

L.N. 222 of 1999

GAS SAFETY (INSTALLATION AND USE AND MISCELLANEOUS)
(AMENDMENT) REGULATION 1999

(Made by the Chief Executive in Council under section 8
of the Gas Safety Ordinance (Cap. 51))

1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

2. Amendment of Gas Safety (Installation
and Use) Regulations---(Schedule 1)

The Gas Safety (Installation and Use) Regulations (Cap. 51 sub. leg.) are amended as set out in Schedule 1.

3. Amendment of Gas Safety (Miscellaneous)
Regulations---(Schedule 2)

The Gas Safety (Miscellaneous) Regulations (Cap. 51 sub. leg.) are amended as set out in Schedule 2.

SCHEDULE 1 [s. 2]

Amendment of Gas Safety (Installation and Use) Regulations

1. Interpretation

Regulation 2 of the Gas Safety (Installation and Use) Regulations (Cap. 51 sub. leg.) is amended---

(a) in the definition of "切斷閥", by repealing "切斷" where it secondly appears and substituting "截停";

(b) by adding---

""shut off" (切斷), in relation to the supply of gas, includes disconnecting the supply of gas and ceasing to supply cylinders;".

2. Gas meters---general provisions

Regulation 10(1)(b) is amended by repealing "切斷" and substituting "截斷".

3. Testing of gas appliances

Regulation 30(2) is amended, in the Chinese text, by repealing paragraph (b) and substituting---

"(b) 將該氣體用具與氣體供應截離。".

4. Unsafe gas appliances

Regulation 31 is amended---

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

(b) in paragraph (e), by repealing the full stop and substituting "; or";

(c) by adding---

"(f) that the appliance has been installed or used in contravention of

regulation 35."

5. Regulations substituted

Regulations 32 and 33 are repealed and the following substituted---

"32. Unsafe gas fittings

(1) Where---

(a) a gas supply company which supplies gas to any premises; or

(b) a person engaged in carrying out work in relation to a gas fitting in any premises, knows or has reason to suspect that any defect or other circumstance referred to in regulation 31 exists, or that gas is escaping from any other gas fitting, in the premises, then, where paragraph (a) is applicable, the company shall take all reasonable steps to cause a person to, and, where paragraph (b) is applicable, the person referred to therein shall---

(i) so far as is reasonably practicable, forthwith take all steps to carry out repair work to remove the defect or remedy that circumstance, or to prevent the further escape of gas, as the case may be; or

(ii) if it is not reasonably practicable to carry out the repair work referred to in paragraph (i)---

(A) cause the supply of gas to the gas fitting concerned to be shut off;

(B) attach to such fitting, or to the gas valve which has shut off the supply of gas to it, a notice prepared and issued by the Authority for the purposes of this subparagraph, completed in accordance with any directions specified therein; and
(C) as soon as practicable, submit to his employer or, if he is self-employed, shall retain for not less than 2 years, a notice prepared and issued by the Authority for the purposes of this subparagraph, completed in accordance with any directions specified therein.

(2) The employer to whom a notice is submitted under subregulation (1)(ii)(C) shall retain it for not less than 2 years after the day on which it was so submitted.

(3) Subject to regulation 33, no person shall remove or mark, or damage or destroy, a notice referred to in subregulation (1)(ii)(B) attached to a gas fitting or gas valve.

(4) Where subregulation (1)(a) is applicable and the gas supply company concerned is unable to cause a person to take the action required under subregulation (1)(i) or (ii) notwithstanding the company taking all reasonable steps to do so, then the company shall shut off the supply of gas to the premises concerned unless it is not reasonably practicable to do so without shutting off the supply of gas to any other premises to which this subregulation is not applicable.

(5) Subregulation (4) shall not prejudice the operation of any other right, privilege or obligation that a gas supply company has to shut off the supply of gas

to any premises.

33. Reinstatement of supply of gas

(1) Where a supply of gas to a gas fitting is shut off under regulation 32(1), no person shall reinstate such supply unless---

(a) the defect or other circumstance, or the further escape of gas, specified in the notice concerned referred to in regulation 32(1)(ii)(B), is removed or remedied, or prevented, as the case may be; or

(b) upon the request of the responsible person for the premises in which such fitting is installed, the Authority, being of the opinion that such shut off was not justified, states in writing that he is of that opinion.

(2) Where a supply of gas to premises is shut off under regulation 32(4), no person shall reinstate such supply unless---

(a) the gas supply company concerned states in writing that in relation to the premises it is satisfied that it is no longer necessary to cause a person to take the action required under regulation 32(1)(i) or (ii);

(b) upon the request of the responsible person for the premises, the Authority, being of the opinion that such shut off was not justified, states in writing that he is of that opinion; or

(c) subregulation (1)(a) or (b) becomes applicable to the gas fitting concerned in the premises.

(3) Where a person reinstates a supply of gas to a gas fitting as provided under subregulation (1), he shall---

(a) immediately thereafter remove the notice referred to in regulation 32(1)(ii)(B) which relates to such fitting; and

(b) as soon as practicable, submit to his employer or, if he is self-employed, shall retain for not less than 2 years, the notice removed under paragraph (a) completed in accordance with any directions specified therein.

(4) The employer to whom a notice is submitted under subregulation (3) shall retain it for not less than 2 years after the day on which it was so submitted.".

6. Regulation substituted

Regulation 35 is repealed and the following substituted---

"35. Flueless gas water heaters

(1) No person shall install a flueless gas water heater.

(2) Subject to subregulation (4), no person shall use a flueless gas water heater to serve a bathroom or shower.

(3) Where immediately before the commencement of this regulation a flueless gas water heater serves a bathroom or shower, then the responsible person for the premises in which the heater is installed shall, not later than 3 months after the commencement

of this regulation, cause the supply of gas to the heater to be permanently disconnected.

(4) Subregulation (2) shall not apply to a flueless gas water heater referred to in subregulation (3) until the expiration of the period specified in subregulation (3).".

SCHEDULE 2 [s. 3]

Amendment of Gas Safety (Miscellaneous) Regulations

1. Regulation added

The Gas Safety (Miscellaneous) Regulations (Cap. 51 sub. leg.) are amended by adding---

"3A. Restriction on sale, etc. of
flueless gas water heaters

(1) No person shall knowingly---

(a) sell or offer or expose for sale; or

(b) supply or offer to supply,

for use in Hong Kong, any flueless gas water heater.

(2) Any person who contravenes subregulation (1) commits an offence and is liable on conviction to a fine at level 3 and, in the case of a continuing offence, to a daily penalty of \$1,000.".

Mable CHAN

Clerk to the Executive Council

Council Chamber

7 September 1999

Explanatory Note

The purpose of this Regulation is to---

(a) amend the Gas Safety (Installation and Use) Regulations

(Cap. 51 sub. leg.) to---

(i) add a definition of the term "shut off" to make it clear that the term includes disconnecting a gas supply and ceasing to supply cylinders (section 1(b) of Schedule 1);

(ii) amend regulation 31 to add a contravention of regulation 35 in respect of a gas appliance as one of the grounds on which a person shall cease to use the appliance (section 4 of Schedule 1);

(iii) require a gas supply company which supplies gas to any premises to take reasonable steps to cause a person to, inter alia, take remedial action if the company knows or has reason to suspect that there is an unsafe gas appliance in the premises (new regulation 32(1) at section 5 of Schedule 1);

(iv) require the gas supply company to shut off the supply of gas to the premises if the company is unable to cause a person to, inter alia, take the remedial action (new regulation 32(4) at section 5 of Schedule 1);

(v) specify the circumstances in which the supply of gas to the premises may be reinstated (new regulation 33(2) at section 5 of Schedule 1);

(vi) prohibit the installation of all flueless gas water heaters (new regulation 35(1) at section 6 of Schedule 1); and

(vii) prohibit the use of a flueless gas water heater to serve a bathroom or shower except that, in the case of existing gas water heaters serving a bathroom or shower, a grace period of 3 months is provided (new regulation 35(2), (3) and (4) at section 6 of Schedule 1); and

(b) amend the Gas Safety (Miscellaneous) Regulations (Cap. 51 sub. leg.) to add a new regulation 3A to, inter alia, prohibit the sale of flueless gas water heaters for use in Hong Kong (Schedule 2).