

LEGISLATIVE COUNCIL BRIEF

Dangerous Goods Ordinance (Chapter 295)

DANGEROUS GOODS (MISCELLANEOUS AMENDMENTS) BILL 2021

INTRODUCTION

At the meeting of the Executive Council on 22 June 2021, the Council ADVISED and the Chief Executive ORDERED that –

- A
- (a) the Dangerous Goods (Miscellaneous Amendments) Bill 2021 (Bill), at **Annex A**, should be introduced into the Legislative Council (LegCo) to amend various ordinances and subsidiary legislation to make technical consequential amendments concerning the references to the classification of dangerous goods (DG), the exemptions in relation to the storage, conveyance and use of DG, as well as other related and minor amendments; and
 - (b) refinements should be introduced to the Dangerous Goods Ordinance (Ordinance) to empower the Secretary for Security to amend the Schedules to regulations made under the Ordinance, and to empower public officers who may issue licences to specify the forms of licences for administrative convenience.

JUSTIFICATIONS

2. At present, the Ordinance and its four regulations¹ provide for the control of the manufacture, storage, conveyance and use of DG. When the Ordinance was enacted in 1956, there was no harmonized system governing the classification, transportation, labelling and packaging of DG internationally. Subsequently, an expert committee under the United Nations Economic and Social Council has developed an international system for relevant international organizations to

¹ The four existing Regulations are –

- Dangerous Goods (Application and Exemption) Regulations (Cap. 295 sub. leg. A);
- Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B);
- Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C); and
- Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295 sub. leg. D).

formulate international codes on the classification and transportation of DG which are applicable to different situations. Our major trading partners have made reference to these codes and amended their regulatory systems on DG to align with the international codes. However, some existing provisions of the Ordinance and its regulations are not in line with the latest international practice. There is a need to align the domestic regulatory system with the commonly adopted international standards. To this end, we have conducted a review and, pursuant to the review, we have been making legislative amendments to the Ordinance and its subsidiary legislation by phases.

3. With the completion of our phased legislative amendment work to the Ordinance and its subsidiary legislation, we now enter into the final phase of legislative work concerning technical consequential and related amendments to other ordinances and subsidiary legislation. As various ordinances and subsidiary legislation involving different regulatory authorities have made reference to the classification and exempt quantity², etc. of DG under the Ordinance, we need to make technical consequential and related amendments to these ordinances and subsidiary legislation, so as to avoid inconsistencies among legal provisions when implementing the new regulatory system on DG.

4. We also propose to take the opportunity to make refinements to the Ordinance. As international standards³ on the classification and transportation of DG are updated regularly⁴, it is proposed that the Secretary for Security be empowered to amend the Schedules to regulations made under the Ordinance so as to streamline the process for regular updating of the technical details of the subsidiary legislation (such as the list and exempt quantity of DG, etc.) in future. Similarly, it is proposed to remove the requirement that the forms of licences have to be provided by regulations, and to empower public officers who may issue licences to specify the forms of licences for administrative convenience.

THE BILL

A 5. The Bill (**Annex A**) is divided into three parts -

(a) **Part 1: Preliminary:** The Dangerous Goods (Miscellaneous Amendments) Ordinance 2021 will come into operation on a day to be appointed by the Secretary for Security by notice published in the Gazette.

² “Exempt quantity” refers to the specified maximum quantity of DG under which a licence for storage, use or conveyance is not required.

³ As most DG in Hong Kong are imported and exported by sea, it is the view of the Government that the local regulatory system should follow the International Maritime Dangerous Goods (IMDG) Code, published by the International Maritime Organization on the control of transporting DG as far as possible.

⁴ The IMDG Code is updated every two years. The 2018 Edition is currently in force.

(b) Part 2: Amendments relating to Dangerous Goods Ordinance (Cap. 295)

Amendments are made to the Ordinance to empower the Secretary for Security to amend, by notice published in the Gazette, the Schedules to the subsidiary legislation made under the Ordinance if the Schedules provide for matters such as the application of, or exemption from the operation of, the Ordinance in respect of any substance, material and article, the declaration of certain DG to be prohibited goods, the control of and safety precautions about the handling, unloading, storage, carriage, movement or use, etc. of DG, the packing, marking and labeling of DG and the exhibition of DG signals and warning signs on vehicles and vessels. Amendments are also made to empower a public officer who may issue a licence under the Ordinance to specify the form of the licence. Furthermore, related amendments are made to repeal obsolete provisions in the Dangerous Goods (Amendment) Ordinance 2002 (DG(A)O 2002).

(c) Part 3: Technical and related amendments

As various ordinances and subsidiary legislation involving different regulatory authorities contain references to DG classified under the existing classification system under the Ordinance (comparison of the new and existing classification systems of DG is set out at **Annex B**) and other matters such as exemptions, etc. in relation to the storage, conveyance and use of DG under the Ordinance, technical consequential amendments as well as other related and minor amendments are made to the following legislation so as to avoid inconsistencies among legal provisions on the implementation of the new DG regime under the Ordinance -

- (i) the Specification of Public Offices Notice (Cap. 1 sub. leg. C);
- (ii) the Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B);
- (iii) the Factories and Industrial Undertakings Ordinance (Cap. 59) and some of its subsidiary legislation;
- (iv) the Pilotage Ordinance (Cap. 84);
- (v) the Fire Services (Fire Hazard Abatement) Regulation (Cap. 95 sub. leg. F);
- (vi) the Dutiable Commodities Ordinance (Cap. 109);
- (vii) the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F) (DG(S)R 2012);
- (viii) the Radiation (Control of Radioactive Substances) Regulations (Cap. 303 sub. leg. A);
- (ix) the Shipping and Port Control Ordinance (Cap. 313) and the Shipping and Port Control Regulations (Cap. 313 sub. leg. A);

- (x) various subsidiary legislation of the Waste Disposal Ordinance (Cap. 354);
- (xi) the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A);
- (xii) the Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G);
- (xiii) the Electricity (Wiring) Regulations (Cap. 406 sub. leg. E);
- (xiv) the Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D);
- (xv) the Administrative Appeals Board Ordinance (Cap. 442);
- (xvi) the Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C);
- (xvii) the Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B);
- (xviii) the Discovery Bay Tunnel Link Bylaw (Cap. 520 sub. leg. B);
- (xix) the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and some its subsidiary legislation;
- (xx) the Entertainment Special Effects (General) Regulation (Cap. 560 sub. leg. A) and the Entertainment Special Effects Materials List Regulation (Cap. 560 sub. leg. C); and
- (xxi) the Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A)

OTHER OPTIONS

6. References to the existing classification of DG and exemptions, etc. will become obsolete when the legislative amendments to the Ordinance and its subsidiary legislation come into effect. Certain regulations will also be repealed. To avoid inconsistencies in legal provisions, there is no other option apart from making necessary legislative amendments.

LEGISLATIVE TIMETABLE

7. The legislative timetable is as follows –

Publication in the Gazette	2 July 2021
First Reading and commencement of Second Reading debate	14 July 2021
Resumption of Second Reading debate, committee stage and Third Reading	to be notified

IMPLICATIONS OF THE PROPOSALS

8. The proposals are in conformity with the Basic Law, including the provisions concerning human rights. The amendments will not affect the current binding effect of the Ordinance and other ordinances being amended. There are no sustainability, environmental, family, gender, economic, productivity, civil service and financial implications.

PUBLIC CONSULTATION

9. The Government has conducted public consultations and consulted the relevant trades on the amendments to the regulatory regime on DG, and they are generally supportive of the proposals. In November 2020, the LegCo Panel on Security was consulted on revamping the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) (DG(G)R), amending the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E) (DG(A&E)R 2012), and as the next step, introducing the Bill for making consequential amendments arising from the amendments to the Ordinance and its subsidiary legislation. Members were supportive of the proposals.

PUBLICITY

10. A press release will be issued. We will also make available a spokesperson to answer media enquiries.

BACKGROUND

11. To update the regulatory system of DG with a view to aligning it with the international standards, we have reviewed the Ordinance and its subsidiary legislation and have been making legislative amendments by phases -

- (a) In 2002, the Dangerous Goods (Amendment) Bill 2000 was passed by LegCo to provide the legal framework for the amendment to the regulatory system of DG. The DG(A)O 2002 has not yet commenced operation, pending promulgation of the detailed control mechanism in the subsidiary legislation.
- (b) In 2012, the DG(A&E)R 2012 and the DG(S)R 2012 were made to specify the types and quantities of DG to be controlled on land, and the control over conveyance of DG at sea respectively.
- (c) On 24 February 2021, we introduced into the LegCo for negative vetting a new regulation, namely the Dangerous Goods (Control) Regulation (Cap. 295 sub. leg. G), to replace the existing DG(G)R, and the Dangerous Goods (Application and Exemption) Regulation 2012 (Amendment) Regulation 2021 to further amend the DG(A&E)R 2012.

- (d) With the completion of legislative amendment work in phases as mentioned in (a) to (c) above, we propose in the current phase to introduce the Bill for making technical consequential and related amendments to other ordinances and subsidiary legislation, so as to avoid inconsistencies among legal provisions when implementing the new regulatory system.
- (e) As a last step, the Secretary for Security will appoint a commencement date for all the provisions to come into operation on the same date. The tentative plan is to commence the operation of all the provisions in the first quarter of 2022.

ENQUIRIES

12. Enquiries on this brief should be directed to Miss Rebecca Cheung, Principal Assistant Secretary for Security at 2810 3435.

Security Bureau
June 2021

**Dangerous Goods (Miscellaneous Amendments) Bill
2021**

Contents

Clause	Page
Part 1	
Preliminary	
1. Short title and commencement.....	1
Part 2	
Amendments Relating to Dangerous Goods Ordinance	
Division 1—Enactments Amended	
2. Enactments amended.....	2
Division 2—Dangerous Goods Ordinance (Cap. 295)	
3. Section 3 substituted	2
3. Application.....	2
4. Section 5 amended (regulations).....	3
5. Section 5AA added	3
5AA. Secretary for Security may amend Schedules to regulations.....	4
6. Section 8A added	4
8A. Forms of licences	4
Division 3—Dangerous Goods (Amendment) Ordinance 2002 (4 of 2002)	

Clause	Page
7. Section 3 repealed (application).....	5
8. Section 12 and cross-heading repealed	5
9. Section 14 and cross-heading repealed	5

Part 3

Technical and Related Amendments

Division 1—Enactments Amended

10. Enactments amended.....	6
Division 2—Specification of Public Offices Notice (Cap. 1 sub. leg. C)	
11. Schedule amended (specification of public offices).....	6
Division 3—Gas Safety (Gas Supply) Regulations (Cap. 51 sub. leg. B)	
12. Regulation 24 repealed (application)	7
Division 4—Factories and Industrial Undertakings Ordinance (Cap. 59)	
13. Schedule 2 amended (scheduled trades).....	7
Division 5—Factories and Industrial Undertakings (Fire Precautions in Notifiable Workplaces) Regulations (Cap. 59 sub. leg. V)	
14. Regulation 2 amended (interpretation).....	7
15. Regulation 9 amended (storage of inflammable substances)	8
Division 6—Factories and Industrial Undertakings (Dangerous Substances) Regulations (Cap. 59 sub. leg. AB)	
16. Regulation 7 amended (exempt containers)	8

Division 7—Pilotage Ordinance (Cap. 84)

Clause	Page
17. Schedule 1 amended (ships subject to compulsory pilotage)	9
Division 8—Fire Services (Fire Hazard Abatement) Regulation (Cap. 95 sub. leg. F)	
18. Section 19 amended (illegal possession of controlled substance).....	9
Division 9—Dutiable Commodities Ordinance (Cap. 109)	
19. Section 40 amended (presumptions)	10
20. Schedule 4 amended (provisions that do not apply to zero-rated specified goods)	11
Division 10—Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)	
21. Schedule 3 amended (fees).....	12
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).....	12
Division 12—Shipping and Port Control Ordinance (Cap. 313)	
23. Section 2 amended (interpretation)	13
Division 13—Shipping and Port Control Regulations (Cap. 313 sub. leg. A)	
24. Regulation 37 amended (vessels handling explosives or petroleum).....	13

Clause	Page
25. Sixteenth Schedule amended (information to be provided to the Director by notification or report under regulation 6A)	15
Division 14—Waste Disposal (Chemical Waste) (General) Regulation (Cap. 354 sub. leg. C)	
26. Section 2 amended (interpretation)	15
27. Schedule 1 amended (substances and chemicals)	15
Division 15—Waste Disposal Ordinance (Application) Notice 1993 (Cap. 354 sub. leg. F)	
28. Schedule amended.....	18
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.....	21
Division 17—Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A)	
30. Regulation 2 amended (interpretation).....	24
31. Regulation 11 amended (prohibition against vehicles conveying dangerous goods).....	24
32. Regulation 11A amended (vehicles conveying dangerous goods in specified tunnels).....	27
33. Part IV added	29

Clause	Page
Transitional Provisions in Relation to Division 17 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021	
20.	Interpretation of Part IV 29
21.	Contravention of regulation 11(1)(a), (b), (c), (d), (e), (f) or (g) or 11A(2) 29
22.	Transitional provisions—conformance to indication of traffic sign relating to dangerous goods 30
34.	Schedule 1 amended (traffic signs and road markings)..... 30
Division 18—Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G)	
35.	Part XI added 31
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 32
36.	Schedule 1 amended (traffic signs) 33
Division 19—Electricity (Wiring) Regulations (Cap. 406 sub. leg. E)	
37.	Regulation 20 amended (periodic inspection, testing and certification) 37

Clause	Page
Division 20—Western Harbour Crossing Bylaw (Cap. 436 sub. leg. D)	
38.	Section 1 amended (interpretation) 37
39.	Section 3 amended (exemptions) 37
40.	Section 20 amended (vehicles prohibited) 38
41.	Section 22 amended (vehicles conveying dangerous goods) 40
42.	Sections 28, 29 and 30 added 42
28.	Interpretation of sections 29 and 30 42
29.	Contravention of section 20(1)(r), (s), (t), (u), (ua) or (v) or 22(2) 42
30.	Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods 43
43.	Schedule amended 43
Division 21—Administrative Appeals Board Ordinance (Cap. 442)	
44.	Schedule amended 45
Division 22—Tai Lam Tunnel and Yuen Long Approach Road Bylaw (Cap. 474 sub. leg. C)	
45.	Section 1 amended (interpretation) 45
46.	Section 3 amended (exemptions) 46
47.	Section 20 amended (vehicles prohibited) 46
48.	Section 22 amended (vehicles conveying dangerous goods) 49

Clause	Page
49. Sections 28, 29 and 30 added	51
28. Interpretation of sections 29 and 30	51
29. Contravention of section 20(1)(b)(xiv), (xv), (xvi), (xvii), (xviii), (xviiiia) or (xviiiib) or 22(2)	51
30. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods	51
50. Schedule amended.....	52
Division 23—Tsing Ma Control Area (General) Regulation (Cap. 498 sub. leg. B)	
51. Section 14 amended (prohibition against vehicles conveying dangerous goods)	53
52. Part V added.....	56
Part V	
Transitional Provisions in Relation to Division 23 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021	
26. Interpretation of Part V	57
27. Contravention of section 14(1)(a), (b), (c), (d), (e), (f) or (g)	57
28. Transitional provisions—compliance with prescribed traffic sign relating to dangerous goods.....	57

Clause	Page
53. Schedule 1 amended (traffic signs and light signals)	58
Division 24—Discovery Bay Tunnel Link Bylaw (Cap. 520 sub. leg. B)	
54. Section 1 amended (interpretation)	59
55. Section 3 amended (exemptions)	59
56. Section 19 amended (vehicles prohibited)	60
57. Section 21 amended (vehicles conveying dangerous goods)	63
58. Sections 27, 28 and 29 added	64
27. Interpretation of sections 28 and 29	64
28. Contravention of section 19(1)(r), (s), (t), (u), (v), (va) or (vb) or 21(2)	65
29. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods	65
59. Schedule amended.....	66
Division 25—Merchant Shipping (Local Vessels) Ordinance (Cap. 548)	
60. Section 2 amended (interpretation)	67
Division 26—Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548 sub. leg. E)	
61. Section 4 amended (use of typhoon shelters).....	68
Division 27—Merchant Shipping (Local Vessels) (General) Regulation (Cap. 548 sub. leg. F)	

Clause	Page
62. Section 33A amended (application of Division 1)	69
63. Section 37 amended (vessels handling explosives or flammable liquids)	69
Division 28—Merchant Shipping (Local Vessels) (Safety and Survey) Regulation (Cap. 548 sub. leg. G)	
64. Section 49 amended (application of Part 7)	71
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).....	73
Division 30—Entertainment Special Effects (General) Regulation (Cap. 560 sub. leg. A)	
66. Section 23 amended (conveyance permits not required under certain circumstances).....	74
67. Section 25 amended (conveyance by vessels).....	75
68. Schedule 4 amended (discharge permits not required for non-pyrotechnic special effects materials)	75
Division 31—Entertainment Special Effects Materials List Regulation (Cap. 560 sub. leg. C)	
69. Schedule amended (Special Effects Materials List).....	76

Clause	Page
Division 32—Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A)	
70. Section 12 amended (prohibition against vehicles carrying dangerous goods)	77
71. Part 7 added.....	80
Part 7	
Transitional Provisions in Relation to Division 32 of Part 3 of Dangerous Goods (Miscellaneous Amendments) Ordinance 2021	
28. Interpretation of Part 7	81
29. Contravention of section 12(1)(a), (b), (c), (d), (e), (f) or (g)	81
30. Transitional provisions—compliance with requirement indicated by prescribed traffic sign relating to dangerous goods	81
72. Schedule amended (prescribed traffic signs, prescribed light signals and prescribed road markings).....	82

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

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).”.

**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 65.5⁰⁰”

Substitute

“not exceeding 60⁰⁰”.

(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. 1)**

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 (e)

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

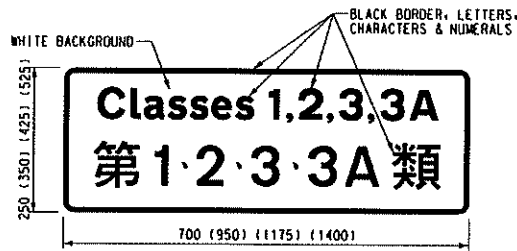
“CLASSES”.

- (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.

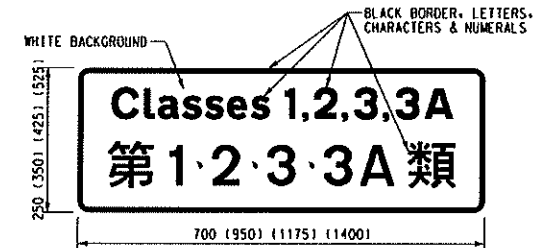
- (2) Despite paragraph (1), the prohibition does not apply to—
- (a) a vehicle carrying any Class 2 dangerous goods, if—
 - (i) there is a quantity specified in relation to the Class 2 dangerous goods in column 5 of the table in Part 2 of Schedule 2 to the DG(AE)R; and
 - (ii) the Class 2 dangerous 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”.

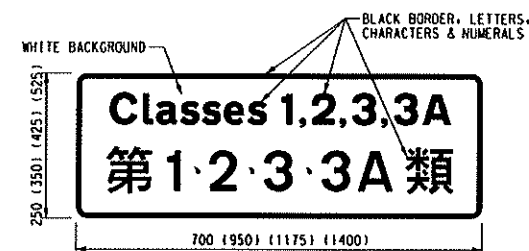
- (3) The Schedule, Figure No. 19—

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

“, (xviiiia), (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

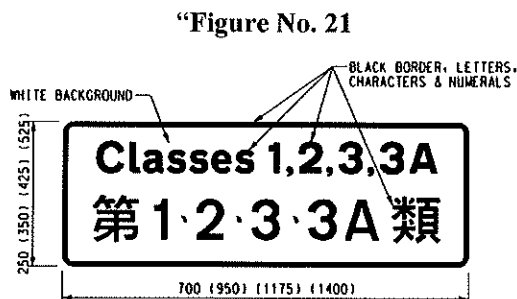
“Classes”.

(3) The Schedule, Figure No. 21—

Repeal

everything before “This sign”

Substitute



- (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

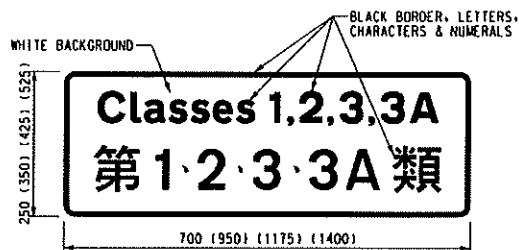
“CLASSES”.

(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”.

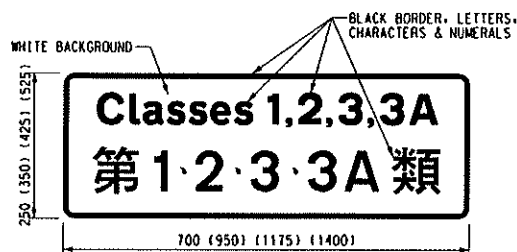
(3) The Schedule, Figure No. 16—

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

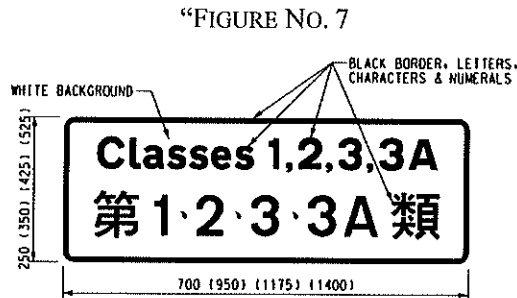
“categories”

Substitute

“Classes”.

- (3) The Schedule—

Repeal Figure No. 7
Substitute



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).”

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);
- (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).

Comparison of the Proposed and Existing Classification Systems of Dangerous Goods under the Dangerous Goods Ordinance (the Ordinance)

Properties	Examples	Proposed Classification¹	Existing Classification under the Ordinance
Explosives	(i) Detonator and cast booster (ii) Ammunition (iii) Firework	Class 1 ²	Category 1
Life-saving devices containing small amounts of explosives	(i) Air bag inflators, air bag modules, seat-belt pretensioners (ii) Aircraft survival kits	Special Class 9	Category 1
Flammable gases ³	(i) Hydrogen (ii) Ethylene (iii) Acetylene used in welding processes	Class 2.1	Category 2
Non-flammable, non-toxic gases	(i) Oxygen (ii) Nitrogen (iii) Compressed Air used in diving cylinders	Class 2.2	
Toxic gases ³	(i) Chlorine (ii) Anhydrous Ammonia (iii) Carbon Monoxide used for metallurgy	Class 2.3	

¹ The proposed classification is modeled on the classification under the International Maritime Dangerous Goods Code based on the hazard nature of dangerous goods.

² Class 1 dangerous goods are grouped under seven local Groups depending on chemical composition (Groups 1 to 5) and functionality (Groups 6 and 7). In the proposed classification scheme, there will be a Group 8 explosives which are not Class 1 dangerous goods but have the functionality of being used in blasting operations to break rock or concrete, etc.

³ Flammable toxic gases comes under "Toxic gases".

Properties	Examples	Proposed Classification¹	Existing Classification under the Ordinance
Flammable liquids having a flash point below 23°C (73°F) closed cup test [^]	(i) Carbon Disulfide (ii) Acetone (iii) Alcohol used in hand sanitizers	Class 3	Category 5 Class 1*
Flammable liquids having a flash point of 23°C (73°F) up to and including 60°C (140°F) closed cup test [^]	(i) Naphtha (ii) Ethylbenzene (iii) Paints and Turpentine used for decoration		Category 5 Class 2*
Flammable liquids having a flash point exceeding 60°C (140°F) closed cup test [^]	(i) Diesel Oil (ii) Furnace Oil (iii) Fuel Oil used as vehicle fuels	Class 3A	Category 5 Class 3*
Flammable solids	(i) Naphthalene (ii) Hexamine used as fuel tablets	Class 4.1	Category 8
Substances liable to spontaneous combustion	(i) Yellow Phosphorus (ii) Sodium Dithionite used in industrial dyeing processes	Class 4.2	Category 9
Substances which, in contact with water, emit flammable gases	(i) Potassium (ii) Sodium used as a chemical raw material	Class 4.3	Category 6
Oxidizing substances	(i) Sodium Nitrate (ii) Hydrogen peroxide used in hair bleach	Class 5.1	Category 7
Organic peroxides	(i) Organic Peroxide in	Class 5.2	Category 10

Properties	Examples	Proposed Classification ¹	Existing Classification under the Ordinance
	(ii) polyester resin kit Peroxide-based hardeners for fibre glass		
Toxic substances	(i) Arsenic Bromide (ii) Chloroform (iii) Hydrogen Cyanide used as rat poison	Class 6.1	Category 4
Corrosives substances	(i) Alkalis such as sodium or potassium hydroxide (ii) Acids such as nitric or hydrochloric acid, sulphuric acid used for pipe cleaner	Class 8	Category 3
Miscellaneous dangerous substances and materials [#]	Dibromodifluoromethane used as fire extinguishing agents	Class 9	-
Combustible goods exempted from Sections 6 to 11 of the Ordinance	(i) Polyethylene (raw material) (ii) Rubber tyres of vehicle	Class 9A	Category 9A

Legend:

[^] “Closed Cup Test” means a testing method according to commonly adopted international standards, where a closed receptacle apparatus is utilized to determine the flash point of a flammable liquid.

* The generic definitions of the existing Class 1, Class 2 and Class 3 in Category 5 are as follows :-

Class 1: Substances giving off inflammable vapour having a flash point below 23°C.

Class 2: Substances giving off inflammable vapour having a flash point of or exceeding 23°C but not exceeding 66°C.

Class 3: Substances giving off inflammable vapour having a flash point exceeding 66°C (diesel oils, furnace oils and other fuel oils only).

Most of the dangerous goods in the proposed Class 9 are currently not covered under the Ordinance.