

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

不披露要求申請表格
Non-disclosure Request Form

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》第 14 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或以打字機打印。
- (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) 除特別指明外，必須填寫本表格所有部分。
- (e) 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 樓漁農自然護理署生物多樣性護理科。
- (f) 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) 覆核要求必須採用指定表格（要求覆核不披露要求決定申請表格 GMO607-4）及列明該項要求的理據。
- (c) 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生物多樣性護理科提出。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	生物多樣性護理科
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
基因改造生物紀錄冊：	http://www.afcd.gov.hk/gmo
電郵：	biosafety@afcd.gov.hk

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 of the Genetically Modified Organisms (Control of Release) 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) Information should be written in block letters or typed.
- (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) Unless otherwise indicated, all sections of this form must be completed.
- (e) An application should be submitted by post or in person to Biodiversity Conservation Division, Agriculture, Fisheries and Conservation Department, 6/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon, Hong Kong .
- (f) 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.
- (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 the specified form (*Request Form for Review of Decision on Non-disclosure Request*, GMO607-4) and set out the justifications for the request.
- (c) 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. 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 Biodiversity Conservation Division of this department. Please also quote the file reference number of the non-disclosure request.

5. Enquiries

Biodiversity Conservation Division,
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

GMOs Register: <http://www.afcd.gov.hk/gmo>

WARNING

The Director may at any time revoke the approval on the non-disclosure 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.

4. 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