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ESBCR 5/3231/82(02)

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21 March 2002

Clerk to Panel
Legislative Council Panel on Economic Services
Legislative Council Secretariat
8 Jackson Road
Central
Hong Kong

(Attn: Mr Andy Lau)

Dear Mr Lau,

Approval Scheme for Domestic Gas Appliances

At the meeting on 25 February 2002, the LegCo Panel on Economic Services discussed the Administration's proposal to introduce a mandatory approval scheme for domestic gas appliances.

We are most grateful to Members for their valuable comments, which have helped us improve the scheme and finalise our proposal. At the same time, I am pleased to set out in a note how we have addressed specific issues raised by Members in our refined proposal. Grateful if you could pass it to Panel Members for reference.

The Gas Safety (Installation and Use and Miscellaneous) (Amendment) Regulation 2002 will be published in the Gazette on 4 April 2002 and tabled in the Legislative Council for negative vetting on 10 April 2002. We shall issue a Legislative Council Brief which sets out the details of our refined proposal as well as the draft Amendment Regulation. We look to Members' continued support for the Administration's effort to enhance public safety.

Yours sincerely,

(Irene Young)
for Secretary for Economic Services

**Approval Scheme for Domestic Gas Appliances
Issues raised at the LegCo Panel on Economic Services
and addressed in the final proposal**

Grace period

Under our original proposal, prohibition of non-approved domestic gas appliances would take effect on a date to be appointed by the Secretary for Economic Services in due course. Some Members expressed concern with an open-ended grace period during which non-approved appliances would be available in the market. As the trade is making good progress in obtaining approval for appliances under the voluntary scheme, we do not consider it necessary to impose an immediate ban on all non-approved appliances. In practice, the trade also needs a reasonable grace period to manage its stocks and arrange to obtain approval of the various appliances. We appreciate Members' concern and taking on board Members' suggestion for early implementation of the Scheme, we have now fixed **1 January 2003** as the date starting from which the import of non-approved appliances, and sale of such appliances imported on or after that date, will be prohibited.

Non-approved appliances currently in use

Some Members were concerned about the Scheme's impact on non-approved gas appliances which were still in use, and whether arrangements need to be made for their approval or replacement.

The Scheme makes it incumbent on the importers, local manufacturers, suppliers and installers of domestic gas appliances to ensure that all domestic gas appliances meant for use in Hong Kong must meet the prescribed safety standards, to achieve the objective of providing additional safeguards to the general public. It is therefore **not** obligatory for members of the general public, as users, to ensure that their appliances bear the specified approval mark, and they are not required to replace their existing appliances simply because they do not bear such a mark.

Notwithstanding the above, if a user wishes to confirm that the appliance he has been using is of a model that has been approved under the Scheme, he may refer to the list of approved models at the website of the Electrical and Mechanical Services Department or consult the

relevant supplier. If a user further wishes to have his appliance embossed with the mark of approval, we understand some suppliers are prepared to provide the service at cost, provided that the appliance is indeed of a model approved by the Gas Authority.

Penalty

The focus of the Scheme is on “supply for use in Hong Kong”, and does not differentiate between importing non-approved appliances for commercial or personal purposes. Some Members opined that the proposed penalty level might appear harsh for someone who, unaware of the prohibition, might have imported non-approved appliances for his own use.

The objective of the Scheme is to enhance public safety. From this perspective, it would not be justified to set different penalty levels for importers who import for sale and those who import for their own use. Members might nevertheless wish to note that the proposed penalty level is the **maximum** penalty, and it is up to the court to decide the exact amount of penalty having regard to the particular circumstances of a case.

The Gas Authority will launch a publicity campaign to ensure that the public is fully aware of the implementation of the Scheme. It would include display of posters and distribution of leaflets at the rail station in Lo Wu to remind the public that it is an offence to bring in non-approved appliances for use in Hong Kong. The publicity will be repeated periodically as a reminder to the general public, and as our continued effort to heighten safety awareness of the public.

Economic Services Bureau
March 2002