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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 3 November 2020**

**Proposal to revamp the Dangerous Goods (General) Regulations and to
amend the Dangerous Goods (Application and Exemption) Regulation 2012**

The Dangerous Goods Ordinance (Cap. 295) ("DGO") and its four subsidiary regulations, namely the Dangerous Goods (Application and Exemption) Regulations (Cap. 295A), Dangerous Goods (General) Regulations (Cap. 295B) ("DG(G)R"), Dangerous Goods (Shipping) Regulations (Cap. 295C) and Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295D), provide for the control on land and at sea of about 1 100 types of dangerous goods ("DG") under 10 categories in accordance with their inherent characteristics (e.g. explosive, flammable, corrosive, toxic, etc.). According to the Administration, when DGO was enacted in 1956, there were no international standards governing the classification, labelling and packaging of DG. Over the years, international codes on the transportation of DG have been published based on the system developed by an expert committee under the United Nations ("UN") Economic and Social Council. Hong Kong's major trading partners such as the United States, the European Union and Australia have gradually aligned their national rules on DG with the UN system, but Hong Kong has yet to do so.

2. The Fire Services Department, the Civil Engineering Department and the Marine Department commenced a comprehensive review of DGO in 1995 with a view to bringing it in line with international standards. As most dangerous goods were imported and exported by sea, it was agreed that the local DG control system should follow, as far as possible, the International Maritime Dangerous Goods ("IMDG") Code. The IMDG Code was published by the International Maritime Organization based on the UN system and specifically provided for recommendations in respect of control on sea carriage of DG. The review also recommended that the list of DG under DGO should be

expanded with reference to the IMDG Code, subject to minor variations to suit local circumstances. In order to harmonize local legislation with the IMDG Code, amendments to DGO and its subsidiary regulations were required. To this end, the Dangerous Goods (Amendment) Bill 2000 was introduced into the Legislative Council ("LegCo") in October 2000. The Amendment Bill was passed by LegCo in March 2002 but has yet to commence operation, pending detailed controls to be set out by way of new subsidiary regulations under DGO.

3. In 2012, the following two relevant regulations were introduced into and passed by LegCo:

- (a) the Dangerous Goods (Application and Exemption) Regulation 2012 ("DG(A&E)R 2012") (Cap. 295E), which aligned the classification of DG with the IMDG Code, expanded the control of DG from around 1 100 types to 2 300 types, updated the exempt quantities of DG under regulation. It would repeal Cap. 295A once came into operation; and
- (b) the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295F), which aligned the classification of DG and regulatory regime of DG in Hong Kong waters with the IMDG Code. It would repeal Cap. 295C once came into operation.

These two regulations have yet to commence operation subject to the amendments to DG(G)R.

4. According to the Administration, in view of the technical/technological advancement and updates to the IMDG Code since the introduction of DG(A&E)R 2012, further amendments would need to be made to DG(A&E)R 2012. In this connection, the Administration launched a consultation exercise in 2017 on the proposed amendments to DG(G)R and DG(A&E)R 2012, with a view to bringing the local regulatory regime on DG in line with the international standards.

5. The Administration will brief the Panel on Security on its proposal to revamp DG(G)R and DG(A&E)R 2012 at the meeting on 3 November 2020.