

香港法例第 607 章基因改造生物（管制釋出）條例
Genetically Modified Organisms (Control of Release) Ordinance, Cap. 607

不披露要求或覆核不披露要求決定申請表格
Request Form for Non-disclosure or Review of Decision on Non-disclosure

不披露要求申請的注意事項

1. 遞交申請的注意事項

- (a) 根據《基因改造生物（管制釋出）條例》（下稱《條例》）第 14 條第（2）款及第 16 條第（2）款的規定，提出不披露要求須採用指明表格。此申請表格是為符合有關規定而制定。
- (b) 所有資料必須以正楷填寫。
- (c) 如空位不夠，請另附紙張填寫，並具清晰標記，以附頁形式與申請表格一同遞交。
- (d) 在遞交申請表格時，必須附上申請人**身份證/護照副本**或申請**機構註冊文件副本**。
- (e) 如申請覆核不披露要求決定，
 - (i) 在遞交申請表格時，必須附同提出覆核要求須付的訂明費用**港幣 1,010 元**。費用須以支票、銀行本票或網上方式支付；
 - (ii) 如用支票付款，收款人須寫明「香港特別行政區政府」；
 - (iii) 如用網上方式支付，申請人應收到付款通知後，才進行網上付款。
- (f) 根據《條例》，繳付的費用不得退回。
- (g) 除特別指明外，必須填寫本表格所有部分。
- (h) 遞交表格前，申請人可使用內附的「遞交申請的覆核清單」以查對所需文件或費用是否準備妥當。
- (i) 以親身或郵寄方式遞交申請表格至香港九龍長沙灣道 303 號長沙灣政府合署 6 樓漁農自然護理署，或電郵至 biosafety@afcd.gov.hk。
- (j) 不披露要求不適用於下列資料：
 - (i) 申請人的姓名或名稱及地址；
 - (ii) 有關基因改造生物的一般描述；
 - (iii) 該生物可能帶來的生物安全不利影響的風險評估摘要；及
 - (iv) 於緊急情況處理該生物可能帶來的生物安全不利影響的任何建議方法及計劃。

2. 遞交申請後的運作程序

- (a) 漁農自然護理署署長（下稱署長）會於接獲不披露要求並收妥訂明費用後 30 天內，基於對不披露若干建議機密資料會否違反公眾利益的考量而作出決定：
 - (i) 全部建議機密資料均不予記入基因改造生物紀錄冊；
 - (ii) 僅將部分建議機密資料記入基因改造生物紀錄冊；或
 - (iii) 將全部建議機密資料記入基因改造生物紀錄冊；
- (b) 你將得到關於該項決定及其原因的書面通知。

3. 覆核不披露要求的決定

- (a) 如對署長就不披露要求作出的決定感到受屈，你可於接獲關於該項決定的通知後 14 天內，要求署長覆核該項決定。
- (b) 覆核要求必須採本表格及列明該項要求的理據。
- (c) 署長會於接獲覆核要求後 30 天內對該項要求作出決定，而決定會基於對不披露若干建議機密資料會否違反公眾利益的考量。
- (d) 你將得到關於該項決定及其原因的書面通知。
- (e) 你可以於接獲署長關於該覆核申請的決定的通知後 28 天內，向行政上訴委員會提出反對該項決定的上訴。

4. 個人資料收集聲明

- (a) 你所提供的資料將用作處理與該不披露要求申請有關的事宜。
- (b) 個人資料的提供純屬自願性質。若你未能提供足夠的資料，本署可能無法辦理你的申請。
- (c) 本署可能會將你的資料的任何部分提供給其他政府部門作為調查或統計之用途。
- (d) 除個人資料（私隱）條例所訂明的豁免外，你有權查閱和更正你的個人資料。
- (e) 查閱和更正個人資料的要求應以書面形式向本署提出。同時請註明有關不披露要求在本署的檔案號碼。

5. 查詢

漁農自然護理署

地址： 九龍長沙灣道 303 號 長沙灣政府合署 6 樓

電話： 2150 6918

傳真： 2314 2802

電郵： biosafety@afcd.gov.hk

基因改造生物網頁： <https://www.afcd.gov.hk/gmo>

警告

倘若署長認為申請人由於虛報任何事實或作出不法行為而導致該不披露要求 / 覆核要求獲核准，則可隨時將該核准撤銷。

Notes to non-disclosure request

1. Notes to submitting the request

- (a) Subsection (2) of Section 14 and subsection (2) of Section 16 of the Genetically Modified Organisms (Control of Release) Ordinance (the Ordinance) requires that a non-disclosure request must be in the specified form. This application form is prepared for the purpose of compliance with the above-mentioned requirement.
- (b) The form should be filled in block letters.
- (c) If additional space is needed, please continue on a separate sheet, which must be clearly labelled and included as appendix to the application form.
- (d) An application should be submitted with a **copy of identity card/passport** of the applicant or **organisation registration**.
- (e) When applying for the review of decision on non-disclosure request,
 - (i) the submission should be accompanied by the prescribed fee payable of **HK\$1,010** in cheque, cashier order or via online payment,;
 - (ii) the cheque should be made payable to “The Government of the Hong Kong Special Administrative Region”;
 - (iii) for online payment, an applicant should proceed to the online payment upon receiving the payment request.
- (f) Any prescribed fee paid under the Ordinance is not refundable.
- (g) Unless otherwise indicated, all sections of this form must be completed.
- (h) Before submission, the applicant can use the attached “Checklist for submission” to check if the required document or fee has been prepared.
- (i) An application should be submitted by post or in person to Agriculture, Fisheries and Conservation Department, 6/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon, Hong Kong, or email to biosafety@afcd.gov.hk.
- (j) The request must not be related to the following information:
 - (i) the name and address of the applicant;
 - (ii) a general description of the GMO;
 - (iii) a summary of the risk assessment on the possible adverse biosafety effect of the GMO; and
 - (iv) any proposed methods and plans for dealing with the possible adverse biosafety effect of the GMO in emergency circumstances.

2. Process after the submission of the request

- (a) Based on the consideration that whether or not non-disclosure of the information would be contrary to the public interest, the Director of Agriculture, Fisheries and Conservation (the Director) may decide:
 - (i) that none of the proposed confidential information is to be entered in the GMOs Register;
 - (ii) that only some of the proposed confidential information is to be entered in the GMOs Register; or
 - (iii) that all of the proposed confidential information is to be entered in the GMOs Register.
 The decision would be made within 30 days after receiving the non-disclosure request and payment of prescribed fee.
- (b) You will be informed of the decision and the reason for it by a written notice.

3. Review of decision on non-disclosure request

- (a) If you are aggrieved by a decision of the Director on a non-disclosure request, you can request the Director to review the decision within 14 days after receiving notice of the decision.
- (b) A request for review must be made in this form and set out the justifications for the request.
- (c) The Director will decide on the request within 30 days after receiving the request. The decision would be made based on the consideration that whether or not non-disclosure of the information would be contrary to the public interest.
- (d) You will be informed of the decision and the reason for it by a written notice.
- (e) You may appeal to the Administrative Appeals Board against the Director’s decisions on the request for review within 28 days after receiving notice of the decision.

4. Personal information collection statement

- (a) The Information provided by you will be used for the purposes relating to the processing of the non-disclosure request.
- (b) The provision of personal data is voluntary. However, if you do not provide sufficient information, this department may not be able to process your application.
- (c) The information provided of any part thereof may be supplied by this department to other government departments for investigation or statistics purposes.
- (d) Subject to exemptions under the Personal Data (Privacy) Ordinance, you have a right of access and correction with respect to personal data.
- (e) Request for personal data access and correction should be addressed to this department. Please also quote the file reference number of the non-disclosure request.

5. Enquiries

Agriculture, Fisheries and Conservation Department

Address: 6/F, Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon

Tel: 2150 6918

Fax: 2314 2802

E-mail: biosafety@afcd.gov.hk

GMO website: <https://www.afcd.gov.hk/gmo>

WARNING

The Director may at any time revoke the approval on the non-disclosure request / the review request if the request was approved as a result of false representation of any fact made by the applicant or an unlawful act of the applicant.

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不披露要求或覆核不披露要求決定申請表格

[基因改造生物（管制釋出）條例 14 條第（2）款及 16 條第（2）款]

Request Form for Non-disclosure or Review of Decision on Non-disclosure

[Subsection (2) of Section 14 and subsection (2) of Section 16 of the Genetically Modified Organisms (Control of Release) Ordinance]

填寫此申請表格前請先詳閱附加的注意事項內容

Please read the attached notes before filling in this application form

| |
|---|
| <p>1. 請選擇申請項目 Please select the application</p> <p><input type="checkbox"/> 不披露要求 Non-disclosure request</p> <p><input type="checkbox"/> 覆核不披露要求決定 Review of decision on non-disclosure request</p> |
| <p>2. 申請人／機構資料 Information of applicant/organisation</p> <p>(a) 申請人姓名／機構名稱 Name of applicant/organisation</p> <p>(b) 申請人身分證／護照號碼或機構的註冊號碼 Identity card/passport number of applicant or registration number of organisation</p> <p>(如曾提供聯絡方法並沒有資料需要更新，則不需要填寫 Please leave contact details blank if they have been provided and no changes are made)</p> <p>(c) 電話號碼 Telephone number 傳真號碼 Fax number 電郵 Email</p> <p>(d) 申請人／機構地址 Address of applicant/organisation</p> |
| <p>3. 基因改造生物的資料 Information of the GMO</p> <p>(a) 該生物的名稱 Name of the GMO</p> <p>(b) 該生物的識辨屬性 Identity of the GMO</p> <p>(c) 向環境釋出基因改造生物核准申請的檔案編號（如與 GMO607-1 表格一併遞交，則不需要填寫） File reference number of the application for approval of GMO for release into the environment (Please leave the file reference number blank if you are submitting this form together with Form GMO607-1)</p> |
| <p>4. 要求不披露的資料 Information not to be disclosed</p> <p>請註明（i）就基因改造生物核准申請或更改要求而提供的資料中的哪些部分不應被記入基因改造生物紀錄冊；及（ii）提出不披露要求 / 覆核要求的原因</p> <p>Please indicate (i) which part of the information provided for the purposes of a GMO approval application or variation request should not be entered into the GMOs Register and (ii) the justification of the non-disclosure request / for the review request</p> |

5. 付款方法及資料 Payment method and details

(只適用於申請覆核不披露要求決定 For review of decision on non-disclosure request only)

- 支票 Cheque
 銀行本票 Cashier Order
 網上付款 Online payment
(遞交申請後會收到付款通知 Payment request will be sent to applicant after submission of application)

銀行名稱 Name of bank

支票/銀行本票號碼 Cheque/cashier order number

6. 聲明 Declaration

本人已閱畢附加的應注意事項及警告，並聲明上面各項填報詳情均為正確無訛。

I have read the attached notes and warnings and I declare that all the particulars given above are true and correct.

申請人簽署／機構印鑑 Signature of applicant/organisation chop

日期 Date

此欄由辦理機關填寫 For official use only

| Date received | Remarks/additional information |
|---------------|--------------------------------|
| | |
| Officer | Follow up action |
| | |

遞交申請的覆核清單 Checklist for submission

- 我已提供身份證/護照副本或機構註冊文件副本。

I have provided a copy of identity card/passport or organisation registration.

- 除特別指明外，我已填寫本表格所有部分。

Unless otherwise indicated, all sections of this form have been completed.

- 我已填簽署或蓋章，以表示閱畢附加的應注意事項及警告及聲明申請的資料正確無訛。

I have signed or chopped, to indicate that I have read the attached notes and warnings and to declare that all the particulars given in the application are true and correct.

(只適用於申請覆核不披露要求決定 For review of decision on non-disclosure request only)

- 我已隨表格附上支付的訂明費用港幣 1,010 元的支票或銀行本票。如用支票付款，收款人已寫明「香港特別行政區政府」。若使用網上付款方式支付訂明費用，則不需理會此項。

The cheque or cashier order for the prescribed fee of HK\$1,010 has been attached for submission. If cheque is used, it has made payable to "The Government of the Hong Kong Special Administrative Region". Please ignore this item if the prescribed fee will be paid via online payment approach.