

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

輸出擬向環境釋出基因改造生物通知書

Export Notice on GMO Intended for Release into Environment

輸出擬向環境釋出基因改造生物通知書的注意事項

1. 遞交通知書的注意事項

- 根據《基因改造生物（管制釋出）條例》第 23 條第（4）款的規定，輸出擬向環境釋出的基因改造生物的事先通知書須載有附表 4 列明的資料。此表格是為便利輸出者符合有關規定而制定。
- 所有資料必須以正楷填寫或以打字機打印。
- 一份輸出通知書只供一種基因改造生物之用，如有多於一種基因改造生物，請使用額外的通知書。
- 如空位不夠，請另附紙張填寫，並具清晰標記，以附頁形式與表格一同遞交。
- 除特別指明外，必須填寫本表格所有部分。
- 此通知書須連同關於建議在該生物的輸出目的地向環境釋出該生物的現有**風險評估報告**送交該輸出目的地的主管當局。
- 以親身或郵寄方式遞交本通知書的副本及包括聲明的有關文件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。

2. 出口通知的程序

- 該通知書應送交該生物的輸出目的地的主管當局。
- 任何人須在送交該通知書後 14 天內，向漁農自然護理署署長（下稱署長）送交（i）該通知書的副本一份及（ii）述明該副本為該通知書的真實副本及盡該人所知及所信，該通知書所載的資料屬真實無誤的聲明一份。聲明必須採用指定表格（輸出擬向環境釋出基因改造生物通知書聲明 GMO607-5）。
- 如任何人從該生物的輸出目的地的主管當局獲得對該項輸出的核准，須向署長送交（i）該核准通知書的副本一份及（ii）述明該副本為該核准通知書的真實副本的聲明一份。聲明必須採用指定表格（輸出基因改造生物作環境釋出核准通知書的聲明 GMO607-6）。
- 如根據上述基因改造生物的輸出目的地的法律或規管性規定，無須就輸出該生物往當地而向上述主管當局送交事先通知書，則第 2（a）和（b）款不適用。
- 如根據上述基因改造生物的輸出目的地的法律或規管性規定，無須就輸出該生物往當地而從上述主管當局獲得事先核准，則第 2（c）款不適用。
- 包含擬向環境釋出的基因改造生物的貨物批次，在輸出時必須附同訂明文件。詳細的文件要求可從本署或基因改造生物紀錄冊取得。

3. 個人資料收集聲明

- 你所提供的資料將用作處理與該通知書有關的事宜。
- 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。
- 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。
- 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。
- 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。同時請註明有關申請／要求在本署的檔案號碼。

4. 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

電郵：biosafety@afcd.gov.hk

基因改造生物紀錄冊：<http://www.afcd.gov.hk/gmo>

警告

- 任何人明知而輸出擬向環境釋出的基因改造生物，卻沒有根據該生物的輸出目的地的法律或規管性規定，事先向該地的主管當局送交關於該項輸出的通知書及獲得主管當局對該項輸出的核准，即屬犯罪，可被處罰款港幣 100,000 元及監禁一年。
- 任何人明知而輸出擬向環境釋出的基因改造生物，卻沒有在規定時間內送交署長關於該項輸出的通知書和核准通知書的副本及有關聲明，即屬犯罪，可被處罰款港幣 50,000 元。

Notes to export notice on GMO intended for release into environment

1. Notes to submitting the export notice

- (a) Subsection (4) of section 23 of the Genetically Modified Organisms (Control of Release) Ordinance requires that an export notification in relation to an export of GMO intended for release into environment must contain the information set out in Schedule 4. This form is prepared to facilitate the compliance with the above-mentioned requirement.
- (b) Information should be written in block letters or typed.
- (c) Each export notice should be made for only one type of genetically modified organism (GMO). If there is more than one type of GMO, please use additional export notice forms.
- (d) If additional space is needed, please continue on a separate sheet, which must be clearly labelled and included as appendix to the export notice form.
- (e) Unless otherwise indicated, all sections of this form must be completed.
- (f) This export notice should be sent to the competent authority of the place to which the GMO is to be exported, together with the current **risk assessment report** regarding the proposed release of the GMO into the environment in that place.
- (g) A copy of the export notice should be submitted together with supporting documents, including the declaration(s), 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 .

2. Process for the export notice on GMO intended for release into environment

- (a) This export notice should be sent to the competent authority of the place to which the GMO is to be exported.
- (b) Within 14 days after sending the export notice, a person must send to the Director of Agriculture, Fisheries and Conservation (the Director) (i) a copy of the export notice and (ii) a declaration by the person that the copy is a true copy of the notification and the information contained in the notification is true and correct to the best of the person's knowledge and belief. The declaration must be in the specific form (*Declaration for Export Notice on GMO Intended for Release*, GMO607-5).
- (c) Within 14 days after receiving an approval from the competent authority of the place to which the GMO is to be exported for that export, a person must send to the Director (i) a copy of the notice and (ii) a declaration by the person that the copy is a true copy of the approval notice. The declaration must be in the specific form (*Declaration for Approval Notice on Export of GMO Intended for Release into Environment*, GMO607-6).
- (d) Section 2(a) and (b) do not apply if prior notification to the competent authority for exporting the GMO to the place is not required under the legal or regulatory requirements of that place.
- (e) Section 2(c) does not apply if prior approval from the competent authority for exporting the GMO to the place is not required under the legal or regulatory requirements of that place.
- (f) Shipments containing GMOs intended for release into the environment, when being exported, must be accompanied by the prescribed documents. Details of the documentation requirements are available from this department upon request or from the GMOs Register.

3. Personal Information Collection Statement

- (a) The information provided by you will be used for the purposes relating to the processing of the export notice.
- (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 notification.
- (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 export notice.

4. 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

1. A person who knowingly exports a GMO that is intended for release into the environment without sending a prior export notice to the competent authority of the place and obtaining the approval for that export from the authority, as required under the legal or regulatory requirements of that place, commits an offence and is liable to a fine of HK\$100,000 and to imprisonment for one year.
2. A person who knowingly exports a GMO that is intended for release into the environment and does not send copies of the export notice and approval notice, as well as their declarations to the Director within the required time limits, commits an offence and is liable to a fine of HK\$50,000.

(e) 擬輸出和釋出的數量或體積 Quantity or volume of the GMO to be exported and released

(f) 該生物或其產品（即源於基因改造生物並經過加工的材料，其中含有透過使用現代生物技術獲得的、可檢測到的新異組合的可複製性遺傳材料）的預定用途

Intended use of the GMO or products from the GMO, namely, processed materials that are of genetically modified organism origin and that contain detectable novel combinations of replicable genetic materials obtained through the use of modern biotechnology

4. 受體生物體或親本生物體的資料 Information of the recipient organism or parental organism

(a) 生物分類狀況及通用名稱 Taxonomic status and common name

(b) 收集點或獲取點 Point of collection or acquisition

(c) 關乎該基因改造生物可能帶來的生物安全不利影響的特徵 Characteristics related to possible adverse biosafety effect

(d) 受體生物體及（如適用的話）親本生物體的起源中心和遺傳多樣性中心（如已知的話）

Centre of origin and centre of genetic diversity, if known, of the recipient organism and, if applicable, the parental organism

(e) 有關受體生物體及親本生物體可在其中存活或繁衍的各種生存環境的說明

Description of the habitats where that recipient organism and parental organism may persist or proliferate

5. 供體生物體的資料 information of the donor organism

(a) 生物分類狀況及通用名稱 Taxonomic status and common name

(b) 收集點或獲取點 Point of collection or acquisition

(c) 關於該基因改造生物可能帶來的生物安全不利影響的特徵 Characteristics related to possible adverse biosafety effect

6. 基因改造的資料 Information of the genetic modification

(a) 引入該生物的核酸或改變的說明 Description of the nucleic acid or the modification introduced

(b) 所使用的基因改造技術的說明 Description of the technique used for the genetic modification

(c) 由此而產生的該生物的特徵的說明 Description of the resulting characteristics of the GMO

**7. 建議用於安全處理、儲存、運輸及使用該生物的方法，包括包裝、標籤、文件紀錄、處置及應變程序（如屬適當的話）
Suggested methods for the safe handling, storage, transport and use of the GMO, including packaging, labelling, documentation, disposal and contingency procedures, where appropriate**

8. 基因改造生物於出口地的生物安全資料 Biosafety status of the GMO at the exporting place

- (a) 基因改造生物於香港的規管狀況及（如該基因改造生物的核准申請曾被拒絕）核准申請被拒絕的原因
Regulatory status of the GMO in Hong Kong and, if approval application of the GMO has been refused, the reason for the refusal
- (b) 向其它地方的主管當局作出的輸出通知的結果及目的
Result and purpose of any notification made to competent authorities of other places regarding the export of the GMO to that place

9. 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