (a) for a claim within the jurisdiction of the Small Claims Tribunal—in the Small Claims Tribunal or District Court; or
- (b) otherwise—in the District Court.
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## 第 5 部

### 雜項罪行及關乎罪行的其他事宜

#### 第 1 分部 —— 雜項罪行

##### 63. 提供虛假或具誤導性資料等

- (1) 如以下條件就某人而獲符合，該人即屬犯罪 ——
- (a) 該人 ——
- (i) 為根據本條例提出的申請的目的，向公職人員提供任何資料；或
- (ii) 向公職人員提供任何資料，充作遵從某規管性規定；
- (b) 該資料在某要項上屬虛假或具誤導性；及
- (c) 該人知道該資料在該要項上屬虛假或具誤導性，或罔顧該資料是否在該要項上屬虛假或具誤導性。
- (2) 任何人犯第 (1) 款所訂罪行，一經定罪，可處第 3 級罰款及監禁 6 個月。
- (3) 在本條中 ——
- 資料** (information) 包括文件、紀錄、詳情及解釋。

##### 64. 妨礙公職人員等

- (1) 任何人不得故意妨礙正在根據本條例執行職能的公職人員。

## Part 5

### Miscellaneous Offences and Other Matters relating to Offences

#### Division 1—Miscellaneous Offences

##### 63. Provision of false or misleading information etc.

- (1) A person commits an offence if—
- (a) the person provides any information to a public officer—
- (i) for the purpose of an application under this Ordinance; or
- (ii) in purported compliance with a regulatory requirement;
- (b) the information is false or misleading in a material particular; and
- (c) the person knows that, or is reckless as to whether, the information is false or misleading in that material particular.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- (3) In this section—
- information** (資料) includes document, record, particulars and explanation.

##### 64. Obstruction of public officer etc.

- (1) A person must not wilfully obstruct a public officer who is performing a function under this Ordinance.

- (2) 任何人違反第 (1) 款，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。

## 第 2 分部 —— 關乎罪行的其他事宜

### 65. 第 63(1) 條所訂罪行的檢控期限

就第 63(1) 條所訂罪行而提出的檢控，只可在以下兩者中的較早者之前展開 ——

- (a) 自干犯該罪行當日起計的 2 年屆滿時；
- (b) 自署長發現或知悉該罪行當日起計的 6 個月屆滿時。

**附註 ——**

此規定取代《裁判官條例》(第 227 章) 第 26 條所訂的時效。

### 66. 法人團體高級人員、合夥人及不屬法團的團體的成員的法律責任

- (1) 如法人團體犯本條例所訂罪行，而該罪行經證明 ——
  - (a) 是在第 (2) 款指明的人的同意或縱容下犯的；或
  - (b) 是可歸因於該人的疏忽的，則該人亦屬犯該罪行。
- (2) 第 (1) 款提述的人是 ——
  - (a) 上述法人團體的董事、經理、秘書或其他類似的高級人員；或
  - (b) 看來是以 (a) 段提述的人的身分行事的人。
- (3) 如合夥的合夥人犯本條例所訂罪行，而該罪行經證明 ——
  - (a) 是在第 (4) 款指明的人的同意或縱容下犯的；或

- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

## Division 2—Other Matters relating to Offences

### 65. Prosecution deadline for offence under section 63(1)

A prosecution for an offence under section 63(1) may only be started before the earlier of—

- (a) the end of 2 years beginning on the date on which the offence is committed; and
- (b) the end of 6 months beginning on the date on which the offence is discovered by, or comes to the notice of, the Director.

**Note—**

This replaces the time limit under section 26 of the Magistrates Ordinance (Cap. 227).

### 66. Liability of officer of body corporate, partner and member of unincorporated body

- (1) If a body corporate commits an offence under this Ordinance, and it is proved that the offence—
  - (a) was committed with the consent or connivance of a person specified in subsection (2); or
  - (b) is attributable to any neglect on the part of the person, the person also commits the offence.
- (2) The person referred to in subsection (1) is—
  - (a) a director, manager, secretary or other similar officer of the body corporate; or
  - (b) a person purporting to act in the capacity of a person referred to in paragraph (a).

- (b) 是可歸因於該人的疏忽的，  
則該人亦屬犯該罪行。
- (4) 第 (3) 款提述的人是 ——
- (a) 上述合夥的合夥人或幹事；
- (b) 關涉管理該合夥的人；或
- (c) 看來是以 (a) 或 (b) 段提述的人的身分行事的人。
- (5) 如不屬法團的團體（合夥除外）的成員犯本條例所訂罪行，  
而該罪行經證明 ——
- (a) 是在第 (6) 款指明的人的同意或縱容下犯的；或
- (b) 是可歸因於該人的疏忽的，  
則該人亦屬犯該罪行。
- (6) 第 (5) 款提述的人是 ——
- (a) 上述不屬法團的團體的成員，或該團體的經理、秘書或其他類似的高級人員；
- (b) 關涉管理該團體的人；或
- (c) 看來是以 (a) 或 (b) 段提述的人的身分行事的人。

**67. 僱主就僱員的作為負有法律責任**

- (1) 就本條例而言，僱員在受僱期間作出或沒有作出的作為，

- (3) If a partner in a partnership commits an offence under this Ordinance, and it is proved that the offence—
- (a) was committed with the consent or connivance of a person specified in subsection (4); or
- (b) is attributable to any neglect on the part of the person, the person also commits the offence.
- (4) The person referred to in subsection (3) is—
- (a) a partner, or an office holder, in the partnership;
- (b) a person concerned in the management of the partnership; or
- (c) a person purporting to act in the capacity of a person referred to in paragraph (a) or (b).
- (5) If a member of an unincorporated body of persons (other than a partnership) commits an offence under this Ordinance, and it is proved that the offence—
- (a) was committed with the consent or connivance of a person specified in subsection (6); or
- (b) is attributable to any neglect on the part of the person, the person also commits the offence.
- (6) The person referred to in subsection (5) is—
- (a) a member, or a manager, secretary or other similar officer, of the unincorporated body;
- (b) a person concerned in the management of the unincorporated body; or
- (c) a person purporting to act in the capacity of a person referred to in paragraph (a) or (b).

**67. Employer's liability for employee's act**

- (1) An act done or omission made by an employee in the course



須視為既是該僱員亦是其僱主作出或沒有作出的。

- (2) 凡僱主就僱員被指稱作出或沒有作出的作為被控犯本條例所訂罪行，則在有關檢控程序中，該僱主如確立以下情況，即為免責辯護——
- (a) 該僱主既不知道亦無同意作出或沒有作出該作為；及
  - (b) 該僱主已採取一切合理步驟，以——
    - (i) 防止該僱員作出或沒有作出該作為；或
    - (ii) 防止該僱員在其受僱期間，作出或沒有作出該類作為。

#### 68. 採取合理步驟等屬免責辯護

- (1) 就作出或沒有作出某作為而被控犯本條例所訂罪行的人（**被告人**），如確立以下情況，即為免責辯護——
- (a) 該作為——
    - (i) 是被告人按其僱主的指令而作出或沒有作出的；
    - (ii) 是被告人因為依賴第三者提供的資料而作出或沒有作出的，而在指稱的罪行發生時，被告人既不知道（亦無理由相信）該資料屬虛假或具誤導性；或
    - (iii) 是被告人因為第三者的另一作為或不作為而作出或沒有作出的；及
  - (b) 被告人已採取一切合理步驟，並已作出一切應作出的努力，以防止該罪行發生。

of employment is to be regarded for the purposes of this Ordinance as done or made by the employer, as well as by the employee.

- (2) In any proceedings for an offence under this Ordinance brought against an employer in respect of an act or omission alleged to have been done or made by an employee, it is a defence for the employer to establish that—
- (a) the act was done or the omission was made without the employer's knowledge and consent; and
  - (b) the employer had taken all reasonable steps to prevent the employee from—
    - (i) doing the act or making the omission; or
    - (ii) doing an act or making an omission of that description in the course of the employee's employment.

#### 68. Taking reasonable steps etc. is defence

- (1) It is a defence for a person (**defendant**) prosecuted for an offence under this Ordinance to establish—
- (a) that the act or omission in respect of which the offence is prosecuted was done or made by the defendant—
    - (i) under the instruction of the defendant's employer;
    - (ii) because of the defendant's reliance on the information given by a third person, and at the time of the alleged offence the defendant did not know, and had no reason to believe, that the information was false or misleading; or
  - (iii) because of another act or omission of a third person; and



5-9  
第 640 章

第 5 部 —— 第 2 分部  
第 69 條

- (2) 被告人如擬基於第 (1)(a)(ii) 或 (iii) 款提述的理由而確立免責辯護，則須 ——
- (a) 取得法院或裁判官的許可；或
  - (b) 按照第 (3) 款，向就有關罪行提起法律程序的人，發出通知。
- (3) 通知 ——
- (a) 須以書面發出；
  - (b) 須載有符合以下說明的資料 ——
    - (i) 關於有關的第三者的身分；及
    - (ii) 由被告人控制或管有；及
  - (c) 須在有關法律程序展開聆訊前最少 7 日前發出。
- (4) 在本條中 ——
- 第三者** (third party) 就被告人而言，指並非以下人士的人 ——
- (a) 被告人的僱主；
  - (b) 被告人的僱員；或
  - (c) 被告人的僱主的任何其他僱員。

## 69. 合理辯解

如訂定罪行的本條例的條文就違反該條文而提述合理辯解，該提述須解釋為向被控犯該罪行的人，提供免責辯護。

Part 5—Division 2  
Section 69

5-10  
Cap. 640

- (b) that the defendant had taken all reasonable steps, and had exercised all due diligence, to prevent the commission of the offence.
- (2) If a defendant intends to establish a defence on the ground referred to in subsection (1)(a)(ii) or (iii), the defendant must—
- (a) obtain the leave of the court or magistrate; or
  - (b) give a notice in accordance with subsection (3) to the person bringing the proceedings for the offence concerned.
- (3) A notice—
- (a) is to be in writing;
  - (b) is to contain the information—
    - (i) that is about the identity of the third person concerned; and
    - (ii) that is in the defendant's control or possession; and
  - (c) is to be given at least 7 days before the commencement of the hearing of the proceedings.
- (4) In this section—
- third person** (第三者), in relation to a defendant, means a person other than—
- (a) the defendant's employer;
  - (b) the defendant's employee; or
  - (c) any other employee of the defendant's employer.

## 69. Reasonable excuse

If a provision of this Ordinance that creates an offence refers to a reasonable excuse for a contravention of the provision, the

reference is to be construed as providing a defence for a person prosecuted for the offence.

**70. 如何確立免責辯護**

- (1) 如本條例有條文向被控犯本條例所訂罪行的人，提供免責辯護，則本條適用。
- (2) 在符合以下條件的情況下，被控犯本條例所訂罪行的人，須視作已確立需要就免責辯護而確立的事宜 ——
  - (a) 有足夠證據，就該事宜帶出爭論點；及
  - (b) 控方沒有提出足以排除合理疑點的相反證明。

**70. How to establish defence**

- (1) This section applies if a provision of this Ordinance provides a defence for a person prosecuted for an offence under this Ordinance.
- (2) A person prosecuted for an offence under this Ordinance is to be regarded as having established a matter that needs to be established for the defence if—
  - (a) there is sufficient evidence to raise an issue with respect to the matter; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

## 第 6 部

### 雜項條文

#### 71. 局長及署長可轉授職能

- (1) 局長可將第 76 條賦予局長的職能，轉授予——
  - (a) 公職人員；或
  - (b) 屬某公職人員類別的人員。
- (2) 署長可將本條例（本條及第 72 條除外）賦予署長的任何職能，轉授予——
  - (a) 公職人員；或
  - (b) 屬某公職人員類別的人員。
- (3) 轉授職能——
  - (a) 須以書面作出；及
  - (b) 可——
    - (i) 就本條例的指明條文作出；或
    - (ii) 概括地就本條例作出。

#### 72. 署長可授權公職人員等

- (1) 為施行本條例，署長可授權公職人員為獲授權人員，或授權屬某公職人員類別的人員為獲授權人員。
- (2) 授權——
  - (a) 須以書面作出；及
  - (b) 可——
    - (i) 就本條例的指明條文作出；或
    - (ii) 概括地就本條例作出。

## Part 6

### Miscellaneous Provisions

#### 71. Secretary and Director may delegate function

- (1) The Secretary may delegate the function conferred on the Secretary under section 76 to—
  - (a) a public officer; or
  - (b) a member of a class of public officers.
- (2) The Director may delegate any function conferred on the Director under this Ordinance (other than this section or section 72) to—
  - (a) a public officer; or
  - (b) a member of a class of public officers.
- (3) A delegation—
  - (a) is to be in writing; and
  - (b) may be made in relation to—
    - (i) specified provisions of this Ordinance; or
    - (ii) this Ordinance generally.

#### 72. Director may authorize public officer etc.

- (1) The Director may authorize a public officer, or a member of a class of public officers, to be an authorized officer for the purposes of this Ordinance.
- (2) An authorization—
  - (a) is to be in writing; and
  - (b) may be given in relation to—
    - (i) specified provisions of this Ordinance; or

6-3  
第 640 章

第 6 部  
第 73 條

(3) 署長可執行獲授權人員在本條例之下的任何職能。

**73. 身分證明等**

如在公職人員執行本條例之下的職能時，受到執行該職能影響的人要求查看該人員的身分證明文件，則該人員須出示有關證明文件，供該人查閱。

**74. 根據本條例作出的要求**

公職人員如根據本條例作出要求，須在該要求中指明遵從該要求的方式及限期。

**75. 署長可指明格式**

- (1) 署長可指明施行本條例所需的文件的格式。
- (2) 署長在指明文件的格式時，可為該文件指明多於一個格式，以供選用或供在不同情況下使用。
- (3) 採用根據本條指明格式的表格，須按照該表格指明的指示填寫。

**76. 局長可豁免公職人員**

- (1) 局長可在一般情況下或個別個案中豁免公職人員（或屬某公職人員類別的人員），使其不受本條例某條文的規限。
- (2) 豁免須以書面授予。
- (3) 豁免——
  - (a) 在局長指明的期間內有效；及

Part 6  
Section 73

6-4  
Cap. 640

(ii) this Ordinance generally.

- (3) The Director may perform any function of an authorized officer under this Ordinance.

**73. Proof of identity etc.**

When performing a function under this Ordinance, a public officer must produce proof of the officer's identity for inspection by a person who is affected by the performance of the function and requests to see it.

**74. Requirement made under this Ordinance**

If a requirement is made by a public officer under this Ordinance, the officer must, in the requirement, specify the manner in which, and the period within which, the requirement is to be complied with.

**75. Director may specify form**

- (1) The Director may specify the form of a document required for the purposes of this Ordinance.
- (2) In specifying the form of a document, the Director may specify more than one form of the document, whether as alternatives or for use in different circumstances.
- (3) A form specified under this section is to be completed in accordance with the directions specified in the form.

**76. Secretary may exempt public officer**

- (1) The Secretary may, either generally or in a particular case, exempt a public officer (or a member of a class of public officers) from a provision of this Ordinance.
- (2) An exemption is to be in writing.
- (3) An exemption—

6-5  
第 640 章

第 6 部  
第 77 條

(b) 受局長認為適當的條件所規限。

#### 77. 局長可修訂附表

局長可藉在憲報刊登的公告，修訂附表 1、2、3 或 4。

#### 78. 局長可訂立規例

- (1) 局長可為以下一項或多於一項目的，訂立規例——
  - (a) 全面或局部實施《公約》某條文；
  - (b) 規定須就根據本條例規定的任何事宜而繳付費用；
  - (c) 因應根據本條訂立的規例，訂定有需要和適宜訂定的附帶、補充、證據、相應、保留及過渡條文；
  - (d) 概括地為更妥善施行本條例的目的，訂定條文。
- (2) 為實施《公約》某條文而根據本條訂立的規例，可——
  - (a) 列明或直接提述該條文；及
  - (b) 指明該條文在何種修訂、變通或修改的規限下，具有效力。
- (3) 根據本條訂立的規例——
  - (a) 可就違反規例訂明罪行，該等罪行可判處罰款或監禁，或判處罰款兼監禁；及
  - (b) 可訂定該等罪行的免責辯護。
- (4) 根據本條訂立的規例可就罪行訂明的最高刑罰，是第 3 級罰款及監禁 1 年。

Part 6  
Section 77

6-6  
Cap. 640

- (a) is in force for the period specified by the Secretary; and
- (b) is subject to the conditions the Secretary considers appropriate.

#### 77. Secretary may amend Schedule

The Secretary may, by notice published in the Gazette, amend Schedule 1, 2, 3 or 4.

#### 78. Secretary may make regulation

- (1) The Secretary may make regulations for one or more of the following purposes—
  - (a) to implement (whether in whole or in part) a provision of the Convention;
  - (b) to require fees to be paid in relation to any matter provided for under this Ordinance;
  - (c) to provide for incidental, supplemental, evidential, consequential, savings and transitional provisions that are necessary and expedient in consequence of a regulation made under this section;
  - (d) to provide generally for the better carrying out of the purposes of this Ordinance.
- (2) A regulation made under this section that implements a provision of the Convention may—
  - (a) set out or refer directly to the provision; and
  - (b) specify the amendments, modifications or adaptations subject to which the provision is to have effect.
- (3) A regulation made under this section—
  - (a) may prescribe offences for contravention of a regulation, punishable by a fine, imprisonment or both; and
  - (b) may provide for defences to such offences.

6-7  
第 640 章

第 6 部  
第 79 條

Part 6  
Section 79

6-8  
Cap. 640

## 79. 訂明費用

為免生疑問，就同一事宜而言，可為——

- (a) 不同情況、目的或個案；或
- (b) 不同類別或符合不同說明的汞、汞化合物、添汞產品或製造工序，

而指明不同的費用。

## 80. 已繳費用概不退回

已根據本條例繳付的費用，概不退回。

## 81. 豁免民事法律責任

- (1) 凡某公職人員在執行或看來是執行本條例之下的職能時，真誠地作出或沒有作出某作為，該人員無須為該作為或不作為承擔民事法律責任。
- (2) 第(1)款不影響政府為上述作為或不作為而承擔的法律責任。

## 82. 通知等可否接納為證據

- (1) 本條適用於符合以下說明的通知或其他文件（不論如何描述）——
  - (a) 看來是由局長或署長在執行本條例之下的職能時給予、作出或發出的（不論如何描述）（統稱**給予**）；及
  - (b) 看來是由局長或署長簽署的，或看來是由一名經局長或署長授權代其簽署的公職人員簽署的。
- (2) 在任何法律程序中，上述通知或文件——
  - (a) 一經交出，即可接納為證據，而無須再作證明；及

- (4) The maximum penalty that may be prescribed by a regulation made under this section for an offence is a fine at level 3 and imprisonment for 1 year.

## 79. Prescribed fee

To avoid doubt, different fees may be specified in respect of the same matter for—

- (a) different circumstances, purposes or cases; or
- (b) mercury, mercury compounds, mercury-added products or manufacturing processes of different types or descriptions.

## 80. Paid fee not refundable

A fee paid under this Ordinance is not refundable.

## 81. Immunity from civil liability

- (1) A public officer is not civilly liable for an act done, or omitted to be done, by the public officer in good faith in performing or purportedly performing a function under this Ordinance.
- (2) Subsection (1) does not affect any liability of the Government for the act or omission.

## 82. Admissibility of notice etc.

- (1) This section applies to a notice or other document (however described)—
  - (a) purporting to be a notice or document given or issued (however described) (collectively **given**) by the Secretary or Director in performing a function under this Ordinance; and



6-9  
第 640 章

第 6 部  
第 83 條

- (b) 在沒有相反證據的情況下——
- (i) 須視為由局長或署長(視情況所需而定)給予、並經如此簽署的通知或文件；及
  - (ii) 即為該通知或文件所述明的事實的證據。

### 83. 通知等的送達

根據或為施行本條例而須給予、作出、發出或送交(不論如何描述)(統稱**送達**)的通知或其他文件(不論如何描述)，在沒有相反證據並符合以下說明的情況下，即屬已送達——

- (a) 如送達署長——
  - (i) 註明署長為收件人，並交付至署長的主要辦事處；或
  - (ii) 以註明署長為收件人的掛號郵件，按該辦事處地址，寄交署長；
- (b) 如送達個人——
  - (i) 註明該人為收件人，並當面交付予該人；或
  - (ii) 以註明該人為收件人的掛號郵件，按該人最後為人所知的地址，寄交該人；
- (c) 如送達公司——
  - (i) 註明該公司為收件人，並由專人交付予該公司的一名高級人員；或

Part 6  
Section 83

6-10  
Cap. 640

- (b) purporting to have been signed by the Secretary or Director (or a public officer authorized by the Secretary or Director to sign on their behalf).
- (2) In any legal proceedings, the notice or document—
  - (a) is admissible in evidence on production without further proof; and
  - (b) in the absence of evidence to the contrary—
    - (i) is to be regarded as a notice or document given by the Secretary or Director (as the case requires) and as so signed; and
    - (ii) is evidence of the facts stated in it.

### 83. Service of notice etc.

A notice or other document (however described) required to be given or sent (however described) (collectively **served**) under or for the purposes of this Ordinance is, in the absence of evidence to the contrary, served if—

- (a) for service on the Director—
  - (i) it is addressed to the Director and delivered to the Director's principal office; or
  - (ii) it is sent to the Director by registered post addressed to the Director at that office;
- (b) for service on an individual—
  - (i) it is addressed to the individual and delivered personally to the individual; or
  - (ii) it is sent to the individual by registered post addressed to the individual at the individual's last known address;
- (c) for service on a company—

- (ii) 以註明該公司為收件人的掛號郵件，按《公司條例》(第 622 章)所指的該公司的註冊辦事處地址，寄交該公司；
- (d) 如送達合夥——
  - (i) 註明該合夥為收件人，並由專人交付至該合夥在香港經營業務的地方，將之交予一名顯然關涉管理該合夥的人，或交予一名顯然受僱於該合夥的人；或
  - (ii) 以註明該合夥為收件人的掛號郵件，按該合夥最後為人所知的地址，寄交該合夥；或
- (e) 如送達法定團體、不屬公司的法人團體，或合夥以外的不屬法團的團體——
  - (i) 註明該團體為收件人，並由專人交付至該團體在香港經營業務的地方，將之交予一名顯然關涉管理該團體的人，或交予一名顯然受僱於該團體的人；或
  - (ii) 以註明該團體為收件人的掛號郵件，按該團體最後為人所知的地址，寄交該團體。

**84. 上訴權利**

- (1) 任何人如因第 (2) 款指明的某決定而感到受屈，可針對該決定，向行政上訴委員會提出上訴。
- (2) 有關決定是——
  - (a) 根據第 18、20 或 22 條拒絕發出許可證的決定；

- (i) it is addressed to the company and delivered by hand to an officer of the company; or
- (ii) it is sent to the company by registered post addressed to the company at the company's registered office within the meaning of the Companies Ordinance (Cap. 622);
- (d) for service on a partnership—
  - (i) it is addressed to the partnership and delivered by hand to a place in Hong Kong at which the partnership carries on business, and given to a person apparently concerned in the management of, or apparently employed by, the partnership; or
  - (ii) it is sent to the partnership by registered post addressed to the partnership at the partnership's last known address; or
- (e) for service on a statutory body, a body corporate (other than a company), or an unincorporated body of persons (other than a partnership)—
  - (i) it is addressed to the body and delivered by hand to a place in Hong Kong at which the body carries on business, and given to a person apparently concerned in the management of, or apparently employed by, the body; or
  - (ii) it is sent to the body by registered post addressed to the body at the body's last known address.

**84. Right of appeal**

- (1) A person aggrieved by a decision specified in subsection (2) may appeal to the Administrative Appeals Board against the decision.
- (2) The decisions are—

6-13  
第 640 章

第 6 部  
第 84 條

- (b) 根據第 18、20、22 或 27 條施加條件的決定；
  - (c) 根據第 27 條拒絕將許可證續期的決定；
  - (d) 根據第 28 條拒絕發出許可證複本的決定；
  - (e) 根據第 30 條更改根據第 3 部就許可證施加的條件的決定；
  - (f) 根據第 31 條拒絕更改根據第 3 部就許可證施加的條件的決定；
  - (g) 根據第 34 條暫時吊銷許可證的決定；
  - (h) 根據第 35 條取消許可證的決定；
  - (i) 根據第 39 條發出處置指示的決定；及
  - (j) 根據第 40 條拒絕更改處置指示的決定。
- (3) 感到受屈的人可在獲通知有關決定當日後 21 日內，提出上訴。
- (4) 除非署長另作決定，否則根據第 (1) 款針對某決定提出的上訴，並不令該決定暫緩生效。

Part 6  
Section 84

6-14  
Cap. 640

- (a) a decision to refuse to issue a permit under section 18, 20 or 22;
  - (b) a decision to impose conditions under section 18, 20, 22 or 27;
  - (c) a decision to refuse to renew a permit under section 27;
  - (d) a decision to refuse to issue a duplicate of a permit under section 28;
  - (e) a decision under section 30 to vary a condition imposed under Part 3 in respect of a permit;
  - (f) a decision under section 31 to refuse to vary a condition imposed under Part 3 in respect of a permit;
  - (g) a decision to suspend a permit under section 34;
  - (h) a decision to cancel a permit under section 35;
  - (i) a decision to give a disposal direction under section 39; and
  - (j) a decision to refuse to vary a disposal direction under section 40.
- (3) An aggrieved person may make an appeal within 21 days after the date on which the person is notified of the decision concerned.
- (4) An appeal under subsection (1) does not suspend the decision appealed against unless the Director decides otherwise.

7-1  
第 640 章

第 7 部 —— 第 1 分部  
第 85 條

Part 7—Division 1  
Section 85

7-2  
Cap. 640

## 第 7 部

(已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

第 1 分部 —— (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

85. (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

第 2 分部 —— (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

86-87. (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

第 3 分部 —— (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

88. (已失時效而略去 —— 2022 年第 1 號編輯修訂紀錄)

## Part 7

(Omitted as spent—E.R. 1 of 2022)

**Division 1**—(Omitted as spent—E.R. 1 of 2022)

85. (Omitted as spent—E.R. 1 of 2022)

**Division 2**—(Omitted as spent—E.R. 1 of 2022)

86-87. (Omitted as spent—E.R. 1 of 2022)

**Division 3**—(Omitted as spent—E.R. 1 of 2022)

88. (Omitted as spent—E.R. 1 of 2022)

S1-1  
第 640 章

附表 1 —— 第 1 部

Schedule 1—Part 1

S1-2  
Cap. 640**附表 1**

[ 第 2、4 及 77 條 ]

**第 1 部化學品及第 2 部化學品****第 1 部****第 1 部化學品**

第 1 欄 項	第 2 欄 類別
1.	汞
2.	汞混合物

**第 2 部****第 2 部化學品**

第 1 欄 項	第 2 欄 類別
1.	汞
2.	汞混合物
3.	氯化亞汞 (I)(Hg <sub>2</sub> Cl <sub>2</sub> ，化學文摘社登記號碼 10112-91-1)

**Schedule 1**

[ss. 2, 4 &amp; 77]

**Part 1 Chemicals and Part 2 Chemicals****Part 1****Part 1 Chemicals**

Column 1 Item	Column 2 Type
1.	Mercury
2.	Mercury mixture

**Part 2****Part 2 Chemicals**

Column 1 Item	Column 2 Type
1.	Mercury
2.	Mercury mixture
3.	Mercury(I) chloride (Hg <sub>2</sub> Cl <sub>2</sub> , Chemical Abstracts Service registry number 10112-91-1)

S1-3  
第 640 章

附表 1 —— 第 2 部

第 1 欄 項	第 2 欄 類別
4.	氧化汞 (II)(HgO, 化學文摘社登記號碼 21908-53-2)
5.	硫酸汞 (II)(HgSO <sub>4</sub> , 化學文摘社登記號碼 7783-35-9)
6.	硝酸汞 (II)(Hg(NO <sub>3</sub> ) <sub>2</sub> , 化學文摘社登記號碼 10045-94-0 或 7783-34-8)
7.	硫化汞 (HgS, 化學文摘社登記號碼 1344-48-5)
8.	朱砂

Schedule 1—Part 2

S1-4  
Cap. 640

Column 1 Item	Column 2 Type
4.	Mercury(II) oxide (HgO, Chemical Abstracts Service registry number 21908-53-2)
5.	Mercury(II) sulphate (HgSO <sub>4</sub> , Chemical Abstracts Service registry number 7783-35-9)
6.	Mercury(II) nitrate (Hg(NO <sub>3</sub> ) <sub>2</sub> , Chemical Abstracts Service registry number 10045-94-0 or 7783-34-8)
7.	Mercury sulphide (HgS, Chemical Abstracts Service registry number 1344-48-5)
8.	Cinnabar



S2-1  
第 640 章

附表 2

Schedule 2

S2-2  
Cap. 640**附表 2**

[ 第 2 及 77 條 ]

**受規管製造工序**

第 1 欄 項	第 2 欄 製造工序的說明
1.	使用汞或汞化合物作為催化劑的乙醛生產。
2.	使用含汞催化劑的聚氨酯生產。
3.	使用汞或汞化合物的甲醇鈉、甲醇鉀、乙醇鈉或乙醇鉀的生產。
4.	使用汞或汞化合物的氯乙烯單體的生產。
5.	使用汞或汞化合物的氯鹼生產。

**Schedule 2**

[ss. 2 &amp; 77]

**Regulated Manufacturing Processes**

Column 1 Item	Column 2 Description of manufacturing process
1.	Acetaldehyde production in which mercury or mercury compounds are used as a catalyst.
2.	Polyurethane production in which catalysts that contain mercury are used.
3.	Sodium or potassium methylate or ethylate production in which mercury or mercury compounds are used.
4.	Vinyl chloride monomer production in which mercury or mercury compounds are used.
5.	Chlor-alkali production in which mercury or mercury compounds are used.

S3-1  
第 640 章

附表 3 —— 第 1 部

Schedule 3—Part 1

S3-2  
Cap. 640**附表 3**[ 第 3、4、13、14、15 及 77  
條 ]**添汞產品****第 1 部****受規管添汞產品**

第 1 欄 項	第 2 欄 添汞產品的說明
1.	電池，但不包括 —— (a) 含汞量按重量計低於 2% 的鈕扣形鋅氧化銀電池；或 (b) 含汞量按重量計低於 2% 的鈕扣形鋅空氣電池。
2.	開關及繼電器，但不包括 —— (a) 每個電橋的含汞量不超過 20 毫克的極高精確度電容及損耗測量電橋；或 (b) 在監察和管制儀器之內的、每個開關或繼電器的含汞量不超過 20 毫克的高頻射頻開關及繼電器。

**Schedule 3**

[ss. 3, 4, 13, 14, 15 &amp; 77]

**Mercury-added Products****Part 1****Regulated Mercury-added Products**

Column 1 Item	Column 2 Description of mercury-added product
1.	Battery, other than— (a) button zinc silver oxide battery having a mercury content of less than 2% by weight; or (b) button zinc air battery having a mercury content of less than 2% by weight.
2.	Switch and relay, other than— (a) very high accuracy capacitance and loss measurement bridge having a mercury content not exceeding 20 mg per bridge; or (b) high frequency radio frequency switch and relay, having a mercury content not exceeding 20 mg per switch or relay, in a monitoring and control instrument.

S3-3  
第 640 章

附表 3 —— 第 1 部

第 1 欄 項	第 2 欄 添汞產品的說明
3.	符合以下說明的、用於一般照明的緊湊型熒光燈 —— (a) 輸出功率不超過 30 瓦；及 (b) 每支燈含汞量超過 5 毫克。
4.	符合以下說明的、用於一般照明的直管型熒光燈 —— (a) 符合以下說明 —— (i) 由三基色熒光粉製造； (ii) 輸出功率低於 60 瓦；及 (iii) 每支燈含汞量超過 5 毫克；或 (b) 符合以下說明 —— (i) 由鹵磷酸鹽熒光粉製造； (ii) 輸出功率不超過 40 瓦；及 (iii) 每支燈含汞量超過 10 毫克。
5.	用於一般照明的高壓汞燈。

Schedule 3—Part 1

S3-4  
Cap. 640

Column 1 Item	Column 2 Description of mercury-added product
3.	Compact fluorescent lamp for general lighting that— (a) has a power output not exceeding 30 W; and (b) has a mercury content exceeding 5 mg per lamp.
4.	Linear fluorescent lamp for general lighting— (a) that— (i) is made of triband phosphor; (ii) has a power output of less than 60 W; and (iii) has a mercury content exceeding 5 mg per lamp; or (b) that— (i) is made of halophosphate phosphor; (ii) has a power output not exceeding 40 W; and (iii) has a mercury content exceeding 10 mg per lamp.
5.	High pressure mercury vapour lamp for general lighting.

S3-5  
第 640 章

附表 3 —— 第 1 部

第 1 欄 項	第 2 欄 添汞產品的說明
6.	符合以下說明的、用於電子顯示的冷陰極熒光燈及外置電極熒光燈 —— (a) 符合以下說明 —— (i) 長度不超過 500 毫米；及 (ii) 每支燈含汞量超過 3.5 毫克； (b) 符合以下說明 —— (i) 長度超過 500 毫米，但不超過 1 500 毫米；及 (ii) 每支燈含汞量超過 5 毫克；或 (c) 符合以下說明 —— (i) 長度超過 1 500 毫米；及 (ii) 每支燈含汞量超過 13 毫克。
7.	含汞量超過百萬分之 1 的化妝品，並且 —— (a) 包括亮膚肥皂及乳霜；及 (b) 不包括按製造者用意僅供用於眼睛附近的、符合以下說明的化妝產品 —— (i) 含有用作防腐劑的汞； (ii) 並無有效而安全的防腐劑替代品可供用於該產品；及 (iii) 含汞量不超過百萬分之 70。

Schedule 3—Part 1

S3-6  
Cap. 640

Column 1 Item	Column 2 Description of mercury-added product
6.	Cold cathode fluorescent lamp, and external electrode fluorescent lamp, for electronic display— (a) that— (i) has a length not exceeding 500 mm; and (ii) has a mercury content exceeding 3.5 mg per lamp; (b) that— (i) has a length exceeding 500 mm but not exceeding 1 500 mm; and (ii) has a mercury content exceeding 5 mg per lamp; or (c) that— (i) has a length exceeding 1 500 mm; and (ii) has a mercury content exceeding 13 mg per lamp.
7.	Cosmetics having a mercury content exceeding 1 ppm— (a) including skin lightening soap and cream; and (b) excluding a cosmetic product that is intended by its manufacturer to be applied only in the vicinity of the eyes and— (i) that contains mercury as preservative; (ii) for which no effective and safe substitute for preservative is available; and (iii) that has a mercury content not exceeding 70 ppm.

S3-7  
第 640 章

附表 3 —— 第 2 部

第 1 欄 項	第 2 欄 添汞產品的說明
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8. 生物殺蟲劑及局部抗菌劑。

9. 以下非電子測量儀器 ——

(a) 氣壓計；

(b) 濕度計；

(c) 壓力錶；

(d) 溫度計；

(e) 血壓計，

但符合以下說明者除外：安裝在大型設備中，或用於高精確度測量，而市場上沒有適當的無汞替代品可供採用。

**第 2 部****豁免**

第 1 欄 項	第 2 欄 添汞產品的說明
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1. 民事保護及軍事用途所必需的添汞產品。

Schedule 3—Part 2

S3-8  
Cap. 640

Column 1 Item	Column 2 Description of mercury-added product
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8. Biocide and topical antiseptic.

9. The following non-electronic measuring devices—

(a) barometer;

(b) hygrometer;

(c) manometer;

(d) thermometer;

(e) sphygmomanometer,

other than one that is installed in large-scale equipment, or used for high precision measurement, and for which no suitable mercury-free alternative is available in the market.

**Part 2****Exemptions**

Column 1 Item	Column 2 Description of mercury-added product
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1. Mercury-added product that is essential for civil protection and military use.

S3-9  
第 640 章

附表 3 —— 第 2 部

第 1 欄 項	第 2 欄 添汞產品的說明
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- |    |  |
|----|--|
| 2. | 按製造者用意供用於以下用途的添汞產品 ——<br>(a) 研究；<br>(b) 儀器校準；或<br>(c) 作參照標準。 |
| 3. | 在傳統禮儀或宗教禮儀中使用的添汞產品。  |
| 4. | 符合以下說明的添汞產品 ——<br>(a) 是一種疫苗；及<br>(b) 含有用作防腐劑的硫柳汞。            |

Schedule 3—Part 2

S3-10  
Cap. 640

Column 1 Item	Column 2 Description of mercury-added product
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|----|---|
| 2. | Mercury-added product that is intended by its manufacturer to be used—<br>(a) for research;<br>(b) for calibration of instrumentation; or<br>(c) as a reference standard. |
| 3. | Mercury-added product that is for use in traditional practices or religious practices.  |
| 4. | Mercury-added product—<br>(a) that is a vaccine; and<br>(b) that contains thiomersal as preservative.   |



S4-1  
第 640 章

附表 4

Schedule 4

S4-2  
Cap. 640**附表 4**

[ 第 2 及 77 條 ]

**訂明費用**

第 1 欄 項	第 2 欄 事宜	第 3 欄 費用 \$
1.	申請發出出口許可證	1,860
2.	申請發出進口許可證	1,860
3.	申請發出管有許可證	1,860
4.	申請將出口許可證續期	910
5.	申請將進口許可證續期	910
6.	申請將管有許可證續期	910
7.	申請許可證複本	275
8.	申請更改出口許可證條件	995
9.	申請更改進口許可證條件	995
10.	申請更改管有許可證條件	995

**Schedule 4**

[ss. 2 &amp; 77]

**Prescribed Fees**

Column 1 Item	Column 2 Matter	Column 3 Fee \$
1.	Application for issue of export permit	1,860
2.	Application for issue of import permit	1,860
3.	Application for issue of possession permit	1,860
4.	Application for renewal of export permit	910
5.	Application for renewal of import permit	910
6.	Application for renewal of possession permit	910
7.	Application for duplicate of permit	275
8.	Application for variation of condition of export permit	995
9.	Application for variation of condition of import permit	995
10.	Application for variation of condition of possession permit	995

S4-3  
第 640 章

附表 4

Schedule 4

S4-4  
Cap. 640

第 1 欄 項	第 2 欄 事宜	第 3 欄 費用 \$	Column 1 Item	Column 2 Matter	Column 3 Fee \$
11.	根據第 40 條申請更改署長的處置指示	995	11.	Application for variation of Director's disposal direction under section 40	995