
Dangerous Goods (Miscellaneous Amendments) Bill 2021

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A BILL

To

Amend the Dangerous Goods Ordinance to empower the Secretary for Security to amend the Schedules to the regulations made under the Ordinance, to remove the requirement that the forms of licences have to be provided by the regulation, to empower public officers who may issue licences to specify the forms of licences, and to repeal obsolete provisions in the Dangerous Goods (Amendment) Ordinance 2002; to amend various Ordinances and subsidiary legislation to make technical and related amendments concerning the references to and the classification of dangerous goods, and the exemptions in relation to the storage, conveyance and use of dangerous goods consequential to the coming into operation of the Dangerous Goods (Amendment) Ordinance 2002 and related subsidiary legislation; and to make related amendments.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021.

Dangerous Goods (Miscellaneous Amendments) Bill 2021

Part 1

Clause 1

C2939

- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.
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Part 2

Amendments Relating to Dangerous Goods Ordinance

Division 1—Enactments Amended

2. Enactments amended

The enactments specified in Divisions 2 and 3 are amended as set out in those Divisions.

Division 2—Dangerous Goods Ordinance (Cap. 295)

3. Section 3 substituted

Section 3—

Repeal the section

Substitute

“3. Application

(1) This Ordinance applies to—

- (a) explosives;
- (b) gases;
- (c) flammable liquids or flammable solids;
- (d) substances liable to spontaneous combustion;
- (e) substances that, in contact with water, emit flammable gases;
- (f) oxidizing substances;
- (g) organic peroxides;
- (h) toxic substances;
- (i) infectious substances;

- (j) radioactive material;
 - (k) corrosive substances; and
 - (l) any substance, material and article to which this Ordinance applies, as provided for by any regulation made under section 5(1)(a).
- (2) This Ordinance does not apply—
- (a) to any dangerous goods carried in the ships of war of the Chinese People’s Liberation Army or in the ships of war of any foreign state; or
 - (b) subject to Part III, to any dangerous goods in the possession and control of the State.”.

4. Section 5 amended (regulations)

- (1) Section 5(1)—

Repeal paragraph (n)

Substitute

“(n) the following matters concerning a licence issued under this Ordinance—

- (i) the terms and conditions of the licence;
- (ii) the public officer who may issue the licence;
- (iii) the fee for the licence; and
- (iv) the period for which the licence is valid; and”.

- (2) Section 5(1)—

Repeal paragraph (o).

5. Section 5AA added

After section 5—

Add

“5AA. Secretary for Security may amend Schedules to regulations

- (1) Subsection (2) applies if any contents of a Schedule to a regulation made under section 5(1) relate to a matter described in—
 - (a) section 5(1)(a);
 - (b) section 5(1)(b) (except subparagraph (ii));
 - (c) section 5(1)(ba);
 - (d) section 5(1)(c);
 - (e) section 5(1)(d);
 - (f) section 5(1)(e);
 - (g) section 5(1)(g); or
 - (h) section 5(1)(i).
- (2) Without limiting section 5(1), the Secretary for Security may amend the Schedule by notice published in the Gazette in so far as it relates to the matter.”.

6. Section 8A added

After section 8—

Add

“8A. Forms of licences

- (1) If a regulation made under section 5(1)(n) empowers a public officer to issue a licence, the public officer may specify the form of the licence.
- (2) If the public officer specifies the form of the licence under subsection (1), the public officer must make copies of the form available—
 - (a) at the office of the public officer during normal office hours; and

- (b) in any other way the public officer considers appropriate.”.

Division 3—Dangerous Goods (Amendment) Ordinance 2002 (4 of 2002)

7. **Section 3 repealed (application)**
Section 3—
Repeal the section.
8. **Section 12 and cross-heading repealed**
(1) Cross-heading before section 12—
Repeal the cross-heading.
(2) Section 12—
Repeal the section.
9. **Section 14 and cross-heading repealed**
(1) Cross-heading before section 14—
Repeal the cross-heading.
(2) Section 14—
Repeal the section.
-

Part 3

Technical and Related Amendments

Division 1—Enactments Amended

10. Enactments amended

The enactments specified in Divisions 2 to 32 are amended as set out in those Divisions.

Division 2—Specification of Public Offices Notice (Cap. 1 sub. leg. C)

11. Schedule amended (specification of public offices)

The Schedule—

Repeal

| | |
|---------------------|---|
| “Director of Marine | Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C), regulations 3, 5(1), 6, 9, 12, 13, 14, 16, 17, 19 and 21.” |
|---------------------|---|

Substitute

| | |
|---------------------|---|
| “Director of Marine | Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F), sections 4(2) and (3), 8(1) and (2), 9(1) and (2), 15(1) and (2), 19(1), 20(1), 21(1), 23(1), 24(1) and (2), 25(1), (2) and (3), 26(1) and (2) and 27(1) and (2).” |
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Division 3—Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B)

12. Regulation 24 repealed (application)

Regulation 24—

Repeal the regulation.

Division 4—Factories and Industrial Undertakings Ordinance (Cap. 59)

13. Schedule 2 amended (scheduled trades)

Schedule 2, paragraph 1—

Repeal

everything after “of any”

Substitute

“Class 3 dangerous goods or Class 3A dangerous goods, as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E) (if a licence is required for the use of the dangerous goods under section 6 of the Dangerous Goods Ordinance (Cap. 295)).”.

Division 5—Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations (Cap. 59 sub. leg. V)

14. Regulation 2 amended (interpretation)

Regulation 2, definition of *inflammable substance*—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods or Class 3A dangerous goods, as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E).”.

15. Regulation 9 amended (storage of inflammable substances)

Regulation 9(3)—

Repeal

everything after “the”

Substitute

“Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

**Division 6—Factories and Industrial Undertakings
(Dangerous Substances) Regulations (Cap. 59 sub. leg. AB)**

16. Regulation 7 amended (exempt containers)

(1) Regulation 7(a)—

Repeal

“or”.

(2) Regulation 7(b)—

Repeal

everything after “or in accordance with”

Substitute

“section 87 or 142, as the case may be, of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G);”.

Division 7—Pilotage Ordinance (Cap. 84)

17. Schedule 1 amended (ships subject to compulsory pilotage)

- (1) Schedule 1, item 2—

Repeal

everything after “Part”

Substitute

“1 of Schedule 1 to the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

- (2) Schedule 1, item 3—

Repeal

everything after “carrying”

Substitute

“—

- (a) Class 1 dangerous goods;
- (b) Class 2 dangerous goods;
- (c) Class 3 dangerous goods; or
- (d) Class 3A dangerous goods,

as defined by section 2 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

Division 8—Fire Services (Fire Hazard Abatement) Regulation (Cap. 95 sub. leg. F)

18. Section 19 amended (illegal possession of controlled substance)

- (1) Section 19(2), English text—

Repeal

“shall”

Substitute

“does”.

- (2) Section 19(2)—

Repeal paragraphs (a) and (b)

Substitute

- “(a) the controlled substance is stored in a licensed tank under a store and use licence; and
- (b) the conditions endorsed under section 98 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G) on the store and use licence have been complied with.”.

- (3) Section 19—

Repeal subsection (4)

Substitute

- “(4) In this section—

controlled substance (受管制物質) means Class 3 dangerous goods or Class 3A dangerous goods, as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

licensed tank (持牌貯槽) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G);

store and use licence (貯存暨使用牌照) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

Division 9—Dutiable Commodities Ordinance (Cap. 109)

19. Section 40 amended (presumptions)

(1) Section 40—

Renumber the section as section 40(1).

(2) Section 40(1)(c)(A)—

Repeal

everything after “diesel”

Substitute

“or petrol has been granted or renewed under section 94(2) of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G); and”.

(3) After section 40(1)—

Add

“(2) In this section—

diesel (柴油) means dangerous goods with HK number H301 specified in column 1 of the table in Part 4 of Schedule 2 to the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

petrol (汽油) means dangerous goods with UN number (as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E) UN 1203 specified in column 1 of the table in Part 2 of Schedule 2 to that Regulation.”.

20. Schedule 4 amended (provisions that do not apply to zero-rated specified goods)

Schedule 4, item 8—

Repeal

“40(b)”

Substitute

“40(1)(b)”.

**Division 10—Dangerous Goods (Shipping) Regulation 2012
(Cap. 295 sub. leg. F)**

21. Schedule 3 amended (fees)

Schedule 3, item 2—

Repeal

“\$195”

Substitute

“\$315”.

**Division 11—Radiation (Control of Radioactive Substances)
Regulations (Cap. 303 sub. leg. A)**

22. Regulation 7 amended (conveyance of radioactive substances on vehicles or vessels)

(1) Regulation 7(7), English text—

Repeal

“No person shall”

Substitute

“A person must not”.

- (2) Regulation 7(7)—

Repeal

everything after “, any” and before “in the same”

Substitute

“substances, materials or articles described in section 6 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E)”.

- (3) Regulation 7(7)—

Repeal

“such dangerous goods”

Substitute

“the substances, materials or articles”.

Division 12—Shipping and Port Control Ordinance (Cap. 313)

23. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *dangerous goods*

Substitute

“*dangerous goods* (危險品) has the meaning given by section 3 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F);”.

Division 13—Shipping and Port Control Regulations (Cap. 313 sub. leg. A)

24. Regulation 37 amended (vessels handling explosives or petroleum)

(1) Regulation 37(1)—

Repeal

everything before “, a”

Substitute

“(1) Without limiting the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)”.

(2) Regulation 37(1), English text—

Repeal

“shall” (wherever appearing)

Substitute

“must”.

(3) Regulation 37(2)—

Repeal

everything before “, a”

Substitute

“(2) Without limiting the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)”.

(4) Regulation 37(2)—

Repeal

“of less than 65.5°”

Substitute

“not exceeding 60°”.

- (5) Regulation 37(2), English text—

Repeal

“shall” (wherever appearing)

Substitute

“must”.

- (6) Regulation 37(3)—

Repeal

“of \$5,000”

Substitute

“at level 2”.

25. **Sixteenth Schedule amended (information to be provided to the Director by notification or report under regulation 6A)**

Sixteenth Schedule, Part I, item 11—

Repeal

“categories”

Substitute

“Classes”.

**Division 14—Waste Disposal (Chemical Waste) (General)
Regulation (Cap. 354 sub. leg. C)**

26. **Section 2 amended (interpretation)**

Section 2—

Repeal the definition of *flash point*

Substitute

“*flash point* (燃點), in relation to any liquid, if there is a lowest temperature at which the liquid will give off vapour that will ignite or explode if mixed with air and exposed to a naked light, means that temperature;”.

27. Schedule 1 amended (substances and chemicals)

(1) Schedule 1, before Part A—

Add

“Part AA

1. Interpretation

In this Schedule—

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 4.1 dangerous goods (第4.1類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第4.2類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R;

DG(AE)R (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

NES means not elsewhere specified.”.

- (2) Schedule 1, Part A, after item “Asbestos”—

Add

“Class 2 dangerous goods, NES

Class 4.2 dangerous goods, NES

Class 4.3 dangerous goods, NES”.

- (3) Schedule 1, Part A—

Repeal

“Dangerous goods, category 2, NES

Dangerous goods, category 6, NES

Dangerous goods, category 9, NES”.

- (4) Schedule 1, Part B, after item “Chromium bearing solid tannery waste”—

Add

“Class 3 dangerous goods, NES

Class 3A dangerous goods, NES

Class 4.1 dangerous goods, NES

Class 5.1 dangerous goods, NES

Class 5.2 dangerous goods, NES

Class 6.1 dangerous goods, NES

Class 8 dangerous goods, NES

Class 9 dangerous goods, NES”.

- (5) Schedule 1, Part B—

Repeal

“Dangerous goods, category 3, NES

Dangerous goods, category 4, NES

Dangerous goods, category 5, NES

Dangerous goods, category 7, NES

Dangerous goods, category 8, NES

Dangerous goods, category 10, NES”.

(6) Schedule 1, English text—

Repeal

“NES = Not elsewhere specified”.

**Division 15—Waste Disposal Ordinance (Application)
Notice 1993 (Cap. 354 sub. leg. F)**

28. Schedule amended

(1) The Schedule, before Part A—

Add

“Part AA

1. Interpretation

In this Schedule—

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 4.1 dangerous goods (第4.1類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第4.2類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R;

DG(AE)R (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

NES means not elsewhere specified.”.

- (2) The Schedule, Part A, after item “Any substance to which the Antibiotics Ordinance (Cap. 137) applies”—

Add

“Class 2 dangerous goods, NES

Class 4.2 dangerous goods, NES

Class 4.3 dangerous goods, NES”.

- (3) The Schedule, Part A—

Repeal

“Dangerous goods, category 2, not elsewhere specified
(NES)

Dangerous goods, category 6, NES

Dangerous goods, category 9, NES”.

- (4) The Schedule, Part B, after item “Chromium and its
compounds, NES”—

Add

“Class 3 dangerous goods, NES

Class 3A dangerous goods, NES

Class 4.1 dangerous goods, NES

Class 5.1 dangerous goods, NES

Class 5.2 dangerous goods, NES

Class 6.1 dangerous goods, NES

Class 8 dangerous goods, NES

Class 9 dangerous goods, NES”.

- (5) The Schedule, Part B—

Repeal

“Dangerous goods, category 3, NES

Dangerous goods, category 4, NES

Dangerous goods, category 5, NES

Dangerous goods, category 7, NES

Dangerous goods, category 8, NES

Dangerous goods, category 10, NES”.

**Division 16—Waste Disposal (Chemical Waste) (General)
Regulation (Application of Section 4 and Parts III, IV, V
and VI) Notice 1993 (Cap. 354 sub. leg. I)**

29. Schedule amended

- (1) The Schedule, before Part A—
Add

“Part AA

1. Interpretation

In this Schedule—

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 4.1 dangerous goods (第4.1類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第4.2類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R;

DG(AE)R (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

NES means not elsewhere specified.”.

- (2) The Schedule, Part A, after item “Any substance to which the Antibiotics Ordinance (Cap. 137) applies”—

Add

“Class 2 dangerous goods, NES

Class 4.2 dangerous goods, NES

Class 4.3 dangerous goods, NES”.

- (3) The Schedule, Part A—

Repeal

“Dangerous goods, category 2, not elsewhere specified
(NES)

Dangerous goods, category 6, NES

Dangerous goods, category 9, NES”.

- (4) The Schedule, Part B, after item “Chromium and its
compounds, NES”—

Add

“Class 3 dangerous goods, NES

Class 3A dangerous goods, NES

Class 4.1 dangerous goods, NES

Class 5.1 dangerous goods, NES

Class 5.2 dangerous goods, NES

Class 6.1 dangerous goods, NES

Class 8 dangerous goods, NES

Class 9 dangerous goods, NES”.

- (5) The Schedule, Part B—

Repeal

“Dangerous goods, category 3, NES

Dangerous goods, category 4, NES

Dangerous goods, category 5, NES

Dangerous goods, category 7, NES

Dangerous goods, category 8, NES

Dangerous goods, category 10, NES”.

Division 17—Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)

30. Regulation 2 amended (interpretation)

Regulation 2(1)—

Add in alphabetical order

“*DG(AE)R* (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);”.

31. Regulation 11 amended (prohibition against vehicles conveying dangerous goods)

(1) Regulation 11(1)(a)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

(2) Regulation 11(1)(b)—

Repeal

everything after “any”

Substitute

“Class 2 dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the *DG(AE)R*; and
- (ii) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;”.

- (3) Regulation 11(1)—

Repeal subparagraph (c)

Substitute

“(c) without limiting subparagraph (b), a vehicle carrying a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

- (4) Regulation 11(1)(d)—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

- (5) Regulation 11(1)—

Repeal subparagraph (e)

Substitute

“(e) without limiting subparagraph (d), a vehicle—

- (i) constructed or adapted for the conveyance of Class 3 dangerous goods; or
- (ii) carrying a container used or to be used for the storage of Class 3 dangerous goods,
whether or not the vehicle or container contains any quantity of Class 3 dangerous goods;”.

- (6) After regulation 11(1)(e)—

Add

- “(f) a vehicle carrying any Class 3A dangerous goods, unless—
- (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity;
- (g) without limiting subparagraph (f), a vehicle—
- (i) constructed or adapted for the conveyance of Class 3A dangerous goods; or
 - (ii) carrying a container used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3A dangerous goods.”.

- (7) Regulation 11(5)—

Add in alphabetical order

“*Class 1 dangerous goods* (第1類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G);”.

32. Regulation 11A amended (vehicles conveying dangerous goods in specified tunnels)

(1) Regulation 11A(3)(a)—

Repeal

everything after “conveying”

Substitute

“—

- (i) any Class 4.1 dangerous goods;
- (ii) any Class 4.2 dangerous goods;
- (iii) any Class 4.3 dangerous goods;
- (iv) any Class 5.1 dangerous goods;
- (v) any Class 5.2 dangerous goods;
- (vi) any Class 6.1 dangerous goods;
- (vii) any Class 8 dangerous goods; or
- (viii) any Class 9 dangerous goods; and”.

(2) Regulation 11A(4)—

Add in alphabetical order

“*Class 4.1 dangerous goods* (第 4.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第 4.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R;”.

33. Part IV added

After Part III—

Add

“Part IV

Transitional Provisions in Relation to Division 17 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021

20. Interpretation of Part IV

In this Part—

commencement date (生效日期) means the date on which Division 17 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

21. Contravention of regulation 11(1)(a), (b), (c), (d), (e), (f) or (g) or 11A(2)

A contravention of regulation 11(1)(a), (b), (c), (d), (e), (f) or (g) or 11A(2) (as the case may be) during the transitional period does not constitute an offence under regulation 18(1) if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of regulation 11(1)(a), (b), (c), (d) or (e) or 11A(2) (as the case may be) in force immediately before the commencement date.

22. Transitional provisions—conformance to indication of traffic sign relating to dangerous goods

- (1) Paragraph (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 6 traffic sign (*new requirement*).
- (2) The person does not contravene regulation 3(6)(a) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under regulation 18(2) if the act or omission does not constitute a failure to comply with the old requirement.
- (3) In this regulation—

Figure No. 6 traffic sign (第 6 號圖形交通標誌) means a traffic sign of the type shown in Figure No. 6 prescribed in Schedule 1;

old requirement (舊規定) means the requirement indicated by Figure No. 6 traffic sign in accordance with the traffic sign and the note relating to the traffic sign in the pre-amended Schedule 1;

pre-amended Schedule 1 (前附表 1) means Schedule 1 in force immediately before the commencement date.”.

34. Schedule 1 amended (traffic signs and road markings)

- (1) Schedule 1—

Repeal

“& 18]”

Substitute

“, 18 & 22]”.

- (2) Schedule 1, English text, Figure No. 6—

Repeal

“CATEGORIES”

Substitute

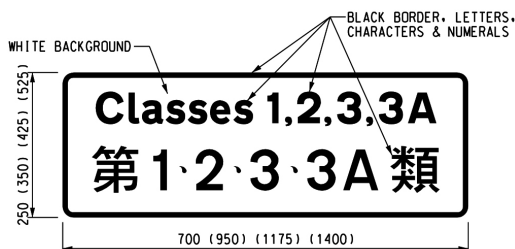
“CLASSES”.

- (3) Schedule 1, Figure No. 7—

Repeal everything before the note

Substitute

“FIGURE No. 7



- (4) Schedule 1, English text, Figure No. 7—

Repeal

“CATEGORY OR CATEGORIES”

Substitute

“CLASS OR CLASSES”.

**Division 18—Road Traffic (Traffic Control) Regulations
(Cap. 374 sub. leg. G)**

35. Part XI added

After Part X—

Add

“Part XI

Transitional Provisions in Relation to Division 18 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021

65. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods

- (1) Subregulation (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 174 traffic sign (*new requirement*).
- (2) The person does not contravene regulation 59(1)(a) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under regulation 61(1) if the act or omission does not constitute a failure to comply with the old requirement.
- (3) In this regulation—

commencement date (生效日期) means the date on which Division 18 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

Figure No. 174 traffic sign (第 174 號圖形交通標誌) means a traffic sign of the type shown in Figure No. 174 prescribed in Schedule 1;

old requirement (舊規定) means the requirement indicated by Figure No. 174 traffic sign in accordance with the content and the note relating to the traffic sign in the pre-amended Schedule 1;

pre-amended Schedule 1 (前附表 1) means Schedule 1 in force immediately before the commencement date;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.”.

36. Schedule 1 amended (traffic signs)

(1) Schedule 1—

Repeal

“& 59]”

Substitute

“, 59 & 65]”.

(2) Schedule 1, Figure No. 174—

Repeal everything after the heading “DANGEROUS GOODS PROHIBITED”

Substitute

“(1) This sign indicates that the following vehicles are prohibited from passing beyond the sign—

(a) a vehicle carrying—

- (i) any Class 1 dangerous goods as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E) (*DG(AE)R*);
- (ii) any Class 2 dangerous goods as defined by section 2 of the DG(AE)R (*Class 2 dangerous goods*);
- (iii) any Class 3 dangerous goods as defined by section 2 of the DG(AE)R (*Class 3 dangerous goods*); or

-
- (iv) any Class 3A dangerous goods as defined by section 2 of the DG(AE)R (*Class 3A dangerous goods*);
 - (b) a vehicle carrying a pressure receptacle (as defined by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G)) used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;
 - (c) a vehicle—
 - (i) constructed or adapted for the conveyance of Class 3 dangerous goods; or
 - (ii) carrying a container used or to be used for the storage of Class 3 dangerous goods, whether or not the vehicle or container contains any quantity of Class 3 dangerous goods; and
 - (d) a vehicle—
 - (i) constructed or adapted for the conveyance of Class 3A dangerous goods; or
 - (ii) carrying a container used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3A dangerous goods.
 - (2) Despite paragraph (1), the prohibition does not apply to—
 - (a) a vehicle carrying any Class 2 dangerous goods, if—

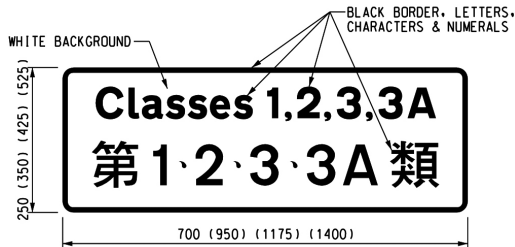
-
- (i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;
 - (b) a vehicle carrying any Class 3 dangerous goods, if—
 - (i) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;
 - (c) a vehicle carrying any Class 3A dangerous goods, if—
 - (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity;
 - (d) a vehicle conveying fuel carried in the fuel tank of the vehicle for the purpose only of its propulsion;
 - (e) a vehicle (which carries petroleum spirit in the fuel tank of the vehicle for the purpose only of its propulsion) conveying petroleum spirit, up to a maximum of 20 L in securely closed cans, carried on the vehicle for that purpose; or

- (f) a vehicle carrying dangerous goods (as defined by section 2 of the Dangerous Goods Ordinance (Cap. 295)) that is driven for any fire services, ambulance or police purpose.
- (3) This sign may be used with the supplementary plate in Figure No. 434.”
- (3) Schedule 1, Figure No. 434—

Repeal everything before the note

Substitute

“FIGURE No. 434



- (4) Schedule 1, English text, Figure No. 434—

Repeal

“category or categories”

Substitute

“Class or Classes”.

**Division 19—Electricity (Wiring) Regulations (Cap. 406
sub. leg. E)**

37. Regulation 20 amended (periodic inspection, testing and certification)

(1) Regulation 20(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Regulation 20(1)(b)—

Repeal

everything after “goods”

Substitute

“described in section 6(a) of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E); and”.

**Division 20—Western Harbour Crossing Bylaw (Cap. 436
sub. leg. D)**

38. Section 1 amended (interpretation)

Section 1—

Add in alphabetical order

“*DG(AE)R* (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);”.

39. Section 3 amended (exemptions)

(1) Section 3(2)(a), after “(u),”—

Add

“(ua),”.

(2) Section 3(3), after “(u)”—

Add

“, (ua)”.

40. Section 20 amended (vehicles prohibited)

(1) Section 20(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 20(1)(r)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

(3) Section 20(1)(s)—

Repeal

everything after “any”

Substitute

“Class 2 dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;”.

(4) Section 20(1)(t)—

Repeal

everything after “carrying”

Substitute

“a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

(5) Section 20(1)(u)—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

(6) After section 20(1)(u)—

Add

“(ua) a vehicle carrying any Class 3A dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity;”.
- (7) Section 20(1)(v)—

Repeal

everything after “, of”

Substitute

“Class 3 dangerous goods or Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3 dangerous goods or Class 3A dangerous goods (as the case may be);”.

- (8) After section 20(2)—

Add

“(3) In this section—

Class 1 dangerous goods (第1類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

41. Section 22 amended (vehicles conveying dangerous goods)

(1) Section 22(3)(a)—

Repeal

everything after “conveying”

Substitute

“—

- (i) any Class 4.1 dangerous goods;
- (ii) any Class 4.2 dangerous goods;
- (iii) any Class 4.3 dangerous goods;
- (iv) any Class 5.1 dangerous goods;
- (v) any Class 5.2 dangerous goods;
- (vi) any Class 6.1 dangerous goods;
- (vii) any Class 8 dangerous goods; or
- (viii) any Class 9 dangerous goods; and”.

(2) After section 22(3)—

Add

“(4) In this section—

Class 4.1 dangerous goods (第 4.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第 4.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R.”.

42. Sections 28, 29 and 30 added

After section 27—

Add

“28. Interpretation of sections 29 and 30

In sections 29 and 30—

commencement date (生效日期) means the date on which Division 20 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

29. Contravention of section 20(1)(r), (s), (t), (u), (ua) or (v) or 22(2)

A contravention of section 20(1)(r), (s), (t), (u), (ua) or (v) or 22(2) (as the case may be) during the transitional period does not constitute an offence under section 25 if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of section 20(1)(r), (s), (t), (u) or (v) or 22(2) (as the case may be) in force immediately before the commencement date.

30. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods

(1) Subsection (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 18 traffic sign (***new requirement***).

(2) The person does not contravene section 10(1) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under section 25 if the act or omission does not constitute a failure to comply with the old requirement.

(3) In this section—

Figure No. 18 traffic sign (第 18 號圖形交通標誌) means a traffic sign of the type shown in Figure No. 18 prescribed in the Schedule;

old requirement (舊規定) means the requirement indicated by Figure No. 18 traffic sign in accordance with the content and the note relating to the traffic sign in the pre-amended Schedule;

pre-amended Schedule (前附表) means the Schedule in force immediately before the commencement date.”.

43. Schedule amended

(1) The Schedule—

Repeal

“& 18]”

Substitute

“, 18 & 30]”.

(2) The Schedule, English text, Figure No. 18—

Repeal

“categories”

Substitute

“Classes”.

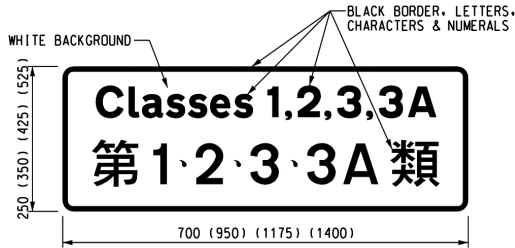
(3) The Schedule, Figure No. 19—

Repeal

everything before “This sign”

Substitute

“Figure No. 19



Classes 1, 2, 3, 3A”.

- (4) The Schedule, English text, Figure No. 19—

Repeal

“category or categories”

Substitute

“Class or Classes”.

Division 21—Administrative Appeals Board Ordinance (Cap. 442)

44. Schedule amended

The Schedule—

Repeal item 21

Substitute

- “21. Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G) (a) Prohibiting or imposing conditions on, under section 103(1), the use of a licensed tank for the storage of certain dangerous goods.

- (b) Prohibiting or imposing conditions on, under section 125(1), the use of a tank on a licensed tank vehicle for containing certain dangerous goods.”.

Division 22—Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C)

45. Section 1 amended (interpretation)

Section 1—

Add in alphabetical order

“*DG(AE)R* (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);”.

46. Section 3 amended (exemptions)

- (1) Section 3(2)(a), after “(xviii)”—

Add

“, (xviii), (xviiiib)”.

- (2) Section 3(3)—

Repeal

“or (xviii)”

Substitute

“, (xviii), (xviiiia) or (xviiiib)”.

47. Section 20 amended (vehicles prohibited)

(1) Section 20(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 20(1)(b)(xiv)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

(3) Section 20(1)(b)(xv)—

Repeal

everything after “any”

Substitute

“Class 2 dangerous goods, unless—

(A) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and

(B) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;”.

(4) Section 20(1)(b)—

Repeal subparagraph (xvi)

Substitute

“(xvi) without limiting subparagraph (xv), a vehicle carrying a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

(5) Section 20(1)(b)(xvii)—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods, unless—

(A) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and

(B) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

(6) Section 20(1)(b)—

Repeal subparagraph (xviii)

Substitute

“(xviii) without limiting subparagraph (xvii), a vehicle—

(A) constructed or adapted for the conveyance of Class 3 dangerous goods; or

(B) carrying a container used or to be used for the storage of Class 3 dangerous goods,

whether or not the vehicle or container contains any quantity of Class 3 dangerous goods;”.

(7) After section 20(1)(b)(xviii)—

Add

- “(xviiiia) a vehicle carrying any Class 3A dangerous goods, unless—
- (A) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
 - (B) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity;
- (xviiiib) without limiting subparagraph (xviiiia), a vehicle—
- (A) constructed or adapted for the conveyance of Class 3A dangerous goods; or
 - (B) carrying a container used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3A dangerous goods; or”.

(8) After section 20(2)—

Add

“(3) In this section—

Class 1 dangerous goods (第1類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

48. Section 22 amended (vehicles conveying dangerous goods)

(1) Section 22(3)(a)—

Repeal

everything after “conveying”

Substitute

“—

- (i) any Class 4.1 dangerous goods;
- (ii) any Class 4.2 dangerous goods;
- (iii) any Class 4.3 dangerous goods;
- (iv) any Class 5.1 dangerous goods;
- (v) any Class 5.2 dangerous goods;
- (vi) any Class 6.1 dangerous goods;
- (vii) any Class 8 dangerous goods; or
- (viii) any Class 9 dangerous goods; and”.

(2) After section 22(3)—

Add

“(4) In this section—

Class 4.1 dangerous goods (第 4.1 類 危 險 品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;

Class 4.2 dangerous goods (第 4.2 類 危 險 品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;

Class 4.3 dangerous goods (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;

Class 5.1 dangerous goods (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;

Class 5.2 dangerous goods (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;

Class 6.1 dangerous goods (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 8 dangerous goods (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 9 dangerous goods (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R.”.

49. Sections 28, 29 and 30 added

After section 27—

Add

“28. Interpretation of sections 29 and 30

In sections 29 and 30—

commencement date (生效日期) means the date on which Division 22 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

29. Contravention of section 20(1)(b)(xiv), (xv), (xvi), (xvii), (xviii), (xviiiia) or (xviiiib) or 22(2)

A contravention of section 20(1)(b)(xiv), (xv), (xvi), (xvii), (xviii), (xviiiia) or (xviiiib) or 22(2) (as the case may be) during the transitional period does not constitute an offence under section 25 if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of section 20(1)(b)(xiv), (xv), (xvi), (xvii) or (xviii) or 22(2) (as the case may be) in force immediately before the commencement date.

30. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods

- (1) Subsection (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 20 traffic sign (*new requirement*).
- (2) The person does not contravene section 10(1) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under section 25 if the act or omission does not constitute a failure to comply with the old requirement.
- (3) In this section—

Figure No. 20 traffic sign (第 20 號圖形交通標誌) means a traffic sign of the type shown in Figure No. 20 prescribed in the Schedule;

old requirement (舊規定) means the requirement indicated by Figure No. 20 traffic sign in accordance with the content and the note relating to the traffic sign in the pre-amended Schedule;

pre-amended Schedule (前附表) means the Schedule in force immediately before the commencement date.”.

50. Schedule amended

- (1) The Schedule—

Repeal

“& 18]”

Substitute

“, 18 & 30]”.

- (2) The Schedule, English text, Figure No. 20—

Repeal

“categories”

Substitute

“Classes”.

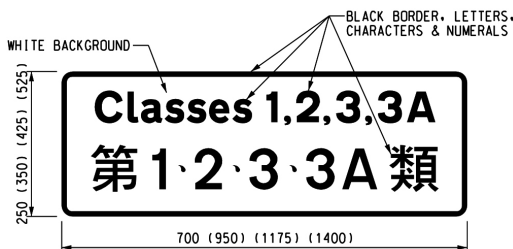
- (3) The Schedule, Figure No. 21—

Repeal

everything before “This sign”

Substitute

“Figure No. 21



Classes 1, 2, 3, 3A”.

- (4) The Schedule, English text, Figure No. 21—

Repeal

“category or categories”

Substitute

“Class or Classes”.

Division 23—Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B)

51. Section 14 amended (prohibition against vehicles conveying dangerous goods)

- (1) Section 14(1), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 14(1)(a)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

- (3) Section 14(1)(b)—

Repeal

everything after “any”

Substitute

“Class 2 dangerous goods, unless—

(i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and

(ii) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;”.

- (4) Section 14(1)—

Repeal paragraph (c)

Substitute

“(c) without limiting paragraph (b), a vehicle carrying a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

- (5) Section 14(1)(d)—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

(6) Section 14(1)—

Repeal paragraph (e)

Substitute

- “(e) without limiting paragraph (d), a vehicle—
- (i) constructed or adapted for the conveyance of Class 3 dangerous goods; or
 - (ii) carrying a container used or to be used for the storage of Class 3 dangerous goods,
- whether or not the vehicle or container contains any quantity of Class 3 dangerous goods;”.

(7) After section 14(1)(e)—

Add

- “(f) a vehicle carrying any Class 3A dangerous goods, unless—
- (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity; or
- (g) without limiting paragraph (f), a vehicle—
- (i) constructed or adapted for the conveyance of Class 3A dangerous goods; or

(ii) carrying a container used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3A dangerous goods.”.

(8) After section 14(2)—

Add

“(3) In this section—

Class 1 dangerous goods (第 1 類 危 險 品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第 2 類 危 險 品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第 3 類 危 險 品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第 3A 類 危 險 品) has the meaning given by section 2 of the DG(AE)R;

DG(AE)R (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

52. Part V added

After Part IV—

Add

“Part V

Transitional Provisions in Relation to Division 23 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021

26. Interpretation of Part V

In this Part—

commencement date (生效日期) means the date on which Division 23 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

27. Contravention of section 14(1)(a), (b), (c), (d), (e), (f) or (g)

A contravention of section 14(1)(a), (b), (c), (d), (e), (f) or (g) (as the case may be) during the transitional period does not constitute an offence under section 25(a) if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of section 14(1)(a), (b), (c), (d) or (e) (as the case may be) in force immediately before the commencement date.

28. Transitional provisions—compliance with prescribed traffic sign relating to dangerous goods

- (1) Subsection (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 6 traffic sign (*new requirement*).

(2) The person does not contravene section 9 in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under section 25(a) if the act or omission does not constitute a failure to comply with the old requirement.

(3) In this section—

Figure No. 6 traffic sign (第 6 號 圖 形 交 通 標 誌) means a traffic sign of the type shown in Figure No. 6 prescribed in Schedule 1;

old requirement (舊 規 定) means the requirement indicated by Figure No. 6 traffic sign in accordance with the traffic sign and the note relating to the traffic sign in the pre-amended Schedule 1;

pre-amended Schedule 1 (前 附 表 1) means Schedule 1 in force immediately before the commencement date.”.

53. Schedule 1 amended (traffic signs and light signals)

(1) Schedule 1—

Repeal

“& 2]”

Substitute

“, 2 & 28]”.

(2) Schedule 1, English text, Figure No. 6—

Repeal

“CATEGORIES”

Substitute

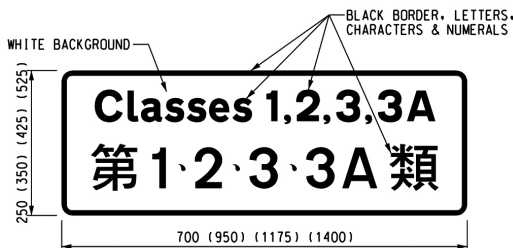
“CLASSES”.

- (3) Schedule 1, Figure No. 7—

Repeal everything before the note

Substitute

“FIGURE NO. 7



- (4) Schedule 1, English text, Figure No. 7—

Repeal

“CATEGORY OR CATEGORIES”

Substitute

“CLASS OR CLASSES”.

Division 24—Discovery Bay Tunnel Link Bylaw (Cap. 520 sub. leg. B)

54. Section 1 amended (interpretation)

Section 1—

Add in alphabetical order

“*DG(AE)R* (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);”.

55. Section 3 amended (exemptions)

- (1) Section 3(1)(a), after “(v)”—

Add

“, (va), (vb)”.

- (2) Section 3(2)—

Repeal

“or (v)”

Substitute

“, (v), (va) or (vb)”.

56. Section 19 amended (vehicles prohibited)

- (1) Section 19(1), English text—

Repeal

“shall”

Substitute

“must”.

- (2) Section 19(1)(r)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

- (3) Section 19(1)(s)—

Repeal

everything after “any”

Substitute

“Class 2 dangerous goods, unless—

(i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and

(ii) the Class 2 dangerous goods carried by the vehicle do not exceed that quantity;”.

(4) Section 19(1)—

Repeal paragraph (t)

Substitute

“(t) without limiting paragraph (s), a vehicle carrying a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

(5) Section 19(1)(u)—

Repeal

everything after “any”

Substitute

“Class 3 dangerous goods, unless—

(i) there is a quantity specified in relation to the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and

(ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

(6) Section 19(1)—

Repeal paragraph (v)

Substitute

“(v) without limiting paragraph (u), a vehicle—

- (i) constructed or adapted for the conveyance of Class 3 dangerous goods; or
- (ii) carrying a container used or to be used for the storage of Class 3 dangerous goods, whether or not the vehicle or container contains any quantity of Class 3 dangerous goods;”.

(7) After section 19(1)(v)—

Add

“(va) a vehicle carrying any Class 3A dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity;

(vb) without limiting paragraph (va), a vehicle—

- (i) constructed or adapted for the conveyance of Class 3A dangerous goods; or
- (ii) carrying a container used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or container contains any quantity of Class 3A dangerous goods;”.

(8) After section 19(2)—

Add

“(3) In this section—

Class 1 dangerous goods (第1類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第 2 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第 3 類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第 3A 類危險品) has the meaning given by section 2 of the DG(AE)R;

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

57. Section 21 amended (vehicles conveying dangerous goods)

(1) Section 21(3)(a)—

Repeal

everything after “conveying”

Substitute

“—

- (i) any Class 4.1 dangerous goods;
- (ii) any Class 4.2 dangerous goods;
- (iii) any Class 4.3 dangerous goods;
- (iv) any Class 5.1 dangerous goods;
- (v) any Class 5.2 dangerous goods;
- (vi) any Class 6.1 dangerous goods;
- (vii) any Class 8 dangerous goods; or
- (viii) any Class 9 dangerous goods; and”.

(2) After section 21(3)—

Add

“(4) In this section—

- Class 4.1 dangerous goods*** (第 4.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.1” specified in column 3 of the table in relation to the dangerous goods;
- Class 4.2 dangerous goods*** (第 4.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.2” specified in column 3 of the table in relation to the dangerous goods;
- Class 4.3 dangerous goods*** (第 4.3 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “4.3” specified in column 3 of the table in relation to the dangerous goods;
- Class 5.1 dangerous goods*** (第 5.1 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.1” specified in column 3 of the table in relation to the dangerous goods;
- Class 5.2 dangerous goods*** (第 5.2 類危險品) means any dangerous goods specified in column 2 of the table in Part 2 of Schedule 2 to the DG(AE)R with the number “5.2” specified in column 3 of the table in relation to the dangerous goods;
- Class 6.1 dangerous goods*** (第 6.1 類危險品) has the meaning given by section 2 of the DG(AE)R;
- Class 8 dangerous goods*** (第 8 類危險品) has the meaning given by section 2 of the DG(AE)R;
- Class 9 dangerous goods*** (第 9 類危險品) has the meaning given by section 2 of the DG(AE)R.”.

58. Sections 27, 28 and 29 added

After section 26—

Add

“27. Interpretation of sections 28 and 29

In sections 28 and 29—

commencement date (生效日期) means the date on which Division 24 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

28. Contravention of section 19(1)(r), (s), (t), (u), (v), (va) or (vb) or 21(2)

A contravention of section 19(1)(r), (s), (t), (u), (v), (va) or (vb) or 21(2) (as the case may be) during the transitional period does not constitute an offence under section 24 if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of section 19(1)(r), (s), (t), (u) or (v) or 21(2) (as the case may be) in force immediately before the commencement date.

29. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods

- (1) Subsection (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 15 traffic sign (*new requirement*).

(2) The person does not contravene section 10(a) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under section 24 if the act or omission does not constitute a failure to comply with the old requirement.

(3) In this section—

Figure No. 15 traffic sign (第 15 號圖形交通標誌) means a traffic sign of the type shown in Figure No. 15 prescribed in the Schedule;

old requirement (舊規定) means the requirement indicated by Figure No. 15 traffic sign in accordance with the content and the note relating to the traffic sign in the pre-amended Schedule;

pre-amended Schedule (前附表) means the Schedule in force immediately before the commencement date.”.

59. Schedule amended

(1) The Schedule—

Repeal

“& 17]”

Substitute

“, 17 & 29]”.

(2) The Schedule, English text, Figure No. 15—

Repeal

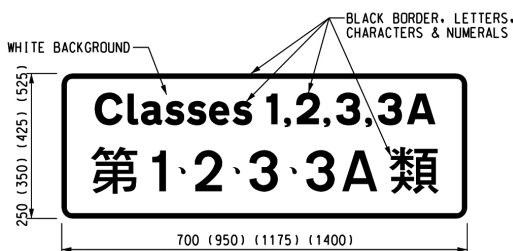
“CATEGORIES”

Substitute

“CLASSES”.

- (3) The Schedule, Figure No. 16—
Repeal
 everything before “THIS SIGN”
Substitute

“FIGURE NO. 16



CLASSES 1, 2, 3, 3A”.

- (4) The Schedule, English text, Figure No. 16—
Repeal
 “CATEGORY OR CATEGORIES”
Substitute
 “CLASS OR CLASSES”.

Division 25—Merchant Shipping (Local Vessels) Ordinance (Cap. 548)

60. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of 修理, paragraph (b)—
Repeal
 “危險貨物”
Substitute

“危險品”.

(2) Section 2—

Repeal the definition of *dangerous goods*

Substitute

“*dangerous goods* (危險品) has the meaning given by section 3 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F);”.

Division 26—Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E)

61. Section 4 amended (use of typhoon shelters)

(1) Section 4(2), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 4(2)—

Repeal

everything after “board”

Substitute

“__

- (a) any Class 1 dangerous goods;
- (b) any Class 2 dangerous goods;
- (c) any Class 3 dangerous goods; or
- (d) any Class 3A dangerous goods.”.

- (3) Section 4(3)—

Repeal

“the substance or article”

Substitute

“dangerous goods”.

- (4) After section 4(9)—

Add

“(10) In this section—

Class 1 dangerous goods (第 1 類 危險 品) has the meaning given by section 2 of the DG(S)R;

Class 2 dangerous goods (第 2 類 危險 品) has the meaning given by section 2 of the DG(S)R;

Class 3 dangerous goods (第 3 類 危險 品) has the meaning given by section 2 of the DG(S)R;

Class 3A dangerous goods (第 3A 類 危險 品) has the meaning given by section 2 of the DG(S)R;

DG(S)R (《危險 品 船 運 規 例》) means the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

**Division 27—Merchant Shipping (Local Vessels) (General)
Regulation (Cap. 548 sub. leg. F)**

62. Section 33A amended (application of Division 1)

Section 33A(3)(b)—

Repeal

everything after “defined”

Substitute

“by section 3 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

63. Section 37 amended (vessels handling explosives or flammable liquids)

(1) Section 37(1)—

Repeal

everything before “, a”

Substitute

“(1) Without limiting the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)”.

(2) Section 37(1), English text—

Repeal

“shall”

Substitute

“must”.

(3) Section 37(1)(a) and (b), English text—

Repeal

“where”

Substitute

“if”.

(4) Section 37(1)(b), English text—

Repeal

“shall”

Substitute

“must”.

- (5) Section 37(2)—

Repeal

everything before “, a”

Substitute

“(2) Without limiting the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)”.

- (6) Section 37(2), English text—

Repeal

“shall”

Substitute

“must”.

- (7) Section 37(2)(a) and (b), English text—

Repeal

“where”

Substitute

“if”.

- (8) Section 37(2)(b), English text—

Repeal

“shall”

Substitute

“must”.

Division 28—Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G)

64. Section 49 amended (application of Part 7)

- (1) Section 49—

Repeal subsection (2)

Substitute

- “(2) This Part does not apply to the carrying in a local vessel of—
- (a) any Class 1 dangerous goods (as defined by section 2 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)) that are—
 - (i) materials (as defined by section 2 of the Entertainment Special Effects Ordinance (Cap. 560)); and
 - (ii) conveyed in compliance with the terms and conditions specified in a conveyance permit issued under section 22(2) of that Ordinance for the conveyance of the materials;
 - (b) any liquefied petroleum gas that is—
 - (i) contained—
 - (A) in a cylinder that has a water capacity of less than 130 litres; or
 - (B) in a combination of cylinders that have a combined water capacity of less than 130 litres; and
 - (ii) conveyed for and incidental to the production of entertainment special effects (as defined by section 2 of the Entertainment Special Effects Ordinance (Cap. 560)); or

(c) any other dangerous goods, if the conveyance of the dangerous goods is exempt from the operation of section 6 of the Dangerous Goods Ordinance (Cap. 295) under Part 3 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E).”.

(2) Section 49(4)—

Repeal the definition of *dangerous goods*

Substitute

“*dangerous goods* (危險品) has the meaning given by section 3 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F);”.

Division 29—Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548 sub. leg. J)

65. Schedule 3 amended (fees prescribed for purposes of Merchant Shipping (Local Vessels) (Safety and Survey) Regulation)

(1) Schedule 3, Part 7, after the heading—

Add

“1. Interpretation of Part 7 of this Schedule

(1) In this Part—

class (類), in relation to a substance or article, means class 1, class 2, class 3, class 4, class 5, class 6, class 7, class 8 or class 9 as defined in chapter 2.0.1.1 of the IMDG Code;

IMDG Code (《IMDG規則》) means the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended or revised by the Organization from time to time.

(2) For the fees specified in column 3 in section 2 of this Part, if a class of substance or article is subdivided into other classes or divisions under the IMDG Code, those other classes or divisions are to be regarded as the class under which they are subdivided.”.

(2) Schedule 3, Part 7, before the table—

Add

“2. Fees”.

(3) Schedule 3, Part 7, section 2, item 1—

Repeal

everything after “\$815”

Substitute

“for each class of substance or article”.

(4) Schedule 3, Part 7, section 2, item 2(a)—

Repeal

everything after “\$1,895”

Substitute

“for each class of substance or article”.

(5) Schedule 3, Part 7, section 2, item 2(b)—

Repeal

everything after “\$3,775”

Substitute

“for each class of substance or article”.

**Division 30—Entertainment Special Effects (General)
Regulation (Cap. 560 sub. leg. A)**

66. Section 23 amended (conveyance permits not required under certain circumstances)

Section 23(1)(b)—

Repeal

everything after “board a”

Substitute

“type 1 vessel as defined by section 2 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

67. Section 25 amended (conveyance by vessels)

(1) Section 25(1), English text—

Repeal

“no person shall”

Substitute

“a person must not”.

(2) Section 25(1)(a)—

Repeal

everything before “, a”

Substitute

“(a) for a type 3 vessel as defined by section 2 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).”.

- (3) Section 25(1)(b)—

Repeal

everything before “, a”

Substitute

“(b) for a vessel other than a type 3 vessel as defined by section 2 of the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)”.

68. Schedule 4 amended (discharge permits not required for non-pyrotechnic special effects materials)

- (1) Schedule 4, section 1(c)—

Repeal

everything after “each of”

Substitute

“those materials does not exceed the quantity specified in relation to the materials in—

- (i) column 5 of the table in Part 2, 3 or 4 of Schedule 2 to the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E); or
- (ii) column 2 in section 2 of Schedule 7 to the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

- (2) Schedule 4—

Repeal everything after section 1.

**Division 31—Entertainment Special Effects Materials List
Regulation (Cap. 560 sub. leg. C)**

69. Schedule amended (Special Effects Materials List)

The Schedule, Part III—

Repeal Division B

Substitute

“Division B

Dangerous goods described in section 6 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E), with the exception of Schedule 1 dangerous goods and prohibited goods as defined by section 2 of that Regulation”.

**Division 32—Tsing Sha Control Area (General) Regulation
(Cap. 594 sub. leg. A)**

70. Section 12 amended (prohibition against vehicles carrying dangerous goods)

(1) Section 12(1), English text—

Repeal

“shall”

Substitute

“must”.

(2) Section 12(1)(a)—

Repeal

everything after “any”

Substitute

“Class 1 dangerous goods;”.

- (3) Section 12(1)(b)—

Repeal

everything after “any” and before “unless”

Substitute

“Class 2 dangerous goods,”.

- (4) Section 12(1)(b)(i)—

Repeal

everything after “relation to”

Substitute

“the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and”.

- (5) Section 12(1)(b)(ii)—

Repeal

everything before “the vehicle”

Substitute

“(ii) the Class 2 dangerous goods carried by”.

- (6) Section 12(1)—

Repeal paragraph (c)

Substitute

“(c) without limiting paragraph (b), a vehicle carrying a pressure receptacle used or to be used for the storage of Class 2 dangerous goods, whether or not the pressure receptacle contains any quantity of Class 2 dangerous goods;”.

- (7) Section 12(1)(d)—

Repeal

everything after “any” and before “unless”

Substitute

“Class 3 dangerous goods,”.

- (8) Section 12(1)(d)(i)—

Repeal

everything after “relation to”

Substitute

“the Class 3 dangerous goods in column 5 of the table in Part 2 or 3 of Schedule 2 to the DG(AE)R; and”.

- (9) Section 12(1)(d)—

Repeal subparagraph (ii)

Substitute

“(ii) the Class 3 dangerous goods carried by the vehicle do not exceed that quantity;”.

- (10) Section 12(1)—

Repeal paragraph (e)

Substitute

“(e) without limiting paragraph (d), a vehicle—

- (i) constructed or adapted for the carriage of Class 3 dangerous goods; or
- (ii) carrying a receptacle used or to be used for the storage of Class 3 dangerous goods,

whether or not the vehicle or receptacle contains any quantity of Class 3 dangerous goods;”.

- (11) After section 12(1)(e)—

Add

“(f) a vehicle carrying any Class 3A dangerous goods, unless—

- (i) there is a quantity specified in relation to the Class 3A dangerous goods in column 5 of the table in Part 4 of Schedule 2 to the DG(AE)R; and
- (ii) the Class 3A dangerous goods carried by the vehicle do not exceed that quantity; or
- (g) without limiting paragraph (f), a vehicle—
 - (i) constructed or adapted for the carriage of Class 3A dangerous goods; or
 - (ii) carrying a receptacle used or to be used for the storage of Class 3A dangerous goods, whether or not the vehicle or receptacle contains any quantity of Class 3A dangerous goods.”.

(12) After section 12(3)—

Add

“(4) In this section—

Class 1 dangerous goods (第1類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 2 dangerous goods (第2類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3 dangerous goods (第3類危險品) has the meaning given by section 2 of the DG(AE)R;

Class 3A dangerous goods (第3A類危險品) has the meaning given by section 2 of the DG(AE)R;

DG(AE)R (《適用及豁免規例》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

pressure receptacle (壓力氣體容器) has the meaning given by section 92 of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G);

receptacle (容器) has the meaning given by section 2(1) of the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G).”.

71. Part 7 added

After Part 6—

Add

“Part 7

**Transitional Provisions in Relation to Division 32
of Part 3 of Dangerous Goods (Miscellaneous
Amendments) Ordinance 2021**

28. Interpretation of Part 7

In this Part—

commencement date (生效日期) means the date on which Division 32 of Part 3 of the Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 (of 2021) comes into operation;

transitional period (過渡期) means the period of 24 months beginning on the commencement date.

29. Contravention of section 12(1)(a), (b), (c), (d), (e), (f) or (g)

A contravention of section 12(1)(a), (b), (c), (d), (e), (f) or (g) (as the case may be) during the transitional period does not constitute an offence under section 12(3) if the

act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of section 12(1)(a), (b), (c), (d) or (e) (as the case may be) in force immediately before the commencement date.

30. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods

- (1) Subsection (2) applies if during the transitional period an act or omission of a person constitutes a failure to comply with the requirement indicated by Figure No. 6 traffic sign (*new requirement*).
- (2) The person does not contravene section 7(1) in relation to the new requirement and the failure to comply with the new requirement does not constitute an offence under section 7(2) if the act or omission does not constitute a failure to comply with the old requirement.
- (3) In this section—

Figure No. 6 traffic sign (第 6 號 圖 形 交 通 標 誌) means a traffic sign of the type shown in Figure No. 6 prescribed in the Schedule;

old requirement (舊 規 定) means the requirement indicated by Figure No. 6 traffic sign in accordance with the contents and the note relating to the traffic sign in the pre-amended Schedule;

pre-amended Schedule (前 附 表) means the Schedule in force immediately before the commencement date.”.

72. Schedule amended (prescribed traffic signs, prescribed light signals and prescribed road markings)

(1) The Schedule—

Repeal

“& 18]”

Substitute

“, 18 & 30]”.

(2) The Schedule, English text, Figure No. 6—

Repeal

“categories”

Substitute

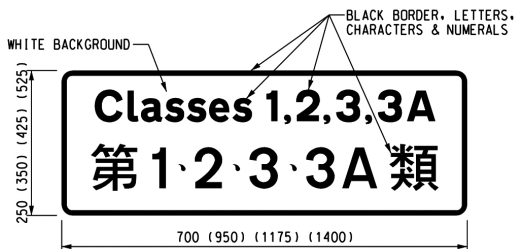
“Classes”.

(3) The Schedule—

Repeal Figure No. 7

Substitute

“FIGURE NO. 7



CLASSES OF DANGEROUS GOODS

When this sign is used in conjunction with the sign in Figure No. 6, it indicates the Class or Classes of dangerous goods referred to in that Figure. The significance of the sign is as follows—

-
- (a) Class 1 indicates Class 1 dangerous goods (as defined by section 2 of the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E));
 - (b) Class 2 indicates Class 2 dangerous goods (as defined by that section);
 - (c) Class 3 indicates Class 3 dangerous goods (as defined by that section); and
 - (d) Class 3A indicates Class 3A dangerous goods (as defined by that section).”.
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Explanatory Memorandum

The main objects of this Bill are—

- (a) to empower the Secretary for Security to amend technical matters relating to dangerous goods contained in the Schedules to the regulations made under the Dangerous Goods Ordinance (Cap. 295) (*DGO*);
 - (b) to empower public officers to specify the forms of licences instead of requiring the forms to be provided by the regulation; and
 - (c) to make technical and related amendments to various Ordinances and subsidiary legislation consequential to the change of the regulatory and classification system of dangerous goods.
2. Legislation relating to the existing regulatory and classification system includes—
 - (a) the *DGO*;
 - (b) the Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A) (*DG(AE)R*);
 - (c) the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) (*DG(G)R*); and
 - (d) the Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C) (*DG(S)R*).
3. Legislation relating to the new regulatory and classification system (*new system*) includes—
 - (a) the *DGO* being amended by the Dangerous Goods (Amendment) Ordinance 2002 (4 of 2002) (*DG(A)O*);

- (b) the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);
- (c) the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F) (***DG(S)R 2012***); and
- (d) the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G) (***DG(C)R***).

4. This Bill is divided into 3 Parts.

Part 1—Preliminary

5. Clause 1 sets out the short title and provides for commencement.

Part 2—Amendments Relating to DGO

- 6. Clause 5 adds a new section 5AA to the DGO to provide that if the contents of a Schedule to a regulation made under the DGO relate to certain matters, the Secretary for Security may amend the Schedule by notice published in the Gazette in so far as it relates to those matters.
- 7. Clause 6 adds a new section 8A to the DGO to enable a public officer who is empowered to issue a licence to specify the form of the licence.
- 8. Clauses 7, 8 and 9 make related amendments to the DG(A)O which include removing obsolete provisions.

Part 3—Technical and Related Amendments

9. Part 3 contains technical and related amendments to the following 31 pieces of legislation, mainly to substitute references to matters relating to dangerous goods in accordance with the new system—
- (a) the Specification of Public Offices Notice (Cap. 1 sub. leg. C) (Division 2 of Part 3);
 - (b) the Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B) (Division 3 of Part 3);
 - (c) the Factories and Industrial Undertakings Ordinance (Cap. 59) (Division 4 of Part 3);
 - (d) the Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations (Cap. 59 sub. leg. V) (Division 5 of Part 3);
 - (e) the Factories and Industrial Undertakings (Dangerous Substances) Regulations (Cap. 59 sub. leg. AB) (Division 6 of Part 3);
 - (f) the Pilotage Ordinance (Cap. 84) (Division 7 of Part 3);
 - (g) the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95 sub. leg. F) (Division 8 of Part 3);
 - (h) the Dutiable Commodities Ordinance (Cap. 109) (Division 9 of Part 3);
 - (i) the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F) (Division 10 of Part 3);
 - (j) the Radiation (Control of Radioactive Substances) Regulations (Cap. 303 sub. leg. A) (Division 11 of Part 3);

- (k) the Shipping and Port Control Ordinance (Cap. 313) (Division 12 of Part 3);
- (l) the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) (Division 13 of Part 3);
- (m) the Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354 sub. leg. C) (Division 14 of Part 3);
- (n) the Waste Disposal Ordinance (Application) Notice 1993 (Cap. 354 sub. leg. F) (Division 15 of Part 3);
- (o) the Waste Disposal (Chemical Waste) (General) Regulation (Application of Section 4 and Parts III, IV, V and VI) Notice 1993 (Cap. 354 sub. leg. I) (Division 16 of Part 3);
- (p) the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) (Division 17 of Part 3);
- (q) the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G) (Division 18 of Part 3);
- (r) the Electricity (Wiring) Regulations (Cap. 406 sub. leg. E) (Division 19 of Part 3);
- (s) the Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D) (Division 20 of Part 3);
- (t) the Administrative Appeals Board Ordinance (Cap. 442) (Division 21 of Part 3);
- (u) the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C) (Division 22 of Part 3);
- (v) the Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B) (Division 23 of Part 3);
- (w) the Discovery Bay Tunnel Link Bylaw (Cap. 520 sub. leg. B) (Division 24 of Part 3);

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- (x) the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (Division 25 of Part 3);
 - (y) the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E) (Division 26 of Part 3);
 - (z) the Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F) (Division 27 of Part 3);
 - (za) the Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G) (Division 28 of Part 3);
 - (zb) the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548 sub. leg. J) (Division 29 of Part 3);
 - (zc) the Entertainment Special Effects (General) Regulation (Cap. 560 sub. leg. A) (Division 30 of Part 3);
 - (zd) the Entertainment Special Effects Materials List Regulation (Cap. 560 sub. leg. C) (Division 31 of Part 3); and
 - (ze) the Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A) (Division 32 of Part 3).
10. Other related amendments include the following—
- (a) clause 12 repeals regulation 24 of the Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B) which becomes obsolete after the repeal of the DG(G)R;

- (b) clause 21 amends Schedule 3 to the DG(S)R 2012 by revising the fee charged for the conveyance of dangerous goods at sea to make it align with the fee charged for the conveyance of dangerous goods on land under the DG(C)R which was made subsequent to the DG(S)R 2012;
 - (c) clause 24 amends regulation 37 of the Shipping and Port Control Regulations (Cap. 313 sub. leg. A) to revise the flash point of petroleum because of the change of classification of dangerous goods;
 - (d) clause 26 amends the definition of *flash point* in section 2 of the Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354 sub. leg. C) because of the repeal of the DG(AE)R;
 - (e) clause 60 amends section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) to amend the Chinese text of the definition of *修理* to replace the reference in that definition to “危險貨物” with “危險品” to achieve consistency with the Chinese text of “dangerous goods” in the DG(S)R 2012; and
 - (f) clause 65 amends Part 7 of Schedule 3 to the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548 sub. leg. J) to replace the reference in that Part to the category of dangerous goods specified in the DGO and its subsidiary legislation with the class of substance or article under the International Maritime Dangerous Goods Code.
11. The following clauses in Part 3 also add new provisions to the following subsidiary legislation relating to road and traffic to provide for the transitional provisions in relation to the control of vehicles carrying dangerous goods—

- (a) clause 33 adds a new Part IV to the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A);
- (b) clause 35 adds a new Part XI to the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);
- (c) clause 42 adds new sections 28, 29 and 30 to the Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D);
- (d) clause 49 adds new sections 28, 29 and 30 to the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C);
- (e) clause 52 adds a new Part V to the Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B);
- (f) clause 58 adds new sections 27, 28 and 29 to the Discovery Bay Tunnel Link Bylaw (Cap. 520 sub. leg. B); and
- (g) clause 71 adds a new Part 7 to the Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).