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**Paper for the House Committee meeting
on 1 March 2002**

**Report of the Bills Committee on
Dangerous Goods (Amendment) Bill 2000**

Purpose

This paper reports on the deliberations of the Bills Committee on Dangerous Goods (Amendment) Bill 2000 (the Bill).

Background

2. The Dangerous Goods Ordinance (Cap. 295) (the DGO), which provides for the control on land and at sea of about 400 types of dangerous goods under ten broad Categories, was enacted in 1956. Although the DGO has been updated periodically since its enactment, there has not been any attempt to align the domestic control framework with the commonly adopted international system. As a result, when dangerous goods are imported, exported or re-exported through Hong Kong, they are often required to comply with two distinct sets of requirements prevailing locally and overseas. Furthermore, changes in local circumstances have called for improvements to the legislative control system.

3 The Administration started a comprehensive review of the DGO in 1995 with a view to bringing it into line with international standards. A public consultation document on “Proposed Amendments to the Dangerous Goods Ordinance” to improve the control over dangerous goods in Hong Kong was issued in March 1999. According to the Administration, there is general support to incorporate the following proposals into the DGO and its subsidiary legislation:

- (a) The penalties for offences under the dangerous goods legislation should be strengthened to preserve the necessary deterrent effect which may have been eroded by inflation over time. Furthermore, heavier penalties should be imposed on repeat offenders.
- (b) The Director of Fire Services and the Director of Marine should be empowered to issue codes of practice to promulgate detailed guidelines and safety practices to be followed by the trade in the handling of dangerous goods.

- (c) Subject to some minor variations, the coverage of controls of dangerous goods on land should be expanded from about 400 types under 10 broad “Categories” of dangerous substances to some 1600 types under nine broad “Classes” in accordance with the International Maritime Dangerous Goods (IMDG) scheme of classification.
- (d) The IMDG Code should be followed strictly for controlling conveyance of dangerous goods on board a vessel in the waters of Hong Kong. Nevertheless, existing controls regarding diesel oil at sea, which is not classified as dangerous goods under the IMDG Code, should be maintained.
- (e) The quantities of classified dangerous goods below which exemption from specified controls is allowed should be brought up-to-date.
- (f) The packing, labelling and other requirements under the legislation should be revised in line with international standards.
- (g) In addition to conveyance of dangerous goods in Categories 1, 2 and 5 (or the proposed Classes 1, 2 and 3 following the IMDG Code) by vehicles, the licensing regime should be extended to cover conveyance of all other Classes of dangerous goods. A requirement for mandatory training of the vehicle drivers should also be introduced.
- (h) A registration system for Class 1 dangerous goods (i.e. explosives and blasting agents) should be introduced in line with the control framework and legislative arrangements in our major trading partners such as the United Kingdom, Canada and Australia.

The Bill

4. The Bill contains specific provisions regarding items (a) and (b) in paragraph 3 above and empowering provisions for the remaining items, which will form the basis of further amendments to the subsidiary legislation.

The Bills Committee

5. Members agreed at the House Committee meeting on 3 November 2000 to form a Bills Committee to study the Bill. Chaired by Hon James TO, the Bills Committee held a total of seven meetings to discuss the Bill. A copy of the membership list of the Bills Committee is at **Appendix I**.

6. The Bills Committee has met with the trade representatives of the Hong Kong Retail Management Association (HKRMA). A list of organizations which have submitted views to the Bills Committee is in **Appendix II**.

Deliberations of the Bills Committee

7. The Bills Committee notes that as most dangerous goods are imported and exported by sea, the local control system should follow the IMDG Code as far as possible, subject to minor variations to suit local circumstances. The IMDG Code is published by the International Maritime Organization based on the United Nations system and specifically provides for recommendations in respect of control on sea carriage of dangerous goods. For the transport of dangerous goods by air, the Bills Committee notes that the control system is basically in line with the international requirements as set out in the Convention on International Civil Aviation. These international requirements are given legal effect through two sets of local legislation which are outside the scope of the present Bill.

Offences and penalties (Clause 10)

8. Section 6 of the DGO prohibits any person from manufacturing, storing, conveying or using any dangerous goods, except in accordance with a licence or in some specific circumstances set out in the proviso. The Bill provides that any person who contravenes section 6 shall be guilty of an offence and shall be liable for a first offence, to a fine at level 6 (currently \$100,000) and to imprisonment for 6 months, and for a subsequent offence, to a fine of \$200,000 and to imprisonment for 12 months. The Bills Committee is concerned that with the future expansion of the coverage of controls of dangerous goods on land from about 400 types to some 1600 types in accordance with the IMDG scheme of classification, some people may be inadvertently caught by the proposed legislation. The Bills Committee has therefore examined whether a due diligence defence provision is necessary.

9. The Administration considers that an offence under section 6 is one of strict liability. The objective of the DGO is to protect public safety, which is an issue of social concern. It is thus justifiable under public policy to make it an offence of strict liability. The Administration is satisfied that the imposition of strict liability has been effective to promote the objects of the DGO by encouraging greater vigilance to prevent the commission of the prohibited act. The Administration observes that the full vigour of the offence provision on ordinary people has been significantly mitigated by the exempted quantity provisions in the subsidiary legislation. In other words, ordinary, personal use of daily products which are dangerous goods would unlikely be caught by section 6 because the quantities involved would unlikely be above the exempted quantities granted in the subsidiary legislation, especially after the proposed relaxation of the exempted quantities under the subsidiary legislation to be introduced. Furthermore, in respect of detailed control measures stipulated in the subsidiary legislation, there are already special defence provisions under the Dangerous Goods (General) Regulations. The Administration therefore considers that there is no need to upset the present statutory framework by introducing a due diligence defence provision in relation to section 6 of the DGO. Subject to the passage of the Bill and the amendments to the subsidiary legislation to be introduced in due course, the Administration will step up publicity to remind the trade and the general public of the scope of the application of the amended DGO. The Director of

Fire Services and Director of Marine will also, pursuant to the new section 5A proposed by the Bill, issue codes of practice for the purposes of providing practical guidance in respect of the requirements of the amended DGO.

10. Section 7 of the DGO outlaws the manufacture, possession, custody and control of prohibited goods (i.e. goods which are extremely dangerous including certain explosives). The Bill provides that any person who contravenes section 7 shall be guilty of an offence and shall be liable to a fine at level 6 (currently \$100,000) and to imprisonment for 6 months. In view of the gravity of the offence, the Bills Committee is of the view that a heavier penalty should be imposed to preserve the necessary deterrent effect. The Administration has accepted the Bills Committee's view and will move a Committee Stage amendment (CSA) to increase the penalty level for the offence in line with that proposed for contravention of section 6 (the manufacture, storage, conveyance or use of dangerous goods without a licence), which is a fine at level 6 and imprisonment for 6 months for a first offence and a fine of \$200,000 and imprisonment for 12 months for a subsequent offence.

11. The Bills Committee notes that the Administration can also apply the relevant sections under the Crimes Ordinance to prosecute against illegal use, conveyance or possession of explosive or firework, which carries a much heavier penalty ranging from 14 years' imprisonment to life imprisonment. In deciding which ordinance or legislative provision is to be applied in any given case, the Police would consider the evidence available and all the circumstances of the case (including the substance involved, the circumstances in which the substance is involved, the intent of the offender, etc).

12. Section 13 of the DGO requires the report of any accident by explosion or fire in any licensed premises. The Bill provides that the occupier of any premises who fails to report an accident in contravention of the provisions of section 13 shall be guilty of an offence and shall be liable to a fine at level 2 (currently \$5,000). Some members of the Bills Committee are of the view that the proposed penalty may not be adequate to achieve the desired deterrent effect. Having considered the views of the Bills Committee, the Administration agrees to move a CSA to increase the fine to level 3 (currently \$10,000) to increase the deterrent effect. However, the Administration remains of the view that there is no need to impose an imprisonment term for the offence, having regard to the penalty provisions for comparable "failure to report" offences in other safety-related legislation and the fact that there has been no record of contravention of the provision amounting to a serious consequence in the past. The Administration is therefore of the view that the proposed further increase of the fine to level 3 without any imprisonment term is on par with the gravity of the offence.

Clause 13

13. The Bills Committee has examined the new definition of dangerous goods proposed to be provided for in section 2 of the Merchant Shipping (Safety) Ordinance (Cap. 369) (MS(S)O), which follows closely the scope of dangerous goods covered in the IMDG Code. To promote certainty, the Administration has accepted the Bills

Committee's view to amend section 2(1)(b) of the Merchant Shipping (Safety) Ordinance to require the Director of Marine, as competent authority, to publish a notice in the Gazette to declare the goods the properties of which he would reasonably consider to be dangerous when carried by sea, before such goods are classified as dangerous goods.

14. The Bills Committee notes that before a substance is declared as dangerous goods under the proposed section 2(1) of the MS(S)O and the declaration comes into effect, the Marine Department will take a series of steps to ensure that adequate advance notice of the intended declaration will be given to all parties concerned. Further, a defence provision is provided under section 22(1) and (2) of the Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation (Cap. 413 sub. leg.). In case a certain substance is declared to be dangerous goods under section 2(1) of the MS(S)O when a vessel conveying such substance is already en route to Hong Kong, the responsible persons who know or ought to have known the declaration should do all that is reasonable in the circumstances to meet the requirements resulting from the declaration (e.g. furnish manifests to the Marine Department before arrival of the vessel). No prosecution would be brought should it be considered that all reasonable actions have been taken.

Subsidiary legislation

15. The Bills Committee notes that the current Bill only provides a framework of the legislative control over dangerous goods. Details of the control system would be set out in the subsidiary legislation which is now under preparation. Whilst the Bills Committee is in support of the Bill, it notices that the retail trade has expressed grave concern about the principles and key features of the control system under the subsidiary legislation. The Bills Committee therefore considers it necessary to examine the broad principles of the subsidiary legislation within the context of the principal ordinance, taking into account the views of the industry.

Dangerous goods in small packs

16. The Bills Committee notes that the trade is concerned about the transitional enforcement arrangements before the introduction of a new regulatory regime for dangerous goods in small packs as the existing levels of exempted quantities are set too low which have seriously affected the normal operation of the retail sector. Details of the exempted quantity under existing dangerous goods legislation is in **Appendix III-A**.

17. The Administration says that it is one of the responsibilities of the Fire Services Department (FSD) to enforce the provisions under the DGO. There is no rule that prosecution must automatically take place if a suspected offence is established against an individual. There are two stages in the decision to prosecute. The first stage involves a consideration of evidence while the second stage involves a consideration of public interest. Each case will have to be considered in the light of individual circumstances. If there is any doubt with respect to a case, FSD would seek advice from the Department of Justice. No person will be prosecuted by FSD unless it is in

the public interest to do so. For a minor offence, FSD may consider issuing a warning letter to the offender notifying him of the contravention and allowing him to take appropriate remedial actions. Should the offender still fail to rectify the situation, FSD may then consider instituting criminal proceedings against him. In the enforcement of the DGO, FSD will take into account whether the contravention of storage requirements of dangerous goods will pose a threat to public safety. Where the risk assessment indicates that the contravention will not pose safety threat and that it may not be in the public interest to prosecute the offender, prosecution will not be taken by FSD. Instead, the offender will be required to take appropriate fire preventive actions to improve the safety of the concerned premises. FSD will be working with individual members of HKRMA on the means of compliance with the storage and conveyance requirements for dangerous goods in small packs.

18. The deputations which have submitted views to the Bills Committee have also expressed grave concern about the existing regulatory regime for dangerous goods. They are of the view that in the existing legislation there is no distinction between the handling of pure dangerous goods in bulk and the handling of dangerous goods in small packs. Hence, the storage, conveyance and labelling requirements of household bleach for instance containing 5% chlorine would be subject to the same regulatory requirements as an industrial quantity of chlorine. This would make a consumer pack of household bleach subject to a legislative framework designed for bulk chemicals, and, in turn, create undue hardships and difficulties to the retail trade, both in terms of costs and operation.

19. The Bills Committee shares the views of the deputations and points out that the new regulatory regime should strike a right balance between protecting public safety and facilitating the retail business. The Bills Committee has considered whether details of the control measures in respect of dangerous goods in small packs should be provided in the principal ordinance instead of the subsidiary legislation to be introduced. It has accepted the Administration's view that the current legislative framework for the control of dangerous goods is satisfactory and in line with those of many other ordinances, in that the main provisions setting out the principles and key features of the control system can be found in the principal ordinance whereas details of the control measures, which are largely technical in nature, would be given in the subsidiary legislation. To address the Bills Committee's concern, the Administration will move a CSA to clause 4(a)(ii) and (ix) so as to ensure that the scope of the empowering provisions will be broad enough to cover all the envisaged circumstances under which an exemption would need to be made

20. The Bills Committee has taken the opportunity to review the major proposals in the subsidiary legislation to be introduced. The Administration has advised that further to the general consultation done before introduction of the Bill, it has initiated new discussion with the trade affected. On top of the general increase in the levels of exempted quantities for individual dangerous substances, it is considering the feasibility of further raising the level for dangerous goods in small packs. Details of which will be studied by a consultant included in the subsidiary legislation to be introduced. The Bills Committee is pleased to note that the Administration has taken on board the views expressed by members and the retail trade, and appointed a

consultant to review the regulatory regime for dangerous goods in small packs. The Bills Committee is satisfied that the revised proposal from the consultant has struck a better balance between ensuing public safety and facilitating business. The Bills Committee recognizes that dangerous goods in small packs do pose a hazard to the public and therefore cannot be exempted from the application of the DGO altogether. However, having regard to the nature of the hazard posed by dangerous goods in small packs and the other fire safety measures already in place in Hong Kong, there should be a tailored regulatory regime for dangerous goods in small packs, with relaxed controls when compared with that for dangerous goods in general.

21. The Bills Committee accepts a 3-tier system of control for regulating storage of dangerous goods in small packs as recommended by the consultant and the Administration:

Tier	Storage Quantity	Requirements
0	Less than “exempted quantity” (Appendix III-B)	Exempted from control
I	Greater than “exempted quantity”	Operators will be required to exercise a general duty of care and observe some basic safety requirements
II	Greater than “notifiable quantity” (Appendix III-C)	Operators will be further required to notify FSD of the use of the premises for such storage to enable FSD officers to undertake inspections and render specific advice
III	Greater than “licensing quantity” (applicable to warehouses only) (Appendix III-D)	Operators will be further required to obtain a licence and to observe tailored conditions

22. The Bills Committee has examined the proposed exempted quantities for different dangerous substances under different Classes of dangerous goods. The Bills Committee is satisfied that the proposed exempted quantities are set at a sufficiently high level to exempt ordinary storage in residential or domestic premises from control. The proposed exempted quantities will also be larger than the exempted quantities specified in the existing DGO.

23. To ascertain the impact of the proposed regulatory regime for dangerous goods in small packs on retail outlets, the Bills Committee has sought confirmation from the Administration as to whether the normal business of the trade will be adversely

affected. The Administration has advised that the HKRMA has been consulted and it finds the proposed approach agreeable in general. For retail outlets, there will be additional storage control to ensure public safety. The aggregate quantity of all classes of dangerous goods in small packs stored must not exceed 1,000 kg (or litre) per 1,000 m² of area of the retail premises, subject to a maximum of 5,000 kg (or litre) of dangerous goods in total for a single retail outlet. For warehouses, a storage licence will only be required if the quantity in a fire compartment¹ exceeds an aggregate of 10,000 kg (or litre) for dangerous goods in Class 8 (corrosives, e.g. bleaches) & Class 9 (miscellaneous goods, e.g. mothballs) and an aggregate of 5,000 kg (or litre) for the remaining Classes. The licence conditions will also be tailored to deal with dangerous goods in small packs and different from those for control of dangerous goods in general.

24. As regards conveyance, the Bills Committee notes that operators may be exempted from control when the amount of dangerous goods in small packs carried in a vehicle does not exceed the same exempted quantity for storage in non-industrial premises. They should be required to exercise a general duty of care and follow basic safety requirements if the amount is larger. Furthermore, the drivers should be provided with basic training on the hazards posed by dangerous goods and the actions to be taken in the event of an emergency.

Conveyance of dangerous goods by vehicles

25. The Bills Committee notes that in the subsidiary legislation to be introduced, the Administration proposes to extend the vehicle licensing regime to cover the conveyance of all Classes of dangerous goods. Further, 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.

26. The Bills Committee has assessed the staff training requirements, the licensing requirements for vehicles conveying dangerous goods, and the impact of the proposals on the trade. The Administration has advised that a regulatory impact assessment (RIA) had been conducted 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. 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 1,250 vehicles, and hence, 1,250 drivers. On the additional operating cost incurred

(a) _____

¹ “Fire compartment” is defined in the Code of Practice for Minimum Fire Service Installations and Equipment as an enclosed space in a building that is separated from all other parts of the building by enclosing construction providing a fire separation that may be required to have a fire-resisting rating.

by the trade for the compliance with the proposed licensing regime, the Administration says 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 is renewable on an annual basis, the cost of which would be between \$1,000 to \$2,000.

Committee Stage amendments

27. The Administration has accepted the Bills Committee's view to move a number of CSAs to improve the contents and drafting of the Bill. A full set of the CSAs to be moved by the Administration is in **Appendix IV**.

Recommendation

28. The Bills Committee supports the Bill and recommends the resumption of the Second Reading debate on the Bill on 13 March 2002.

Advice sought

29. Members are requested to support the recommendation of the Bills Committee in paragraph 28 above.

Council Business Division 1
Legislative Council Secretariat
27 February 2002

Bills Committee on Dangerous Goods (Amendment) Bill 2000

Membership list

Chairman	Hon James TO Kun-sun
Members	Hon Mrs Selina CHOW LIANG Shuk-ye, JP Hon HUI Cheung-ching, JP Hon LAU Kong-wah Hon Miriam LAU Kin-ye, JP Hon Audrey EU Yuet-mee, SC, JP (Total : 6 Members)
Clerk	Mr Andy LAU
Legal Adviser	Mr Stephen LAM
Date	9 November 2001

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

List of organizations submitted views on the Bill

1. Saving International (Holdings) Ltd
2. Hong Kong Retail Management Association

Exempted Quantity under Existing Dangerous Goods (DGs) Legislation

UN Class	Dangerous Goods (examples)	Exempted Quantity for Individual DG	Exempted Quantity for Aggregate of all DG of that Class
Class 3, Packing Group II (flammable liquids with flash point less than 23°C)	Acetone Ethyl acetate	20L 20L	40L
Class 3, Packing Group III (flammable liquids with flash point greater than 23°C but less than 66°C)	Thinner Turpentine substitute	20L 20L	40L
Class 3, Manufactured products of flammable liquids	Paints	None	250L
Class 4.1, Flammable solids	Naphthalene	50kg	None
Class 5.1, Oxidising substances	Bleaching powder Hydrogen peroxide solution	250kg 25L	None
Class 8, Corrosives	Hydrochloric acid Sodium hydroxide solution Sodium hypochlorite solution	25L 50L 250L	None

Exempted Quantity

Type of Dangerous Goods (DGs)	Exempted Quantity (Aggregate)	
	Non-industrial buildings	Industrial buildings
Class 2	300 L	450 L
Class 3	100 L	150 L
Class 3, Manufactured Products (e.g. paints)	250 L	250 L
Class 4.1, 5.1, 5.2, 6.1, 8 and 9	100 kg (or L)	1000 kg (or L)
Notes :		
(a) In addition to above, exempted quantity for individual substances in each DG Class would also apply (as specified in the DG (Amendment) Bill 2000). For example, the exempted quantity for hydrochloric acid (Class 8) is 50L.		
(b) For pesticides in Class 6.1, the aggregate exempted quantity is 250 L (in industrial or non-industrial building)		

Notifiable Quantity for Storage of Dangerous Goods (DGs) in Small Packs

UN Classification	Examples	Maximum Package Size kg (or L)	Notifiable Quantity kg (or L)
Class 2.1 and 2.2, Gases	Aerosols (excluding those containing LPG which are governed by the Gas Safety Ordinance, Cap 51)	1	500
Class 3, Packing Group II ¹ (Flammable liquids)	Nail polish remover, alcohol based mouth wash, mineral turpentine, adhesives, polishes with flammable liquid base ²	1	150
Class 3, Packing Group III ¹ (Flammable liquids)	Nail polish remover, alcohol based mouth wash, mineral turpentine, perfumes, adhesives, polishes with flammable liquid base ²	5	500
Class 3, Manufactured Products (Flammable Liquids)	Paints, lacquer, enamel, stain, shellac solution, varnish, polish, liquid filler and liquid lacquer base	5	1000
Class 3, Potable Spirits (Flammable liquids)	Alcoholic beverages (>35% ethyl alcohol)	5	1000
Class 4.1, Flammable solids	Naphthalene balls or fire lighters and other solids containing flammable liquid	3	2000
Class 5.1, Oxidising substances	Hydrogen peroxide ($\geq 8\%$) or hydrogen peroxide-based hair bleach, bleaching powders such as calcium hypochlorite ($\geq 10\%$ Cl)	1	500
Class 5.2, Organic peroxide	Organic peroxide in polyester resin kit, peroxide based hardeners for fibre glass	0.1	25
Class 6.1, Toxics	Pesticides	1 L in Liquid 3 kg in Solid	500
Class 8, Corrosives	Bleaches such as sodium hypochlorite ($\geq 10\%$ Cl), alkalis such as sodium or potassium hydroxide as solid or solution ($\geq 2\%$) or ammonia solutions ($\geq 10\%$) and acids such as sulphuric, nitric or hydrochloric acid	5 L in Liquid 3 kg in Solid	2000
Class 9, Miscellaneous goods	Mothballs	5	1000
Aggregate quantity (of all DG class) - for warehouses in industrial buildings			5000
Aggregate quantity (of all DG class) - for retail premises & other premises in non-industrial buildings but excluding residential premises ³			1000

Notes:

- (a) Although the notifiable quantity (2000 kg (or L)) for Class 4.1 and 8 is higher than aggregate quantity for retail premises (1000 kg (or L)), the aggregate quantity will govern.
- (b) Aggregate limit is subject to individual notifiable limit not being exceeded.
- (c) The aggregate limit for retail premises includes products in the display area as well as in the back store
- (d) Further examples of consumer products identified as DG is given in *Annex A*.

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- (1) Packing Group II flammable liquids has flash point less than 23⁰C and initial boiling point greater than 35⁰C. Packing Group III flammable liquids has flash point between 23⁰C to 61⁰C and initial boiling point greater than 35⁰C
 - (2) These products could fall into either Packing Group II or III depending on the flash point and initial boiling point of the substance
 - (3) Residential/domestic premises are not permitted to store more than exempted quantity as given in **Appendix III-B**

Licensing Quantity

Type of DG	Licensing Quantity, kg (or L)
Aggregate quantity of DG Class 2.1, 2.2, 3, 4.1, 5.1, 5.2 and 6.1 ^a	5,000
Aggregate quantity of DG Class 8, 9	10,000
(a) : For DG of Class 5.2, the licensing quantity would be 100 kg (or L)	

Annex A

Classification of Household Chemicals according to IMDG Classes

Table A1 Classification of Household Chemicals according to IMDG Classes

IMDG Classification	IMDG Description	Typical Substances	Products
3	Flammable liquids	Solvent based adhesives Rubber cement Disinfectant alcohol Nail lacquer Metal polish Perfumery products Pesticides Methylated spirits White spirit Kerosene Potable spirit (>35%)	3303P VITREMER GLASS IONOMER PRIMER 3M Brand EXTRACTION CLEANER CONCENTRATE 3M Brand PRETREATMENT CLEANER CONCENTRATE 3M Brand QUAT DISINFECTANT CLEANER CONCENTRATE 3M Primer/Degreaser, P.N. 08683/30 mL; 08685/125 mL; 08691/5.91 mL 3M SINGLE BOND ADHESIVE 4242 3M SCOTCHBOND 1 ADHESIVE BAYGON GENIUS-PLUG/SET BEAUTIFLOR Brasso Metal Polish D.E.R. 530-A80 EPOXY RESIN EPOXY RESIN MRA NPL 585 NPL-585L NPL585L EPOXY RESIN SCOTCH-CLAD™ SELF-LEVELING GRAY BASECOAT 5893 Silvo Polish STARANE* 200 HERBICIDE STP® Fuel Injector and Carburetor Cleaner STP® Premium Synthetic Fuel Injector Cleaner XU 19066.00 EXPERIMENTAL EPOXY RESIN XZ 92505.00 DEVELOPMENTAL RESIN ADDITIVE XZ 92505.00 EXPERIMENTAL EPOXY RESIN
4.1	Flammable solids	Camphor in block Naphthalene balls Fire lighters Safety matches	BAYGON MATS
5.1	Oxidising substances	Hydrogen peroxide (20-60%) Swimming pool chlorine Bleaching powder (>10% Cl)	3M NEXCARE™ COLD COMFORT INSTANT COLD PACK(Cat.#2640) CLOROX AUTOMATIC TOILET BOWL CLEANER OPTIMUM 280 PRESOAK DESTAINER

IMDG Classification	IMDG Description	Typical Substances	Products
6.1	Poisonous (toxic) substances	Pesticides Hair colours Correction fluid Paint strippers	DBNPA 100 PTECH DELFO* 3 INSECTICIDE DURBAN* FM INSECTICIDAL CHEMICAL DURBAN* TC TERMITICIDE CONCENTRATE EMPEROR (CHP + Spinosad) EC EMPIRE* 20 MICROENCAPSULATED INSECTICIDE LORBAN* 4E INSECTICIDE, SMC: 01545 LORBAN* 4E INSECTICIDE, SMC: 47602 MAGISTER* 100 EC NURELLE* D 505 EC INSECTICIDE PROFESSIONAL LAUNDRY SOUR VORANATE* T-80 TYPE I TDI
8	Corrosive substances	Nitric acid (>70%) Nitric acid (<70%) Sulphuric acid (>5%) Hydrochloric acid Potassium hydroxide Sodium hydroxide Drain cleaners Lavatory cleaners Oven cleaners Ammonia solution (10-35%) Bleaching solution (>10% Cl) Phosphoric acid (rust converter)	3M Brand BATHROOM CLEANER CONCENTRATE 3M Brand PHENOLIC DISINFECTANT CLEANER CONCENTRATE 7423 and 3007 SCOTCHBOND LOW VISCOSITY ETCHING GEL 7523 SCOTCHBOND ETCHING GEL BASE FOR JUBILEE BATHROOM DUCK BIG BARE® WATER-BASED INDUSTRIAL CLEANER/DEGREASER BRAVO® EXTRA HEAVY DUTY STRIPPER BREAK-UP - DILUTED BREAK-UP® CLOROX FLORAL FRESH BLEACH CREW SHOWER, TUB & TILE CLEANER HC (HYPER-CONC.) CREW TUB & TILE CLEANER FOR SOLUTIONS CENTER D.E.H. 39 EPOXY CURING AGENT EMEREL® READY-TO-USE FORMULA 409 ALL PURPOSE CLEANER LEMON FRESH FORWARD DC FREEDOM STRIPPER FRESH SCENT CLOROX BLEACH GLANCE HC (HYPERCONCENTRATE) GP FORWARD SC (SUPERCONCENTRATE) GP FORWARD® GENERAL PURPOSE CLEANER Harpic Powder

IMDG Classification	IMDG Description	Typical Substances	Products
			Jeyes Bleach Toilet Cleaner With Abrasives JOHNSON BLOCK WHITENER J-SHOP 600 LEMON FRESH CLOROX BLEACH LEMON FRESH FORMULA 409 ALL PURPOSE CLEANER LEMON FRESH FORMULA 409 ALL PURPOSE CLEANER I LIQUID KLEEN BOWL LIQUID-PLUMR® FOAMING PIPE SNAKE OPTIMUM 102 DISHMACHINE DETERGENT OPTIMUM 131 WAREWASH DETERGENT OPTIMUM 137 WAREWASH DETERGENT OPTIMUM 138 WAREWASH DETERGENT OPTIMUM 182 DISHMACHINE SANITIZER OPTIMUM 281 LIME SCALE REMOVER OPTIMUM 282 OVEN AND GRILL CLEANER OPTIMUM VENT HOOD DETERGENT PROFESSIONAL FORWARD PROFESSIONAL HEAVY DUTY LAUNDRY DETERGENT PROFESSIONAL HEAVY DUTY STRIPPER PROFESSIONAL IRON CONTROLLING LAUNDRY SOUR PROFESSIONAL LAUNDRY ALKALI BOOSTER PROFESSIONAL LAUNDRY DETERGENT SCOTCH-BRITE™ QUICK CLEAN GRIDDLE LIQUID (NO. 700 AND NO. 701) SOFT SCRUB LIQUID WITH BLEACH STEP-OFF® SURE TRAC® ULTRA CLOROX 2 BLEACH FREE LAUNDRY BOOSTER (DRY) ULTRA CLOROX BRAND LEMON FRESH BLEACH ULTRA CLOROX LEMON FRESH BLEACH ULTRA CLOROX REGULAR BLEACH VIREX* 256
9	Misc. dangerous substances	Mothballs	DOWFAX* 20A612 NONIONIC SURFACTANT DURSBAN* PRO INSECTICIDE MANCOZEB 80 WP FUNGICIDE

1st draft : 7.3.2001
2nd draft : 9.5.2001
3rd draft : 15.5.2001
4th draft : 25.5.2001
5th draft : 5.7.2001
6th draft : 11.9.2001
7th draft : 28.11.2001
8th draft : 6.12.2001
9th draft : 10.1.2002
10th draft : 4.2.2002
11th draft : 15.2.2002
12th draft : 18.2.2002

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
person,

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
good at sea; and

(ii) Director of Fire

Services, in respect
of dangerous goods
on land,

to grant and 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
good are being transported by
a vehicle;”.

**(a)By deleting the
clause and**

substituting –

“8. Power of entry, etc.

A. 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)

(b)By deleting “level 2” and substituting “level 3”.

(c)

11

(d)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 –

1. “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)

(e) 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,”.