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21 February 2002

Assistant Legal Advisor
Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Hong Kong
(Attn: Mr Stephen LAM)

Dear Mr Lam,

Dangerous Goods (Amendment) Bill 2000

Thank you for your letter of 18 February 2002 making further suggestions on the drafting style of the English and Chinese texts of the draft CSAs. We have consulted the Department of Justice and would like to reply as follows –

Clause 4(a) and clause 10(a)

- _____
- (a) We have accepted your comments and both versions of the CSAs have been amended accordingly. Please see the enclosed 12th draft of the English CSAs (revised) and 8th draft of the Chinese CSAs.

Clause 13(a)

- (b) We are of the view that the Chinese and English texts accurately reflect the same intention that the properties are

declared by notice in Gazette and therefore no amendment is necessary.

In the draft CSAs enclosed, we have also taken the opportunity to make a few textual improvements. A brief note is enclosed for your ease of reference.

Thank you for your efforts in helping with the vetting of the Bill. We look forward to early resumption of the Second Reading.

Yours sincerely,

(David Wong)
for Secretary for Security

c.c.	Mr Andy Lau, CAS(1)2	2121 0420
	Mr William Maddaford, SALD	2869 1302
	Ms Stella Chan, GC	2869 1302

English version

- (a) The CSAs to clause 2(c) of the Bill are amended to tally with the Chinese version textually.
- (b) The CSAs to subparagraph (ix) under clause 4(a) are amended by substituting “paragraph (ma)”, “paragraph (mb)” and “paragraph (md)” with “section 5(1)(ma)”, “section 5(1)(mb)” and “section 5(1)(md)” respectively.
- (c) The CSAs to clause 8 of the Bill are amended by grouping all the amendments to section 12(2)(e) of the Ordinance under clause 8(b)(ii).
- (d) The CSAs to clause 10(a) of the Bill are amended by substituting “paragraph (a)” and “paragraph (b)” with “section 14(1)(a)” and “section 14(1)(b)” respectively.
- (e) The CSAs to clause 13(a) of the Bill are amended by deleting “new” in the first line and by substituting “repealing” in paragraph (b) with “deleting”.

Chinese version

- (f) The CSAs to subparagraph (ix) under clause 4(a) are amended consequentially to tally with the English version in view of item (b) above.
- (g) The CSAs to clause 8(b)(i) and (ii)(B) are amended by deleting “未處的”.
- (h) The CSAs to clause 10(a) are amended to tally with the English version in view of item (d) above.
- (i) The CSAs to clause 13(a) are amended to tally with the English version in view of item (e) above.

DANGEROUS GOODS (AMENDMENT) BILL 2000

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
2(c)	In the proposed definition of "船隻", in paragraph (a), by deleting "國".
4(a)	(a) By deleting subparagraph (ii) and substituting - "(ii) by repealing paragraph (b) and substituting - "(b) the exemption from the operation of this Ordinance or any part thereof of - (i) any - (A) substance, material or article; or

(B) group or
description
of substances,
materials or
articles,

to which this
Ordinance applies,
or any quantity
thereof; or

(ii) any group or
description of
persons,

by reference generally or
by reference to any
circumstances as may be
specified and subject to
such terms and conditions
as may be specified;" ;".

(b) In subparagraph (ix) -

(i) by deleting the proposed section 5(1)(ma) and
substituting -

"(ma) empowering the -

(i) Director of Marine, in respect of dangerous goods at sea; and

(ii) Director of Fire Services, in respect of dangerous goods on land,

to grant an exemption, in respect of a specific case or a specific person, from all or any of the provisions of this Ordinance, subject to such terms and conditions as the Director of Marine or the Director of Fire Services may specify;" ;

(ii) by deleting the proposed section 5(1)(mb) ;

(iii) by deleting the proposed section 5(1)(md) and substituting -

"(md) measures to be taken in the event of an emergency occurring while dangerous goods are being transported by a vehicle;" .

8 By deleting the clause and substituting -

"8. Power of entry, etc.

Section 12 is amended -

(a) in subsection (1) -

(i) by adding "and any officer of the Marine Department not below the rank of Marine Inspector II" after "Commissioner of Mines," ;

(ii) in paragraph (b), by adding ", material or article" after "substance" ;

(b) in subsection (2) -

(i) in paragraph (d), by
repealing "and" at
the end;

(ii) in paragraph (e) -

(A) by repealing
"vessel or
vehicle" wherever
it appears and
substituting
"vessel, vehicle
or aircraft";

(B) by repealing the
full stop and
substituting ";
and";

(iii) by adding -

"(f) detain any
vessel,
vehicle or
aircraft
which he is
empowered to
stop, board

and search
and any
person on
board such
vessel,
vehicle or
aircraft,
where the
officer or
member has
reasonable
grounds for
believing
that anything
liable to
seizure under
subsection
(1)(e)
results in a
danger to
public safety,
and such
detention may
continue
until the
officer or
member is
satisfied

that the
danger to
public safety
has been
removed."."

10(a) (a) In the proposed section 14(1)(a), by adding
"or 7" after "section 6".

(b) In the proposed section 14(1)(b), by deleting
"7,".

10(b) By deleting "level 2" and substituting "level 3".

11 In the proposed section 19A -

(a) in subsection (1), by deleting "Where
dangerous goods are being carried, or
intended to be carried, on board a
vessel" and substituting -

"Where dangerous goods -

(a) are being carried on board
a vessel from a place

outside Hong Kong to Hong Kong; or

(b) are intended to be carried on board a vessel from Hong Kong to a place outside Hong Kong," ;

(b) in subsection (2), by deleting "as part of an international journey" and substituting "as part of a journey from a place outside Hong Kong to another place outside Hong Kong" ;

(c) by adding -

"(3) Subsection (1) also applies to dangerous goods where the vessel carrying or intended to carry such goods arrives at or departs from a port outside Hong Kong and the goods are transported by vehicle between Hong Kong and such vessel."

13(a) In the proposed definition of "dangerous goods" -

(a) in paragraph (a), by adding "or" at the end;

(b) by deleting paragraph (b) and substituting -

"(b) the properties of which are, in the opinion of the Director, dangerous when carried by sea and the Director has, by notice in the Gazette, declared them to be so,".