

**Information requested by the Bills Committee
at its meeting held on 6 December 2000 regarding
the Dangerous Goods (Amendment) Bill 2000**

Subsidiary Legislation

1. Major proposals which are to be provided for through revision to the subsidiary legislation, subject to passage of the Dangerous Goods (Amendment) Bill 2000 and ExCo's approval, include the following -

- (a) For conveyance of dangerous goods on board a vessel in the waters of Hong Kong, the scheme of classification adopted in the International Maritime Dangerous Goods (IMDG) Code will be strictly followed, but existing controls regarding diesel oil, furnace oil and other fuel oil with a flash point over 61°C which are not classified as dangerous goods under the IMDG Code will be maintained. Specific requirements in respect of documentation, marking and labeling, packing and packaging, handling, stowage and segregation, etc. will be provided for by making reference to the IMDG Code.
- (b) The coverage of controls of dangerous goods on land will be expanded from about 400 types under ten broad "Categories" of dangerous substances to some 1600 types under nine broad "Classes" in accordance with the scheme of classification adopted in the IMDG Code, subject to some minor variations to suit local circumstances, notably as follows -
 - Substances such as radioactive substances, liquefied petroleum gas, etc listed in the IMDG Code will be excluded as they are currently controlled under other legislation.
 - Dangerous goods in the existing Category 9A (such as matches, plastics, rubber, etc) and Category 5 Class 3 (diesel oil, furnace oil and other fuel oil with a flash point over 61°C), which are not listed in the IMDG Code, will be incorporated into two new classes. Existing controls will be maintained.
- (c) The quantities of classified dangerous goods below which exemption from specified controls is allowed will be brought up-to-date with a view to providing greater flexibility to the users and trades -
 - Exempted quantities will be introduced for certain explosives (i.e. dangerous goods in the existing Category 1 or the proposed Class 1) which are used for exigency purposes, including distress signals/pyrotechnics fitted on vessels and aircrafts,

devices used in fire fighting/protection systems and lifesaving devices fitted in automobiles.

- Different exempted quantities for dangerous goods in the proposed Class 2 to Class 9 will be introduced dependent on whether such goods are used in industrial premises or non-industrial premises.
 - The exempted quantities for certain dangerous goods will be increased, taking into account the enhancement of fire protection in buildings over the years.
 - The current limits imposed on the aggregate quantities of dangerous goods in Category 2 (i.e. proposed Class 2) and Category 5 (i.e. proposed Class 3) stored in premises or conveyed on a vehicle will be relaxed.
 - Aggregate limits will be introduced on dangerous goods in the proposed Classes 4 to 9.
 - The United Nations' Recommendations on the Transport of Dangerous Goods which exempt small containers of dangerous goods from the proposed labelling requirements will be followed.
- (d) The packaging, labelling and other requirements will be brought in line with international standards-
- The packaging requirements for dangerous goods will be amended to follow the IMDG Code.
 - The dangerous goods labels currently specified in the Dangerous Goods (General) Regulations will be replaced. Dangerous goods stored or conveyed on land will be required to bear a label with an English description which follows the IMDG Code and a Chinese description which follows the “國際海運危險貨物規則” issued by the Central People's Government of the People's Republic of China.
 - The requirement for storage tanks for diesel/furnace oil in Category 5 Class 3 (i.e. proposed Class 3.4) to be approved by the Director of Fire Services will be extended to storage tanks for all types of dangerous goods.

- (e) The control over conveyance of dangerous goods on land will be strengthened -
- In addition to conveyance of dangerous goods in Categories 1, 2 and 5 (i.e. the proposed Classes 1, 2 and 3), the vehicle licensing regime will be extended to cover conveyance of all other Classes of dangerous goods.
 - A requirement for mandatory training of the vehicle drivers will be introduced.
 - The duties of consignors of dangerous goods and operators and drivers of dangerous goods vehicles will be specified, including the requirement to provide proper transport documents and declarations on the dangerous goods, to ensure their proper loading and to observe the safety instructions and emergency procedures.
- (f) A registration system for Class 1 dangerous goods (i.e. explosives and blasting agents) will be introduced in line with the control framework and legislative arrangements in our major trading partners such as the United Kingdom, Canada and Australia. All explosives will need to be registered with the Commissioner of Mines before they can be manufactured, stored, conveyed or used.
- (g) The penalties for offences will be strengthened to preserve the necessary deterrent effect which may have been eroded by inflation over time. Furthermore, heavier penalties will be imposed on repeated offenders.
- (h) The existing control over the storage of freight containers loaded with dangerous goods in container port terminals under the existing Dangerous Goods (General) Regulations will be transferred from the Director of Marine to the Director of Fire Services with a view to streamlining the control over dangerous goods on land and at sea.
- (i) The existing provisions in the Mines (Safety) Regulations, Cap. 285 sub. leg. pertaining to mine blasting certificates will be brought under the Dangerous Goods (General) Regulations to put the control of blasting under one single piece of legislation.

Implementation Timetable

2. To facilitate the trade's compliance under the extended control framework, we propose that certain grace periods should be provided for

implementation of the following measures -

- 24 months for the licensing requirements and control regarding the manufacture, storage and use of those dangerous goods newly brought under control (cf para 1(b) above);
- 24 months for the new licensing requirements and control regarding the conveyance of dangerous goods (cf para 1(e) above); and
- 12 months for the new labelling and packaging requirements (cf para 1(d) above).

Except for the above, all amendments to the principal Ordinance and the subsidiary legislation will come into effect on the same date.

Security Bureau
January 2001