

立法會
Legislative Council

LC Paper No. CB(1)950/01-02
(These minutes have been seen
by the Administration)

Ref: CB1/BC/2/00/2

**Bills Committee on
Dangerous Goods (Amendment) Bill 2000**

**Meeting on
Wednesday, 12 December 2001, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Mrs Selina CHOW LIANG Shuk-ye, JP
Hon HUI Cheung-ching
Hon LAU Kong-wah
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Miriam LAU Kin-ye, JP
- Public officers attending** : Mr D WONG
Principal Assistant Secretary for Security
- Mr K S LAU
Chief Fire Officer (Licensing and Control Command)
Fire Services Department
- Mr Y W LAM
Acting Assistant Divisional Officer (Policy) 1
- Mr K M LEE
Assistant Director of Marine
- Mr K L SIU
Ag. Assistant Director of Civil Engineering
(Geotechnical/Mainland)
- Mr W B MADDAFORD
Senior Assistant Law Draftsman

Ms Stella CHAN
Government Counsel

Mr W C SHAM
Senior Chemist for Government Laboratory

Mr Damian CHAN
Assistant Secretary for Security

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mrs Mary TANG
Senior Assistant Secretary (1)2

I. Confirmation of minutes of meeting

(LC Paper No. CB(1)1774/00-01 - Minutes of meeting held on 8 March 2001; and
LC Paper No. CB(1)1894/00-01 - Minutes of meeting held on 22 May 2001)

The minutes of meetings held on 8 March and 22 May 2001 were confirmed.

II. Meeting with the Administration

(LC Paper No. CB(1)536/01-02(01) - the Administration's response to the issues raised at the meeting held on 22 May 2001)

2. The Bills Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to-

- (a) consider amending clause 8 by adding "aircraft" after "vessel" in section 12(2)(f) of the Dangerous Goods Ordinance (Cap. 295) (DGO) to make it consistent with (b) and (e) of the same section;

- (b) consider amending clause 8 by substituting "in the opinion of the officer or member" by "the officer or member reasonably believes" in section 12(2)(f) of the DGO;
- (c) taking into account similar legislative provisions for failure to report accidents, consider the need for imposing an imprisonment term for repeated offenders for failure to report any accident by explosion or fire on any licensed premises in contravention of the provisions of section 13 of the DGO; and
- (d) advise the adequacy of the defence provision under section 22(2) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 Sub. Leg.), and the administrative steps taken before declaring any substances to be dangerous under paragraph (b) of the proposed definition of "dangerous goods" under section 2(1) of the Merchant Shipping (Safety) Ordinance (MS(S)O).

4. Members noted that a notice made under paragraph (b) of the proposed definition of "dangerous goods" under section 2(1) of the MS(S)O is a piece of subsidiary legislation subject to negative vetting by LegCo.

III. Any other business

5. There being no other business, the meeting ended at 1:05 pm.

**Bills Committee on Dangerous Goods (Amendment) Bill 2000
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Time	Speaker	Subject(s)	Action required
000000 - 000236	Chairman	Confirmation of minutes of meetings held on 8 March and 22 May 2001	
000237 - 001259	Administration	Explanation of Administration's paper at LC Paper No CB(1)536/01-02	
001300 - 001333	Chairman	Application of international standards in local legislation and control on storage and conveyance of dangerous goods (DG) in small packs	
001334 - 001423	Ms Audrey EU	Code of practice (COP) and its application	
001424 - 001751	Administration	-ditto-	
001752 - 001855	Ms Audrey EU	Non-compliance of COP	
001856 - 001947	Administration	-ditto-	
001948 - 001957	Chairman	-ditto-	
001958 - 002124	Administration	-ditto-	
002125 - 002135	Chairman	-ditto-	
002136 - 002144	Administration	-ditto-	
002145 - 002206	Ms Audrey EU	Application of COP in the conveyance of DG by aircraft	
002207 - 002236	Administration	-ditto-	
002237 - 002321	Mr HUI Cheung-ching	Need to consult the Hong Kong Retail Management Association (HKRMA) on the subsidiary legislation to be introduced	
002322 - 002336	Administration	-ditto-	
002337 - 002426	Mrs Selina CHOW	Need to consult other affected trades which might not be represented in HKRMA	
002427 - 002506	Administration	-ditto-	
002507 - 002600	Mrs Selina CHOW	-ditto-	
002601 - 002727	Chairman	Need to publicize the new regulatory regime	
002728 - 002825	Mrs Selina CHOW	Request for continued dialogue	

Time	Speaker	Subject(s)	Action required
		with HKRMA and affected trades	
002826 - 002838	Chairman	-ditto-	
002839 - 003000	Administration	-ditto-	
003001 - 003108	Chairman	Whether new regulatory regime for DG in small packs would involve amendments to principal Ordinance	
003109 - 003126	Administration	Notification quantities to be specified in regulations	
003127 - 003142	Chairman	Notification mechanism	
003143 - 003206	Administration	-ditto-	
003207 - 003217	Chairman	-ditto-	
003218 - 003312	Administration	Provision of guidelines for storage of notifiable quantities of DG and the interactive approach in exercising control	
003313 - 003319	Chairman	-ditto-	
003320 - 003434	Administration	-ditto-	
003435 - 003455	Chairman	Fluctuating quantities of DG in small packs	
003456 - 003532	Administration	-ditto-	
003533 - 003718	Chairman	-ditto-	
003719 - 003725	Administration	-ditto-	
003726 - 003806	Mrs Selina CHOW	Practicality of notification mechanism and the need to avoid spending excessive resources on notification procedures	
003807 - 003819	Administration	Requirement for advance notification	
003820 - 004024	Mrs Selina CHOW	Need for blanket approval for storage of notifiable quantities for DG in small packs	
004025 - 004123	Administration	-ditto-	
004124 - 004145	Chairman	Examination of table 1.3-exempted quantity	
004146 - 004157	Administration	-ditto-	
004158 - 004229	Mrs Selina CHOW	-ditto-	
004230 - 004304	Chairman	Class 2	
004305 - 004423	Mrs Selina CHOW	-ditto-	
004424 - 004501	Chairman	-ditto-	
004502 - 004732	Administration	-ditto-	

Time	Speaker	Subject(s)	Action required
004733 - 004737	Chairman	-ditto-	
004738 - 004757	Mrs Selina CHOW	-ditto-	
004758 - 004807	Administration	-ditto-	
004808 - 004825	Chairman	Class 3	
004826 - 004934	Administration	-ditto-	
004935 - 004948	Chairman	-ditto-	
004949 - 005015	Mrs Selina CHOW	-ditto-	
005016 - 005041	Chairman	Classes 4.1,5.1, 5.2,6.1, 8 and 9	
005042 - 005153	Administration	-ditto-	
005154 - 005421	Chairman	-ditto-	
005422 - 005521	Administration	-ditto-	
005522 - 005534	Chairman	General safety provisions (para1.6.3 of executive summary)	
005535 - 005643	Administration	-ditto	
005644 - 005648	Mrs Selina CHOW	Concern about non-compliance of safety provisions by certain trades such as hardware stores	
005649 - 005706	Administration	-ditto	
005707 - 005714	Chairman	-ditto	
005715 - 005757	Mrs Selina CHOW	Provision of a warning system	
005758 - 005908	Administration	-ditto	
005909 - 005959	Mrs Selina CHOW	-ditto	
010000 - 010034	Administration	-ditto	
010035 - 010043	Mrs Selina CHOW	-ditto	
010044 - 010119	Chairman	-ditto	
010120 - 010147	Mrs Selina CHOW	-ditto	
010148 - 010248	Chairman	-ditto	
010249 - 010338	Mrs Selina CHOW	-ditto	
010339 - 010414	Administration	-ditto	
010415 - 010458	Chairman	-ditto	
010459 - 010628	Administration	-ditto	
010629 - 010633	Chairman	Table1.4-Notifiable quantities for storage of DG in small packs	
010634 - 010725	Mrs Selina CHOW	-ditto	
010726 - 010757	Chairman	Classes 2.1 and 2.2	
010758 - 010849	Administration	-ditto	
010850 - 010932	Chairman	-ditto	
010933 - 010939	Administration	-ditto	
010940 - 010944	Chairman	Class 3	
010945 - 011042	Administration	-ditto	
011043 - 011101	Chairman	-ditto	
011102 - 011119	Administration	-ditto	

Time	Speaker	Subject(s)	Action required
011120 - 011126	Mrs Selina CHOW	-ditto	
011127 - 011218	Chairman	Class 4.1	
011219 - 011308	Administration	-ditto	
011309 - 011313	Chairman	Class 5.1 and 5.2	
011314 - 011423	Administration	-ditto	
011424 - 011442	Chairman	Class 6.1	
011443 - 011500	Administration	-ditto	
011501 - 011508	Chairman	Class 8	
011509 - 011529	Administration	-ditto	
011530 - 011600	Mrs Selina CHOW	-ditto	
011601 - 011607	Chairman	Class 9	
011608 - 011710	Administration	-ditto	
011711 - 011719	Chairman	-ditto	
011720 - 011722	Mrs Selina CHOW	-ditto	
011723 - 011730	Administration	-ditto	
011731 - 011742	Chairman	-ditto	
011743 - 011759	Administration	-ditto	
011800 - 012023	Chairman	Need for wholesalers to be notified	
012024 - 012035	Administration	-ditto	
012036 - 012130	Chairman	Aggregate quantities of DG in retail premises	
012131 - 012562	Administration	-ditto	
012563 - 012700	Chairman	Para 1.6.5 of executive summary-Notification requirements	
012701 - 012857	Administration	-ditto	
012858 - 012919	Ms Audrey EU	-ditto	
012920 - 013031	Administration	-ditto	
013032 - 013114	Ms Audrey EU	-ditto	
013115 - 013145	Administration	-ditto	
013146 - 013158	Chairman	-ditto	
013159 - 013213	Administration	-ditto	
013214 - 013353	Mrs Selina CHOW	Aggregate quantities of DG	
013354 - 013433	Chairman	-ditto	
013434 - 013442	Mrs Selina CHOW	-ditto	
013443 - 013523	Chairman	-ditto	
013524 - 013630	Administration	-ditto	
013631 - 013758	Chairman	Examination of Committee Stage amendments (CSAs) Clause 2 and 4(a)	
013759 - 013956	Ms Audrey EU	-ditto	
013957 - 014004	Administration	-ditto	

Time	Speaker	Subject(s)	Action required
014005 - 014450	ALA4	Clause 8- Omission of "aircraft" from section 12(2)(f)	
014451 - 014613	Administration	-ditto	
014614 - 014715	Chairman	-ditto	
014716 - 014738	Mrs Selina CHOW	-ditto	
014739 - 014750	Chairman	-ditto	The Administration was requested to amend clause 8 by adding "aircraft" after "vessel" to section 12(2)(f) of the Dangerous Goods Ordinance (DGO) to make it consistent with (b) and (e) of the same section.
014751 - 015258	Administration	-ditto	
015259 - 015318	Chairman	Reference to section 12(2)(f)- "in the opinion of the officer or member "	
015319 - 015426	Administration	-ditto	
015427 - 015653	Chairman	-ditto	
015654 - 015702	Administration	-ditto	
015703 - 015801	Mrs Selina CHOW	Need to avoid subjective opinion	
015802 - 015821	Administration	-ditto	The Administration was requested to consider amending clause 8 by substituting "in the opinion of the officer or member" by " the officer or member

Time	Speaker	Subject(s)	Action required
			reasonably believes" in section 12(2(f) of DGO.
015822 - 015904	Mrs Selina CHOW	-ditto	
015905 - 020013	Chairman	Clause 10- Need for imprisonment terms for contravention of section 13	
020014 - 020022	Administration	-ditto	
020023 - 020102	Chairman	-ditto	The Administration was requested to consider the need for imposing an imprisonment term for repeated offenders for failure to report any accident by explosion or fire on any licensed premises in contravention of the provisions of section 13 of DGO.
020103 - 020127	Chairman	Clause 11	
020128 - 020254	Administration	-ditto	
020255 - 020320	Chairman	Clause 13(a)	
020321 - 020510	ALA4	Concern about the legal effect of gazettal of notice under paragraph (b) of the proposed definition of "dangerous goods" under section 2(1) of the (MS(S)O) on ships carrying substances which were declared as dangerous after having set sail	
020511 - 020604	Administration	Provisions for defence under section 87(1), MS(S)O	

Time	Speaker	Subject(s)	Action required
020605 - 020618	Chairman	-ditto	
020619 - 020708	Administration	-ditto	
020709 - 020713	Chairman	-ditto	
020714 - 020800	Administration	-ditto	
020801 - 020829	Chairman	-ditto	
020830 - 020905	Administration	Declaration as DG in IMDG code	
020906 - 020914	Chairman	-ditto	
020915 - 020943	Administration	-ditto	
020944 - 020950	Chairman	Advance notification	
020951 - 021043	Administration	-ditto	
021044 - 021130	Chairman	Procedure for declaration of DG in IMDG code	
021131 - 021229	ALA4	-ditto	
021230 - 021239	Administration	Defence provisions	
021240 - 021250	ALA4	-ditto	
021301 - 021329	Administration	-ditto	
021330 - 021410	Chairman	Adequacy of defence provisions	
021411 - 021503	Mrs Selina CHOW	Fairness of arrangement and the need for grandfathering provisions	
021504 - 021530	Chairman	Advance notification on gazettal	
021531 - 021536	Administration	-ditto	
021537 - 021614	ALA4	Notice in gazette to be in the form of subsidiary legislation subject to negative vetting procedures	
021615 - 021629	Administration	-ditto	
021630 - 021719	Chairman	-ditto	The Administration was requested to advise the adequacy of the defence provision under section 22(2) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants)

Time	Speaker	Subject(s)	Action required
			Regulation (Cap. 413 Sub. Leg.) and the administrative steps taken before declaring any substances to be dangerous under paragraph (b) of the proposed definition of "dangerous goods" under section 2(1) of MS(S)O.
021720 - 021736	Administration	-ditto	
021737 - 021809	ALA4	Chinese text of CSAs	
021810 - 021850	Chairman	-ditto	

Note: The audio records of the above proceedings are kept at the Legislative Council Library

Legislative Council Secretariat
29 January 2002