

立法會
Legislative Council

LC Paper No. CB(1)258/00-01
(These minutes have been
seen by the Administration)

Ref: CB1/BC/2/00/2

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

**Meeting on
Thursday, 16 November 2000, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon HUI Cheung-ching
Hon LAU Kong-wah
Hon Mrs Miriam LAU Kin-ye, JP
- Public officers attending** : Mr D WONG
Principal Assistant Secretary for Security
- Miss C M LEE
Assistant Secretary for Security
- Mr J K KWOK
Chief Fire Officer
Fire Services Department
- Mr K M LEE
Assistant Director of Marine
- Mr D J HOWELLS
Assistant Director of Civil Engineering
- Mr W B MADDAFORD
Senior Assistant Law Draftsman

Miss S WONG
Government Counsel

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 Election of Chairman

Mrs Selina CHOW, the member who had the highest precedence in the Council amongst those who joined the Bills Committee, presided over the election of the Chairman for the Bills Committee. Mrs CHOW invited nominations for the chairmanship of the Bills Committee. Mr James TO was nominated by Mr HUI Cheung-ching and the nomination was seconded by Mr LAU Kong-wah. Mr James TO accepted the nomination. There being no other nomination, Mr James TO was elected Chairman of the Bills Committee.

II. Meeting with the Administration

2. At the invitation of the Chairman, the Principal Assistant Secretary for Security (PAS/S) briefly introduced the provisions of the Bill by highlighting the salient points of the Legislative Council Brief.

3. Referring to the cyanide spillage incident at Tai Po Road in late 1997, Mr HUI Cheung-ching enquired about the occurrence of spillage incidents in the past five years and whether there were any fatalities. The Chief Fire Officer, Fire Services Department (CFO) said that spillage incidents were few and far between. The most recent incident occurred on the first day of this Lunar Year in the Yuen Long Industrial Estate where the accidental overturn of a goods vehicle resulted in a spillage of styrene to the waters around the Deep Bay area.

Training for drivers

4. Members noted that the Administration intended to implement a mandatory scheme to train and equip vehicle drivers with the necessary knowledge and skills in the conveyance of dangerous goods. They enquired about the cost implications of the proposed training scheme and details of the training courses. In response, CFO provided the following information:

- (a) Vehicle drivers would be required to undertake a basic training course, including both core and elective modules as appropriate;
- (b) The purpose of the training was to promote drivers' awareness on the need to ensure safety in the conveyance of dangerous goods and enhance their knowledge in emergency handling procedures;
- (c) There were three organizations which had indicated an interest in organizing training courses for these drivers. These included the Vocational Training Council, the Occupational Safety and Health Council and a private organization. The first class offered by the Occupational Safety and Health Council would start on 27 November 2000 and the course fee was \$1,440;
- (d) The Administration was prepared to grant exemption to experienced drivers from undertaking certain elective modules. It was hoped that with the cooperative efforts of the trade, the course fees would be kept to a minimum; and
- (e) It was a matter for the employers and employees concerned to sort out who should bear the course fee for the training course.

5. Responding to Mrs Miriam LAU's question about the number of drivers engaged in the conveyance of dangerous goods, CFO advised that the estimated number was around 3,300 drivers. He elaborated that at present, over 1,700 vehicles were licensed to convey dangerous goods in Category 2 (compressed gases) and Category 5 (flammable liquids) and a comparable number of about 1,700 drivers were employed for such purpose. The proposed extension of licensing control to vehicles conveying dangerous goods in Categories 4, 6 - 9 (or classes 4 to 9 under the proposed classification) would involve another 1,250 vehicles, and hence, 1,250 drivers. This would add up to a total of some 3,000 drivers. To take account of a possible 10 % increase, the number of drivers engaged in the industry was therefore estimated to be 3,300. Given the time required for training 3,300 drivers, it was proposed that a two-year grace period would be allowed to facilitate compliance by the trade.

6. Mrs Miriam LAU was concerned that the proposed extension of licensing regime would result in the need for the trade to apply for all sorts of licences for both drivers and vehicles. In response, CFO advised that most imported dangerous goods were not for local use but re-exported to other countries. The most common type of dangerous goods used locally was flammable liquids in Category 5 (or Class 3 under the proposed classification), the conveyance of which was already subject to licensing requirement. With the introduction of the proposed Bill, the licensing regime would be extended to cover the conveyance of all other classes of dangerous goods such as corrosives and toxic chemicals. As these substances constituted a small percentage of dangerous goods used locally, the number of vehicles involved would not be significantly increased.

7. CFO further advised that a regulatory impact assessment (RIA) had been conducted by the consultant to assess the impact on the trade and the RIA concluded that the proposed improvements to the licensing regime would be beneficial to the community and should not impose undue hardship on the trade in general. On the additional operating costs incurred by the trade for the compliance with the proposed licensing regime, CFO said that the retrofitting costs for each vehicle would be about \$10,000, plus \$380 for fire prevention equipment, \$70 for maintenance of equipment, and \$1,440 for training fees for drivers. There might also be a need for a refresher training course for vehicle drivers once every five years to enable them to keep up with the latest development in the conveyance of dangerous goods. The vehicle licence was renewable on an annual basis, the cost of which would be between \$1,000 - \$2,000.

8. Mrs Miriam LAU enquired if mandatory training would be required for the assistants engaged to help vehicle drivers in the conveyance of dangerous goods. CFO said that under the proposed scheme, assistants were not required to undergo such training due to cost implications. However, the Administration adopted an open mind in the issue and was prepared to re-consider the need, if necessary.

9. Mrs Miriam LAU enquired about the responsibility of drivers upon implementation of the proposed Bill. CFO advised that drivers were responsible for the safe conveyance of dangerous goods and were expected to observe the safety instructions and emergency procedures as stipulated in the transport document and declaration provided by the consignors of such goods. The Administration would issue a code of practice for compliance by the trade.

Conveyance of dangerous goods by sea

10. In response to Mrs Miriam LAU's enquiry on the training provided to captains of vessels carrying dangerous goods, the Assistant Director of Marine (ADM) provided the following information -

- (a) The international regulations governing the control and safety of dangerous goods were included in the syllabus of the qualifying examination of the captains of ocean-going vessels and the same also applied to captains of river-trade vessels; and
- (b) There was no formal training provided to operators of local vessels in conveying dangerous goods. A code of practice on guidelines and safety practices in the handling of dangerous goods would be formulated and issued to these operators to equip them with the necessary knowledge.

11. As most dangerous goods were imported and exported by sea, Mrs Miriam LAU expressed concern that the proposed amendments to the Bill had focused on the safety and control of dangerous goods transported on land rather than by sea. PAS/S said that one of the purposes of the Bill was to empower the Director of Fire Services and the Director of Marine to issue codes of practice to promulgate detailed guidelines

and safety practices for compliance by the trade in the handling of dangerous goods. Following passage of the Bill, the Dangerous Goods (Shipping) Regulations would also be revised. At present, there had been adequate control over the conveyance of dangerous goods by ocean-going vessels. The proposed amendments would provide for controlling measures for local vessels.

12. Referring to paragraph 9(d) of the Legislative Council Brief, PAS/S added that the Bill would extend the control on the conveyance of dangerous goods under International Maritime Dangerous Goods (IMDG) code to local vessels. Since most dangerous goods were imported by sea, the safety requirements and the packaging of these goods should conform with IMDG standards. Consideration would also be given to providing for training in the conveyance of dangerous goods on board vessels, for example in a package of measures under shipping legislation. The Chairman and Mrs Miriam LAU both opined that detailed consideration should be given to the conveyance of dangerous goods by sea, which could take the form of import, export, and transshipment.

13. ADM concurred that the existing control mechanism for the conveyance of dangerous goods by local vessels was inadequate and that the legislation governing the control of local vessels were both complex and confusing. While there were sufficient controlling measures for ocean-going vessels as provided under the International Maritime Organization, the control of local vessels had not been adequate. With the enactment of the amendments to the Merchant Shipping (Local Vessels) Ordinance, the Administration was already working on the necessary subsidiary legislation to improve the situation. Regarding the status of river-trade vessels, he said that prior to the passage of the Merchant Shipping (Local Vessels) Bill, there were ambiguities as to whether river-trade vessels should be classified as ocean-going vessels or local vessels. The control of river-trade vessels was dependent upon administrative means in collaboration with the Mainland authorities. Upon the enactment of the Merchant Shipping (Local Vessels) Bill, a new statutory framework to regulate and control local vessels including river-trade vessels would be in place.

14. ADM further advised members that consideration would be given to introducing a licensing system for the conveyance of dangerous goods by local vessels. He however pointed out that unlike transport by land where controlling measures could be effectively administered, transport by sea would be more difficult to implement. While the conveyance of dangerous goods by local vessels was under the purview of the Security Bureau, the operation of ocean-going vessels was under the purview of the Economic Services Bureau. The Administration would work out the details of consultation on the proposed licensing system as well as the scope of review of the controlling mechanism in the conveyance of dangerous goods by sea, which would include the effectiveness of the existing control. Mrs Miriam LAU said that the Port and Maritime Board should also be consulted on the proposed licensing system for vessels.

Consultation

15. Mrs Miriam LAU sought elaboration on the details of the consultation with the trade. CFO said that since the publication of the consultation document on the proposed amendments to the Dangerous Goods Ordinance in March 1999, the Administration had held two forums with the affected trades and industries and attended Provisional District Board meetings to explain these amendments. The affected trades and industries consulted included, inter alia, hospital and medical institutions, manufacturers of chemicals, pharmaceutical companies and even motor vehicle companies (for their use of air bags inflator). The views gathered would be taken into consideration in the review of the subsidiary legislation. One of the concerns expressed by the trade during the consultation exercise was the need for bilingual labelling for dangerous goods. The trade representatives had pointed out that it would pose immense difficulties for them to provide bilingual labelling for goods which were imported for transshipment. The Administration had taken on board the trade's concern and had agreed to dispense with the need for bilingual labelling for goods conveyed by sea or on land through Hong Kong as part of their international journey.

16. Responding to Mrs Selina CHOW's enquiry on whether the scope of the RIA included the affected suppliers and retailers, CFO said that there would not be much adverse impact on the trade because the proposed Bill sought to relax the exempted quantities of classified dangerous goods, taking into account the latest improvements in fire prevention installations.

Storage and packaging

17. Mrs Selina CHOW said that at the consultation exercise conducted earlier, suppliers and retailers had expressed their concern about the storage of substances such as moth repellents, which had been classified as toxic substances under Category 4. She pointed out that the storage of these substances, if individually packaged for consumer use, would pose lesser risk as compared to storage in their raw form. She enquired how the Administration proposed to address the difficulties faced by the suppliers and retailers in complying with the storage requirements. She also pointed out that as some of the trades might not be aware that the goods sold had been classified as dangerous substances, there might be a need for a wider consultation. She queried if the storage requirements were too stringent, given that the exempted quantity for moth repellents was 3,000 kg in Japan as compared to 100 kg in Hong Kong.

18. CFO said that the affected trades had been consulted on the proposed amendments to the Bill and the Administration had also been approached by the trade regarding the storage requirements. The Administration had reviewed the exempted quantities of dangerous goods and was prepared to increase the exempted quantity for moth balls to 250 kg. The exempted quantities would be reflected in the provisions of the subsidiary legislation to be introduced at a later stage.

19. PAS/S added that the Administration planned to exempt small containers of dangerous goods from the proposed labelling requirements on the grounds that the

legislation was dedicated to provide for the control of medium and large quantity of dangerous goods.

20. Mrs CHOW further enquired whether the same exempted quantities would apply to the aggregate limits of individually packaged goods. She was of the view that since the risk resulting from packaged goods would be lower as compared to unpackaged goods or raw materials, a higher exemption quantity should be allowed for packaged goods. CFO said that the Administration would take the opportunity to review with the trade the exempted quantities which were applicable to the substances to be classified. The Chairman pointed out that in some cases, the extra packaging might pose safety concerns as the packaging materials might be easily ignited, thereby causing a fire hazard. CFO said that he would take into account members' views in deciding on the exempted quantities.

21. Responding to the Chairman's further enquiry on the exempted quantities of dangerous goods, CFO said that such would be revised and updated from time to time in consultation with the Dangerous Goods Standing Committee to suit local circumstances. He cited an example that under existing practice, the exempted quantities for Category 2 dangerous goods were expressed in terms of "number of cylinders" but without making reference to the size of the cylinder. To improve the situation, it was now proposed that water capacity in terms of litre be used instead. In view of the enhancement of fire protection in buildings, it was also proposed that the exempted quantities for certain dangerous goods be increased with a view to providing greater flexibility to the trades. In its proposed review, the Fire Services Department (FSD) would assess the needs of the community and the risk involved in determining the exempted quantities of each category of dangerous goods. Its decision would be based on a balanced consideration of safety and convenience. It was certainly not the intention that an ordinary consumer would unnecessarily be affected by the introduction of the proposed licensing scheme.

22. As to the Chairman's further enquiry on whether the exempted quantities for storage and transport of dangerous goods were the same, PAS/S said that it was proposed that the aggregate limits for conveyance of dangerous goods should follow the aggregate limits for the storage of different types of dangerous goods in non-industrial buildings/premises, which would be lower than the limits for industrial buildings/premises.

Classification

23. Mr LAU Kong-wah was concerned that, with the extension of the coverage of control of dangerous goods on land from about 400 types to some 1,600 types, the domestic users of these substances would be unnecessarily caught by the proposed provisions of the Bill. CFO said in response that it would be unlikely that domestic users would be affected by the Bill since most of the substances used domestically were chemicals rather than dangerous substances. The types of substances to be added to the list were mostly corrosives and these would not normally be used in large quantities domestically. There were separate exempted quantities for industrial and non-industrial buildings/premises. As to the coverage of control, it was still being

considered by the department and the number of substances to be classified might reach a total of 1,800. The revised list of substances would be included in the subsidiary legislation as well as the code of practice. Regarding the control of substances under Categories 2 and 5, CFO said that there was a "catch all" provision under the existing legislation which allowed for the inclusion of all substances which had the inherent characteristics of flammable liquids or compressed gases. A typical example was that of canola oil which, although not classified as a dangerous substance, could still be controlled as a Category 5 substance if used as fuel for vehicles.

24. PAS/S added that the aggregate exempted quantities of dangerous substances allowed in non-industrial buildings/premises had been relaxed. He provided the following examples for members' reference -

Substance	Proposed Classification	Existing Classification	Aggregate Exempted quantity
Flammable liquids	Class 3.1 - 3.3	Category 5	100 litres
Paint	Class 3.2	Category 5	250 litres
Furnace oil, diesel	Class 3.4	Category 5	2,500 litres

25. Responding to the Chairman's question about the types of substances to be added to the list of dangerous goods under control on land, CFO said that the list in the IMDG Code would not be followed strictly and that all substances would be examined item by item taking into account their associated hazards, before any of them was included for control on land, for example refrigerators containing refrigerants and lithium batteries were currently classified as dangerous goods under the IMDG Code as they were usually transported in bulk by sea and therefore proper safety measures had to be taken on board vessels. There was no intention, however, to classify these substances as dangerous goods for control on land.

26. Noting that the transport of Liquefied Petroleum Gas (LPG) was under the ambit of the Gas Safety Ordinance (GSO), Mrs Miriam LAU enquired about the training and licensing system for conveying LPG. CFO said that upon the passage of the GSO in the 1990s, the Electrical and Mechanical Services Department was tasked with the responsibility for the safety control of LPG and fuel gases. To address members' concern about the difference between the regulatory framework for the storage and transport of LPG and dangerous goods, the Administration agreed to provide a comparison on the licensing requirements for vehicles conveying LPG and dangerous goods as well as the training programmes and licensing requirements for drivers engaged in the conveyance of LPG and dangerous goods.

Admin.

27. Members agreed to continue discussion at the next meeting scheduled for Wednesday, 6 December 2000, at 8:30 am.

III. Any other business

28. There being no other business, the meeting ended at 12:15 pm.

Legislative Council Secretariat
11 December 2000