

Response to the Submission of
The Hong Kong Retail Management Association
on the Dangerous Goods (Amendment) Bill 2000

We have carefully considered the concerns raised by the Hong Kong Retail Management Association (HKRMA) in its letter of 19 January 2001 to the Bills Committee. The Fire Services Department (FSD) had met HKRMA and its members on 29 December 2000 and 1 March 2001 to discuss their concerns. Another meeting was held with 21 importers/suppliers of household chemicals on 23 February 2001. Our response is set out in the following paragraphs. This should be read together with the “Information requested by the Bills Committee at its meeting held on 6 December 2000” and “Response to the Submission from Saving International (Holdings) Limited” provided to the Bills Committee in January 2001.

General

2. The current Dangerous Goods Ordinance (DGO) was enacted in 1954 and many aspects of it has become outdated. The aim of the current Bill is to update the Ordinance and to align the domestic control framework with the commonly adopted international system by following the classification and requirements of the International Maritime Dangerous Goods (IMDG) Code as far as appropriate. Application of the IMDG Code would ensure appropriate control over substances which are dangerous in nature. It is not our policy intent to subject substances that pose no threat to public safety to control.

3. The current Bill only provides a framework of the legislative control over dangerous goods. Details of the control would be set out in the subsidiary legislation which is now under preparation. In the preparation of the subsidiary legislation, the Administration will continue the on-going dialogue with the retail trade and fine tune our proposal, to ensure that the new requirements would strike a right balance between protecting public safety and facilitating the retail business. The Bill would only be implemented together with the subsidiary legislation when the latter has been enacted. Furthermore, to facilitate compliance with the improved control, grace period up to 24 months would be provided

for implementation of some more prominent measures.

Definition, classification and scope of dangerous goods

4. The scope of substances that would be subject to the new legislation will follow that of the IMDG Code, subject to minor variations to suit local circumstances. Whether a substance is classified as dangerous goods and therefore caught by the new legislation is generally determined by its nature and characteristics in accordance with the IMDG Code. If it is classified as dangerous goods, then whether it is found in bulk or in individually packed consumer products may affect the control measures applicable. For instance, storage and conveyance of a dangerous substance may be exempted from licensing control if the quantity is below a certain limit (the exempted quantity). FSD is considering if a higher exempted quantity can be set when the dangerous substance is found in individually packed consumer products. The trade is being consulted. As explained above, the Bill will only provide a control framework and details of the control measures will be set out in the subsidiary legislation now under preparation.

List of consumer goods or household chemicals that fall within the provision of dangerous goods

5. The majority of consumer products on sale locally are imported into Hong Kong from abroad. If such products are classified as dangerous goods in accordance with the IMDG Code, it is incumbent on the manufacturers, exporters, consignors and parties alike to comply with the requirements of the IMDG Code (e.g. in respect of packing, labelling, declaration, documentation etc) to ensure safe conveyance during their journey to Hong Kong. It is therefore possible, for example, to find out if a product has been shipped to Hong Kong as dangerous goods from the shipping documents.

6. Furthermore, our trading partners such as the UK, the USA and Australia have passed legislation requiring the supplier of a hazardous substance to provide the recipient of such substance with a Material Safety Data Sheet (MSDS) containing information on the hazardous contents of such substance to enable its recipient to take necessary

measures relating to the protection of health and safety at work. We appreciate that the retail trade may sometimes have difficulties in finding out whether a product has been declared as dangerous goods under the IMDG Code in the country of origin. In the subsidiary legislation under preparation, we would propose that the consignor of dangerous goods would be required to provide a transport document specifying the proper classification of such dangerous goods to the consignee concerned.

7. To facilitate early identification of dangerous goods among household chemicals, FSD held a meeting with 21 importers/suppliers of household chemicals on 23 February 2001. As a result, FSD has received MSDS of a total of 68 household chemicals (see sample attached) and the importers/suppliers have agreed to ask the manufacturers concerned to provide the MSDS of their products in two months' time. HKRMA has been kept posted of progress at its meeting with FSD on 1.3.2001.

Storage and transportation of dangerous goods

8. To reflect the improvements of fire safety provisions over time, we would propose a general increase in the exempted quantities for storage and conveyance of dangerous goods in the subsidiary legislation under preparation.

9. As explained in paragraph 4 above, we are also critically considering the feasibility of further revising the proposed exempted quantities for household chemicals that are caught by the DGO. (See also paragraph 1(c) of our "Response to the Submission from Saving International (Holdings) Limited" provided to the Bills Committee in January 2001.) FSD will continue to liaise closely with the HKRMA, the wholesalers/retailers and the importers/suppliers concerned. We aim at completing the review exercise by end 2001.

Increase in costs to businesses

10. Apart from further reviewing the proposed exempted quantities for the household chemicals concerned, we are also considering appropriate revision to the licensing regime of storage and conveyance of dangerous goods to ensure that the fire safety requirements are practical

and reasonable in the circumstances (e.g. in retail outlets). This is the subject of a consultancy study now underway. We expect that the revised fire safety requirements would result in a further reduction in compliance costs for the licensees.

Grace period for implementation of the Dangerous Goods Ordinance

11. It is our intention to provide a grace period of 24 months for the licensing requirements and control regarding the manufacture, storage and use of those dangerous goods which are newly brought under legislative control, and a grace period of 24 months for the new licensing requirements and control regarding the conveyance of dangerous goods. We hope that this could facilitate the trade's compliance with the extended control framework.

Security Bureau
March 2001