

# LETTERHEAD OF HONG KONG RETAIL MANAGEMENT ASSOCIATION

CB(1)1298/00-01(01)

21 May 2001

The Honourable James To  
Chairman  
Bills Committee on Dangerous Goods (Amendment) Bill  
c/o Legislative Council Bldg  
8 Jackson Road  
Central  
Hong Kong

*(By fax: 2121 0420 & mail)*

Dear Mr To

## **DANGEROUS GOODS (AMENDMENT) BILL**

At the Bills Committee meeting held on 8 March 2001, discussions were made on retailers concerns as to whether any interim measures would be put in place while the Legislative Council reviews the provisions to the Dangerous Goods (Amendment) Bill and henceforth the subsidiary legislation to follow. The issue of whether retailers will still be prosecuted during this interim period and whether the Fire Services Department will continue to carry out prosecutions based on the current outdated Dangerous Goods Bill comes into question and is of a great concern to the trade.

The Hong Kong Retail Management Association (HKRMA) would like to take this opportunity to respond to the additional information that has been made available to the Bills Committee by the Security Bureau (as requested by the Bills Committee from the March meeting).

### **Prosecutions**

It is acknowledged by the Government that some of the current exempt quantities for consumer household chemicals containing dangerous goods for both storage and transportation are too low. At the Bills Committee meeting held on 8 March 2001, the HKRMA expressed its concerns about the Fire Services Department continuing to carry out prosecutions against retailers based on the current outdated exempt quantities.

While the legislation is being amended and while acceptable levels on quantities for storage and transportation of such goods are being worked out between the government and the trade, the HKRMA urges the Fire Services Department not to bring any prosecutions against retailers and wholesalers except in cases where there are serious and immediate public safety concerns. We therefore request that a moratorium be given to the existing legislation until the subsidiary legislation has been put in place. Alternatively, guidelines should be given to the trade on acceptable interim exempted quantities to adhere to while the subsidiary legislation is being worked out.

In cases where warning letters are being issued to the offender, we propose that clear indications should also be given on the appropriate remedial actions to be taken by the offender and the level of exempted quantities to refer to while making the correction. Whether offenders should refer to an agreed interim exempted level of quantity should be reviewed by the Fire Services Department and clearly defined.

We also suggest that clear indications should be given to the trade on the standards that are being applied to in the law by the Government and whether dangerous goods are classified according to their level of ingredients or the finished product itself.

### **Risk Assessment**

The HKRMA welcomes the appointment of a consultant by the FSD to further assess the risk level posed by dangerous goods that are packaged in consumer packs and to work out appropriate exempt quantities. The HKRMA trusts that the appointed consultant will discuss these issues at length with members of the retail trade.

The HKRMA further welcomes the Fire Services Department's intention to continue intensive dialogue with the retail trade to identify those consumer goods that will be classified as dangerous goods under the new legislation.

### **Defense Provision**

We note that the Security Bureau will shortly be providing the Bills Committee with supplementary information on relevant overseas legislation and trust that the issue of strict liability is referred to in that information.

In any event, the HKRMA believes that the subsidiary legislation should contain special defense provisions.

The HKRMA fully supports the government in ensuring public safety and will continue to cooperate with the Fire Services Department on discussions with regards to subsidiary legislation. However, interim measures would need to be put in place to ensure clear directions to the trade to abide by and to allow sufficient time to work out details of the subsidiary legislation.

Yours sincerely,

Anita Bagaman (Miss)  
Executive Director

c.c. Mrs Selina Chow, Legislative Councillor, Wholesale & Retail.  
Mr David Wong, Principal Assistant Secretary for Security, Security Bureau.  
Mr Lau Kwai-shan, Chief Fire Officer, Fire Services Department.  
Mr Tam Chi-chung, Deputy Chief Fire Officer, Fire Services Department.