

《基因改造生物 (进出口须备的文件) 规例》

(第 607 章 , 附属法例 A)

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GENETICALLY MODIFIED ORGANISMS
(DOCUMENTATION FOR IMPORT AND EXPORT)
REGULATION

(Cap. 607 sub. leg. A)

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《基因改造生物(进出口须备的文件)规例》

(第 607 章第 50 条)

GENETICALLY MODIFIED ORGANISMS (DOCUMENTATION FOR IMPORT AND EXPORT) REGULATION

(Cap. 607, section 50)

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1. (已失时效而略去)

1. (Omitted as spent)

2. 释义

2. Interpretation

在本规例中——

In this Regulation—

“安全规定”(safety requirement) 就某输入香港或从香港输出的基因改造生物而言，指以下文书就安全处理、储存、运输或使用该生物而订的任何规定——

“exporter”(输出者)——

- (a) 任何适用的现有国际文书；
- (b) 任何条例；或
- (c) 该生物的输入者与输出者所订立的任何协议；

- (a) in relation to a GMO imported into Hong Kong from another place, means the person who exports the GMO from that other place; or
- (b) in relation to a GMO exported from Hong Kong to another place, means the person who exports the GMO from Hong Kong;

“输入者”(importer)——

“importer”(输入者)——

- (a) 就某从另一地方输入香港的基因改造生物而言，指将该生物输入香港的人；或
- (b) 就某从香港输出至另一地方的基因改造生物而言，指将该生物输入该地方的人；

- (a) in relation to a GMO imported into Hong Kong from another place, means the person who imports the GMO into Hong Kong; or
- (b) in relation to a GMO exported from Hong Kong to another place, means the person who imports the GMO into that other place;

“输出者”(exporter)——

- (a) 就某从另一地方输入香港的基因改造生物而言，指将该生物从该地方输出的人；或
- (b) 就某从香港输出至另一地方的基因改造生物而言，指将该生物从香港输出的人；

“safety requirement”(安全规定), in relation to a GMO imported into or exported from Hong Kong, means any requirement

“独特标识编码”(unique identifier code)就某基因改造生物而言，指符合以下说明的独特编码——

- (a) 按照《经济合作与发展组织指引——为转基因植物指定独特标识》而编予该生物；及
- (b) 已存入生物安全资料交换所或缔约方大会所采用的其他独特标识系统；

“转基因事件编码”(transformation event code)就某基因改造生物而言，指研制该生物的人在将转基因整合入该生物的细胞时，给予该生物的编码。

3. 拟作为食物或饲料而直接食用或拟作加工的基因改造生物所需文件

- (1) 为施行本条例第 26(1) 条，拟作为食物或饲料而直接食用或拟作加工的基因改造生物，在输入香港或从香港输出时，须附同载有以下资料的文件——
 - (a) 第 (2) 款所指明的陈述；及
 - (b) 第 (3) 款所指明的详情。
- (2) 上述陈述如下——
 - (a) 一项陈述，表明——

for the safe handling, storage, transport or use of the GMO under—

- (a) any applicable existing international instrument;
- (b) any Ordinance; or
- (c) any agreement entered into by the importer and exporter of the GMO;

“transformation event code”(转基因事件编码), in relation to a GMO, means the code given to the GMO by the person who develops the GMO on the integration of a transgene into the cell of the GMO;

“unique identifier code”(独特标识编码), in relation to a GMO, means the unique code that is—

- (a) assigned to the GMO in accordance with the Organisation for Economic Co-operation and Development Guidance for the Designation of a Unique Identifier for Transgenic Plants; and
- (b) entered into the Biosafety Clearing-House or other unique identification systems adopted by the Conference of the Parties.

3. Documentation required for GMOs intended for direct consumption as food or feed or for processing

- (1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for direct consumption as food or feed or for processing must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—
 - (a) the statements specified in subsection (2); and
 - (b) the particulars specified in subsection (3).
- (2) The statements are—
 - (a) a statement to the effect that—

- (i) (如未知有关基因改造生物的识辨属性) 该生物被输入或输出时所属的货物批次中, 可能包含拟作为食物或饲料而直接食用或拟作加工的基因改造生物; 或
- (ii) (如已知有关基因改造生物的识辨属性) 该生物被输入或输出时所属的货物批次中, 包含拟作为食物或饲料而直接食用或拟作加工的基因改造生物; 及
- (b) 一项陈述, 表明该生物不是拟向环境释出的。
- (3) 上述详情如下 ——
 - (a) 生物安全资料交换所的互联网地址;
 - (b) 以下人士或当局的姓名或名称、地址及联络资料 ——
 - (i) 有关基因改造生物的输入者及输出者; 及
 - (ii) 每个就该生物而指定的指定当局 (如有的话); 及
 - (c) 如已知该生物的识辨属性 ——
 - (i) 该生物的通用名称、学名及 (如有的话) 商用名称; 及
 - (ii) 该生物的转基因事件编码及 (如有的话) 独特标识编码。
- (4) 在本条中 ——

“指定当局” (designated authority) 就某从另一地方输入香港或从香港输出至另一地方的基因改造生物而言, 指由以下人士或政府指定为提供关乎该生物的资料联络点的当局 ——

 - (a) 署长; 或
 - (b) 该另一地方的政府。

- (i) if the identity of the GMO is not known, the shipment in which the GMO is imported or exported may contain a GMO that is intended for direct consumption as food or feed or for processing; or
- (ii) if the identity of the GMO is known, the shipment in which the GMO is imported or exported contains a GMO that is intended for direct consumption as food or feed or for processing; and
- (b) a statement to the effect that the GMO is not intended for release into the environment.
- (3) The particulars are—
 - (a) the Internet address of the Biosafety Clearing-House;
 - (b) the name, address and contact details of—
 - (i) the importer and exporter of the GMO; and
 - (ii) each designated authority in relation to the GMO, if any; and
 - (c) if the identity of the GMO is known—
 - (i) its common name and scientific name and, if available, its commercial name; and
 - (ii) its transformation event code and, if available, its unique identifier code.
- (4) In this section—

“designated authority” (指定当局), in relation to a GMO imported into Hong Kong from another place or exported from Hong Kong to another place, means an authority designated as the contact point to provide information relating to the GMO by—

 - (a) the Director; or

4. 拟作围封使用的基因改造生物的所需文件

- (1) 为施行本条例第 26(1) 条, 拟作围封使用的基因改造生物, 在输入香港或从香港输出时, 须附同载有以下资料的文件——
 - (a) 一项陈述, 表明该生物被输入或输出时所属的货物批次中, 包含拟作围封使用的基因改造生物;
 - (b) 适用于该生物的安全规定, 或(如无该等规定) 表明没有该等规定的陈述; 及
 - (c) 第 (2) 款所指明的详情。
- (2) 上述详情如下——
 - (a) 收货人的姓名或名称、地址及联络资料;
 - (b) 以下人士的姓名或名称、地址及联络资料——
 - (i) (如有关基因改造生物是从另一地方输入香港) 该生物的输入者; 或
 - (ii) (如有关基因改造生物是从香港输出至另一地方) 该生物的输出者;
 - (c) 以下人士的姓名或名称、地址及联络资料(如有的话)——
 - (i) (如有关基因改造生物是从另一地方输入香港) 该生物的输出者; 或
 - (ii) (如有关基因改造生物是从香港输出至另一地方) 该生物的输入者;
 - (d) 该生物的通用名称、学名及(如有的话) 商用名称; 及
 - (e) 该生物新的或经改造的特性及特征(包括该生物用途说明及(如有的话) 该生物的转基因事件编码、独特标识编码及风险级别)。

- (b) the government of that other place.

4. Documentation required for GMOs intended for contained use

- (1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for contained use must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—
 - (a) a statement to the effect that the shipment in which the GMO is imported or exported contains a GMO that is intended for contained use;
 - (b) the safety requirements applicable to the GMO or, if there is no such requirement, a statement to that effect; and
 - (c) the particulars specified in subsection (2).
- (2) The particulars are—
 - (a) the name, address and contact details of the consignee;
 - (b) the name, address and contact details of—
 - (i) if the GMO is imported into Hong Kong from another place, the importer of the GMO; or
 - (ii) if the GMO is exported from Hong Kong to another place, the exporter of the GMO;
 - (c) if available, the name, address and contact details of—
 - (i) if the GMO is imported into Hong Kong from another place, the exporter of the GMO; or
 - (ii) if the GMO is exported from Hong Kong to another place, the importer of the GMO;
 - (d) the common name and scientific name of the GMO and, if available, the commercial name of the GMO; and

5. 拟向环境释出的基因改造生物的所需文件

- (1) 为施行本条例第 26(1) 条, 拟向环境释出的基因改造生物, 在输入香港或从香港输出时, 须附同载有以下资料的文件——
 - (a) 一项陈述, 表明该生物被输入或输出时所属的货物批次中, 包含拟向环境释出的基因改造生物;
 - (b) 适用于该生物的安全规定, 或(如无该等规定) 表明没有该等规定的陈述;
 - (c) 第(2)款所指明的详情; 及
 - (d) 由该生物的输出者作出的、确认该生物的越境转移符合《议定书》中适用于该输出者的规定的声明。
- (2) 上述详情如下——
 - (a) 有关基因改造生物的输入者及输出者的姓名或名称、地址及联络资料;
 - (b) 可在紧急情况下提供关乎安全处理、储存、运输或使用该生物的任何人士的姓名或名称、地址及联络资料;
 - (c) 该生物的通用名称、学名及(如有的话) 商用名称;
 - (d) 该生物的特性及特征, 包括其转基因特性及特征(包括其转基因事件编码及(如有的话) 其独特标识编码及风险级别); 及
 - (e) 如该生物已根据本条例第 10 条获得核准以向环境释出——
 - (i) 编予该项核准的核准号码; 及

- (e) new or modified traits and characteristics of the GMO (including specification of use of the GMO and, if available, the transformation event code, unique identifier code and risk class of the GMO).

5. Documentation for GMOs intended for release into environment

- (1) For the purposes of section 26(1) of the Ordinance, a GMO that is intended for release into the environment must, when being imported into or exported from Hong Kong, be accompanied by a document that contains—
 - (a) a statement to the effect that the shipment in which the GMO is imported or exported contains a GMO that is intended for release into the environment;
 - (b) the safety requirements applicable to the GMO or, if there is no such requirement, a statement to that effect;
 - (c) the particulars specified in subsection (2); and
 - (d) a declaration by the exporter of the GMO that the transboundary movement of the GMO is in conformity with the requirements of the Protocol that are applicable to the exporter.
- (2) The particulars are—
 - (a) the name, address and contact details of the importer and exporter of the GMO;
 - (b) the name, address and contact details of any person who is able to provide information relating to the safe handling, storage, transport or use of the GMO in case of emergency;
 - (c) the common name and scientific name of the GMO and, if available, the commercial name of the GMO;

- (ii) 该项核准附带的条件(如有的话)。

6. 订明百分比

为施行本条例第 26(2)(c) 条,就拟作为食物或饲料而直接食用或拟作加工的基因改造生物而言,订明百分比为百分之五。

- (d) the traits and characteristics of the GMO, including the transgenic traits and characteristics of the GMO (including the transformation event code of the GMO and, if available, the unique identifier code and risk class of the GMO); and
- (e) if the GMO has been approved for release into the environment under section 10 of the Ordinance—
- (i) the approval number assigned to the approval; and
 - (ii) the conditions attached to the approval, if any.

6. Prescribed percentage

For the purposes of section 26(2)(c) of the Ordinance, the prescribed percentage in relation to GMOs intended for direct consumption as food or feed or for processing is 5%.