

**L.N. 20 of 2021**

# **Dangerous Goods (Control) Regulation**

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# Dangerous Goods (Control) Regulation

(Made by the Chief Executive in Council under section 5 of the Dangerous Goods Ordinance (Cap. 295))

## Part 1

### Preliminary

#### 1. Commencement

This Regulation comes into operation on a day falling on or after the commencement date of section 4 of the Dangerous Goods (Amendment) Ordinance 2002 (4 of 2002) to be appointed by the Secretary for Security by notice published in the Gazette.

#### 2. Interpretation

(1) In this Regulation—

*aircraft container* (飛機貨櫃) means a container designed for loading on an aircraft;

*Cap. 295E* (《第295E章》) means the Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E);

*Class 1 SIDG* (S1第1類危險品) has the meaning given to the definition of *Class 1 dangerous goods* by section 2 of Cap. 295E;

*Class 2 S2DG* (S2第2類危險品) has the meaning given to the definition of *Class 2 dangerous goods* by section 2 of Cap. 295E;

*Class 2.1 S2DG* (S2第2.1類危險品) means Class 2.1 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 2.2 S2DG** (S2第2.2類危險品) has the meaning given to the definition of **Class 2.2 dangerous goods** by section 2 of Cap. 295E;

**Class 2.3 S2DG** (S2第2.3類危險品) means Class 2.3 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 3 S2DG** (S2第3類危險品) has the meaning given to the definition of **Class 3 dangerous goods** by section 2 of Cap. 295E;

**Class 3A S2DG** (S2第3A類危險品) has the meaning given to the definition of **Class 3A dangerous goods** by section 2 of Cap. 295E;

**Class 4 S2DG** (S2第4類危險品) has the meaning given to the definition of **Class 4 dangerous goods** by section 2 of Cap. 295E;

**Class 4.1 S2DG** (S2第4.1類危險品) means Class 4.1 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 4.2 S2DG** (S2第4.2類危險品) means Class 4.2 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 4.3 S2DG** (S2第4.3類危險品) means Class 4.3 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 5 S2DG** (S2第5類危險品) has the meaning given to the definition of **Class 5 dangerous goods** by section 2 of Cap. 295E;

**Class 5.1 S2DG** (S2第5.1類危險品) means Class 5.1 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 5.2 S2DG** (S2第5.2類危險品) means Class 5.2 dangerous goods specified in Schedule 2 to Cap. 295E;

**Class 6.1 S2DG** (S2第6.1類危險品) has the meaning given to the definition of **Class 6.1 dangerous goods** by section 2 of Cap. 295E;



**Class 8 S2DG** (S2第8類危險品) has the meaning given to the definition of **Class 8 dangerous goods** by section 2 of Cap. 295E;

**Class 9 S2DG** (S2第9類危險品) has the meaning given to the definition of **Class 9 dangerous goods** by section 2 of Cap. 295E;

**Class 9A S3DG** (S3第9A類危險品) has the meaning given to the definition of **Class 9A dangerous goods** by section 2 of Cap. 295E;

**code of practice** (工作守則) means the practical guidance issued under section 5A of the Ordinance, as amended or revised by the Director from time to time;

**commencement date** (生效日期) means the date on which this Regulation comes into operation;

**Commissioner** means the Commissioner of Mines;

**designated blasting area** (指定爆破區) means an area within a licensed blasting site where firing of S1DG may take place;

**designated possession area** (指定管有區) means an area within a licensed blasting site where S1DG used for blasting may be possessed as mentioned in section 51;

**DG** (危險品) means—

- (a) S1DG;
- (b) S2DG; or
- (c) Class 9A S3DG;

**Director** means the Director of Fire Services;

**freight container** (運貨貨櫃) has the meaning given by section 2(1) of the Freight Containers (Safety) Ordinance (Cap. 506);

**Group 6 SIDG** (S1第6組危險品) means any explosives belonging to Group 6 specified in section 2 of Schedule 1 to Cap. 295E;

**Group 7 SIDG** (S1第7組危險品) means any explosives belonging to Group 7 specified in section 2 of Schedule 1 to Cap. 295E;

**Group 8 SIDG** (S1第8組危險品) has the meaning given to the definition of **Group 8 explosives** by section 2 of Cap. 295E;

**handling** (處理), in relation to DG, includes all operations connected with loading, unloading, discharging, stacking, stowing or restowing of any DG and **handle** (處理) is to be construed accordingly;

**motor vehicle** (汽車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

**premises** (處所) means any premises (whether or not an open space), and includes a building and a tank;

**prescribed fee** (訂明費用), in relation to a matter provided for in this Regulation, means the fee prescribed for the matter in Schedule 8;

**receptacle** (容器) means a container for receiving and holding S1DG or S2DG, including any parts for closing the container;

**repealed Cap. 295B** (《已廢除第295B章》) means the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) as in force immediately before the commencement date;

**S1DG** (S1危險品) has the meaning given to the definition of **Schedule 1 dangerous goods** by section 2 of Cap. 295E;

**S2DG** (S2危險品) has the meaning given to the definition of **Schedule 2 dangerous goods** by section 2 of Cap. 295E;

**S2DG (Class 21313A)** (S2危險品 (第2/3/3A類)) means Class 2 S2DG, Class 3 S2DG or Class 3A S2DG;

**S3DG** (S3危險品) means Class 9A dangerous goods specified in Schedule 3 to Cap. 295E;

**Secretary** means the Secretary for Home Affairs;

**special Class 9 SIDG** (S1第9類特殊危險品) has the meaning given to the definition of **special Class 9 dangerous goods** by section 2 of Cap. 295E;

**subsidiary hazard** (次要危險性), in relation to each type of S2DG, means the subsidiary hazard (if any) specified in column 4 of the table in Part 2, 3 or 4 of Schedule 2 to Cap. 295E opposite to the type;

**tank** (貯槽) means a static tank or a reservoir used to contain S2DG;

**type** (種類), in relation to S2DG, has the same meaning as in section 3 of Cap. 295E;

**vehicle** (車輛) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374);

**working day** (工作日) means a day that is neither a Saturday nor a public holiday.

- (2) In this Regulation, a reference to a Class (including a special Class), Division, UN number, HK number, Group (including group) or packing group in relation to any DG is a reference to the classification or identification of the dangerous goods specified in Schedule 1, 2 or 3 to Cap. 295E.
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## Part 2

### S1DG

#### Division 1—Interpretation and Application

#### 3. Interpretation of Part 2

In this Part—

**authorized shot firer** (獲授權引爆手) means a person who—

- (a) is the holder of a mine blasting certificate issued or renewed under regulation 22 of the Mines (Safety) Regulations (Cap. 285 sub. leg. B); or
- (b) is the licensee of a use (individual) licence;

**blasting** (爆破) means the breaking of rocks for excavation, or the demolition of any building or structure, by the use of S1DG;

**blasting site** (爆破地盤) means a construction site or a quarry where blasting is carried out;

**compatibility group** (配裝組) means a compatibility group specified in section 4 of Schedule 1 to Cap. 295E;

**construction site** (建築地盤) has the meaning given by section 2 of Cap. 295E;

**conveyance permit** (運送許可證) means a permit granted under section 82;

**designated conveyance area** (指定運送區) means an area outside a licensed store incidental to the use of Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG in which a conveyance permit for conveying the S1DG is not required;

**designated evacuation area** (指定疏散區) means an area within a licensed blasting site the access to which is not permitted under section 65;

**detonator** (雷管) includes a substance or device manufactured or used for initiating any S1DG by means of detonation;

**discharge (blasting) permit** (燃爆(爆破)許可證) means a permit granted or renewed under section 52;

**discharge (fireworks) permit** (燃放(爆竹煙花)許可證) means a permit granted or renewed under section 73;

**explosive article** (爆炸物品) means an article falling within paragraph (b) of the definition of **explosive** in section 2 of the Ordinance;

**explosive combination** (爆炸品組合) means—

- (a) 2 or more explosive articles;
- (b) 2 or more explosive substances; or
- (c) one or more explosive articles and one or more explosive substances,

combined in the same S1DG packaging of the same Division and compatibility group;

**explosive content** (爆炸品含量) has the meaning given by section 2 of Cap. 295E;

**explosive substance** (爆炸物質) means a substance or mixture falling within paragraph (a) of the definition of **explosive** in section 2 of the Ordinance;

**factory** (工廠) means any premises consisting of at least one S1DG process building;

**firework** (爆竹煙花) has the meaning given to “Group 7 (firework)” by section 2 of Schedule 1 to Cap. 295E;

**Group 2 SIDG** (S1第2組危險品) means any explosives belonging to Group 2 specified in section 2 of Schedule 1 to Cap. 295E;

**Group 5 SIDG** (S1第5組危險品) means any explosives belonging to Group 5 specified in section 2 of Schedule 1 to Cap. 295E;

**intact special Class 9 SIDG** (原封S1第9類特殊危險品) means special Class 9 SIDG that are intact in their original SIDG packaging that complies with the IMDG Code;

**licensed blasting site** (持牌爆破地盤) means—

- (a) in relation to a manufacture (blasting) licence—a blasting site in which the manufacture of Group 2 SIDG is permitted under the licence; or
- (b) in relation to a blasting permission as defined by section 48—a blasting site in which the carrying out of blasting operation is permitted under the permission;

**licensed factory** (持牌工廠) means a factory in which the manufacture of SIDG is permitted under a manufacture (factory) licence;

**licensed Mode A store** (持牌甲類貯存所) means a Mode A store the use of which for the storage of SIDG is permitted under section 22(1)(a)(i);

**licensed Mode B store** (持牌乙類貯存所) means a Mode B store the use of which for the storage of Group 6 SIDG, Group 7 SIDG or special Class 9 SIDG is permitted under section 22(1)(a)(ii);

**licensed store** (持牌貯存所) means—

- (a) in relation to a Mode A licence—the licensed Mode A store under the licence; or

- (b) in relation to a Mode B licence—the licensed Mode B store under the licence;

**manufacture (blasting) licence** (製造(爆破)牌照) means a licence granted or renewed under section 16;

**manufacture (factory) licence** (製造(工廠)牌照) means a licence granted or renewed under section 5;

**manufactured fireworks** (爆竹煙花製品) has the meaning given to “Group 7 (firework)” by section 2 of Schedule 1 to Cap. 295E;

**Mode A licence** (甲類牌照) means a store and use licence granted or renewed under section 22 in relation to storage in a Mode A store;

**Mode A store** (甲類貯存所) means a premises consisting of a single storey stand-alone structure;

**Mode B licence** (乙類牌照) means a store and use licence granted or renewed under section 22 in relation to storage in a Mode B store;

**Mode B store** (乙類貯存所) means a premises consisting of a room or a fireproof container fixed in a compartment;

**owner** (擁有人), in relation to a vehicle, means—

- (a) the person in whose name the vehicle is registered under the Road Traffic Ordinance (Cap. 374);
- (b) the person by whom the vehicle is kept and used; or
- (c) if the vehicle is the subject of a hiring agreement or hire purchase agreement—the person who has possession of the vehicle under the agreement;

**possession licence** (管有牌照) means a licence granted or renewed under section 49;

**quarry** (石礦場) has the meaning given by section 2(1) of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360);

**SIDG package** (S1危險品包裹), in relation to S1DG, means—

- (a) S1DG packaging; and
- (b) any explosive article, explosive substance or explosive combination contained within the S1DG packaging;

**SIDG packaging** (S1危險品包裝) means any receptacle containing S1DG and any other component or material necessary for the receptacle to perform its containment or safety function, but does not include—

- (a) an envelope, case or contrivance forming part of an explosive article; or
- (b) any freight container, aircraft container, pallet or vehicle;

**SIDG process building** (S1危險品工序建築物) means a single storey stand-alone structure in which there is kept or is present, or in which there is likely to be kept or to be present, in the course of the manufacture of S1DG, any explosive or any ingredient of such explosive which—

- (a) has explosive properties by itself; or
- (b) when mixed with any other ingredient or article kept or present in the structure, is capable of forming an explosive mixture or compound;

**security guard** (保安護衛員) has the meaning given by section 2(1) of the Firearms and Ammunition Ordinance (Cap. 238);

**store and use licence** (貯存暨使用牌照) means a Mode A licence or a Mode B licence;



*use* (使用), in relation to S1DG the use of which is permitted under a store and use licence or a use (individual) licence, means to prepare, fire or destroy the S1DG;

*use (individual) licence* (使用(個人)牌照) means a licence granted or renewed under section 45.

#### **4. Application of Part 2**

- (1) Subject to subsection (2), this Part applies to S1DG on land and at sea.
- (2) This Part does not apply to—
  - (a) any S1DG carried on board a vessel; and
  - (b) the discharge of fireworks at sea.

### **Division 2—Manufacture of S1DG**

#### **Subdivision 1—Manufacture (Factory) Licence**

#### **5. Grant and renewal of manufacture (factory) licence**

The Commissioner may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the manufacture of S1DG in a factory.

#### **6. Form of manufacture (factory) licence**

- (1) A manufacture (factory) licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 7; and
  - (b) must state that it is subject to those conditions.

- (3) The licence must include all of the following information—
- (a) the licence number;
  - (b) the name and other particulars of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the kind and quantity of SIDG permitted to be manufactured;
  - (e) the address of the licensed factory;
  - (f) any other information the Commissioner thinks fit, including the licence’s date of issue and validity period.
- (4) The licence must be authenticated by the Commissioner.

**7. Conditions of manufacture (factory) licence**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a manufacture (factory) licence any conditions for any or all of the following—

- (a) safety of the licensed factory;
- (b) operation, management and security of the factory, including—
  - (i) the number of employees, security guards and visitors; and
  - (ii) the supervisors of an SIDG process building;
- (c) manufacturing operation and maintenance of the factory;
- (d) records of SIDG manufactured in the factory;
- (e) handling, conveyance, storage or disposal of an explosive (whether or not falling within the definition of *SIDG*) during the manufacturing process;

- (f) quantity of explosives (whether or not falling within the definition of **SIDG**) that—
  - (i) may be stored in the factory without a store and use licence; and
  - (ii) is reasonably required for, and incidental to, the manufacture of SIDG permitted to be manufactured under the licence;
- (g) locations of the SIDG process buildings of the factory;
- (h) kind or quantity of SIDG that may be manufactured in the SIDG process buildings of the factory.

**8. Restriction on alteration etc. to licensed factory**

- (1) The licensee of a manufacture (factory) licence must ensure that—
  - (a) except with the approval of the Commissioner, no material alteration is made to the licensed factory (including any fittings or equipment in it); and
  - (b) all parts of the licensed factory (including any fittings or equipment in it) are maintained in good repair in compliance with the conditions endorsed on the licence under section 7(c).
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.

**9. Match, lighter, etc. prohibited in licensed factory**

- (1) A person present in a licensed factory must not carry any match, cigarette lighter or any other article that is capable of producing a spark or flame.

- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**10. Security guards on duty in licensed factory**

- (1) Subject to section 11, the licensee of a manufacture (factory) licence must ensure that the number of security guards (including armed security guards if required by the Commissioner) on duty at the licensed factory is at all times not less than the number specified in the condition endorsed on the licence under section 7(b)(i).
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.

**11. Restriction on number of persons present in S1DG process building**

- (1) Except with the approval of the Commissioner, the licensee of a manufacture (factory) licence must ensure that the number of persons present in an S1DG process building of the licensed factory does not exceed the number specified in the condition endorsed on the licence under section 7(b)(i).
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.

**12. Supervisor of S1DG process building**

- (1) The licensee of a manufacture (factory) licence must ensure that, while the manufacture operation of S1DG (including the handling, conveyance, storage or disposal of an explosive) is carried out in an S1DG process building of the licensed factory, there is present in the building—

- (a) if 20 or less persons are on duty in the building—at least one supervisor; or
- (b) if more than 20 persons are on duty in the building—at least one supervisor for every 20 persons or part of 20 persons on duty.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.
- (3) For subsection (1), a supervisor is a person described in the condition endorsed on the manufacture (factory) licence under section 7(b)(ii).

**13. Persons on duty in SIDG process building to wear certain clothing and footwear**

- (1) The licensee of a manufacture (factory) licence must ensure that a person who is on duty in an SIDG process building of the licensed factory wears only the clothing and footwear approved by the Commissioner.
- (2) The licensee must ensure that changing rooms are, if required by the Commissioner, provided in the licensed factory.
- (3) A licensee who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.

**14. Smoking, carrying lighted cigarette, etc. prohibited in SIDG process building**

- (1) A person must not smoke, carry a lighted cigarette, cigar or pipe or use an article that is capable of producing a spark or flame, in an SIDG process building of a licensed factory.

- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**15. Only tools made of certain materials may be used in SIDG process building**

- (1) The licensee of a manufacture (factory) licence must ensure that only a tool made of non-ferrous metal, wood or any other material approved by the Commissioner is used in an SIDG process building of the licensed factory.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.
- (3) In subsection (1)—  
*wood* (木) includes plywood.

**Subdivision 2—Manufacture (Blasting) Licence**

**16. Grant and renewal of manufacture (blasting) licence**

The Commissioner may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the manufacture of Group 2 SIDG in one or more blasting sites.

**17. Form of manufacture (blasting) licence**

- (1) A manufacture (blasting) licence must be in English and Chinese.
- (2) The licence—
- (a) is subject to the conditions endorsed on it under section 18; and
- (b) must state that it is subject to those conditions.

- (3) The licence must include all of the following information—
- (a) the licence number;
  - (b) the name and other particulars of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the kind and quantity of Group 2 S1DG permitted to be manufactured;
  - (e) the details of the equipment to be used in the manufacturing process, including the name and serial number;
  - (f) any other information the Commissioner thinks fit, including the licence's date of issue and validity period.
- (4) The licence must be authenticated by the Commissioner.

**18. Conditions of manufacture (blasting) licence**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a manufacture (blasting) licence any conditions for any or all of the following—

- (a) all licensed blasting sites where Group 2 S1DG are to be manufactured;
- (b) person who undertakes the manufacturing operation;
- (c) manufacturing operation and maintenance of the equipment;
- (d) handling or disposal of the Group 2 S1DG manufactured in the blasting sites;
- (e) records of the Group 2 S1DG manufactured in the blasting sites.

**19. Maintenance of equipment**

- (1) The licensee of a manufacture (blasting) licence must ensure that the equipment used in the manufacturing process at the licensed blasting sites are maintained in good repair in compliance with the conditions endorsed on the licence under section 18(c).
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.

**20. Control of manufacturing process**

- (1) The licensee of a manufacture (blasting) licence must ensure that—
  - (a) a manufacturing process is only undertaken by the person described in the condition endorsed on the licence under section 18(b);
  - (b) immediately after the completion of the manufacturing process—
    - (i) all Group 2 SIDG manufactured are loaded directly into blast holes for use without undue delay; and
    - (ii) any Group 2 SIDG manufactured but not used in the licensed blasting site are desensitized and properly disposed of; and
  - (c) records of the kind and quantity of Group 2 SIDG manufactured at any one time are maintained.
- (2) A licensee who contravenes subsection (1)(a), (b) or (c) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 months.



## **Division 3—Storage and Use of S1DG**

### **Subdivision 1—Storage Generally**

#### **21. Storage of S1DG**

- (1) S1DG (except Group 5 S1DG and Group 8 S1DG) must be stored in—
  - (a) a Government Explosives Depot; or
  - (b) a licensed store.
- (2) Group 5 S1DG must only be stored in a Government Explosives Depot.
- (3) A person who stores S1DG in contravention of subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.
- (4) In this section—

***Government Explosives Depot*** (政府爆炸品倉庫) means a depot designated as a Government Explosives Depot under section 13A of the Ordinance.

### **Subdivision 2—Store and Use Licence**

#### **22. Grant and renewal of store and use licence**

- (1) The Commissioner may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the licensee to—
  - (a) store—
    - (i) in a Mode A store, S1DG (except Group 5 S1DG and Group 8 S1DG); or
    - (ii) in a Mode B store, Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG—

- (A) that are not used for blasting; and
- (B) the quantity of which does not exceed the storage limit under section 41;
- (b) use Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG otherwise than in the Mode A store or Mode B store (as may be appropriate); or
- (c) so store S1DG and use them.
- (2) For subsection (1)(b), the reference to use does not include—
  - (a) blasting in a licensed blasting site; and
  - (b) fireworks display mentioned in section 72.

**23. Form of store and use licence**

- (1) A store and use licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 24; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;
  - (b) the name and other particulars of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the kind and quantity of S1DG permitted to be stored;
  - (e) the address of the licensed store;
  - (f) the locations at which Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG may be used (if applicable);

- (g) the quantity of Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG that may be used at any one time (if applicable);
  - (h) any other information the Commissioner thinks fit, including the licence's date of issue and validity period.
- (4) The licence must be authenticated by the Commissioner.

**24. Conditions of store and use licence**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a store and use licence any conditions for any or all of the following—

- (a) safety or security of storage of S1DG, including the handling of the S1DG in the licensed store;
- (b) person who is responsible for managing the store;
- (c) firefighting measures relating to the store;
- (d) stock register of the store mentioned in section 30;
- (e) disposal of deteriorated, damaged, expired or surplus S1DG from the store;
- (f) a description of the designated conveyance area;
- (g) method of using Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG;
- (h) protective and precautionary measures for using Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG;
- (i) persons permitted to use Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG.

**25. Licensee to comply with direction**

- (1) The Commissioner may give a direction to the licensee of a store and use licence as to the manner in which the S1DG are to be stored.
- (2) The licensee must comply with a direction given under subsection (1).
- (3) A licensee who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**26. Licensee to take precautions**

- (1) The licensee of a store and use licence must take all reasonable precautions—
  - (a) to prevent fire or explosion in the licensed store; and
  - (b) if the S1DG kept in the store may become dangerous by interaction with water—to exclude water from the store.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**27. Restriction of storage in licensed store**

- (1) The licensee of a store and use licence must ensure that only the following are stored in the licensed store—
  - (a) the S1DG specified in the licence;
  - (b) non-ferrous container, receptacle, tool or instrument that is used directly in connection with the storage of the S1DG; and
  - (c) any other articles that—

- (i) are not hazardous to the S1DG stored in the store; and
  - (ii) are approved by the Commissioner for storage in the store.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**28. Licensee responsible for deteriorated or damaged S1DG**

- (1) The licensee of a store and use licence must ensure that the S1DG kept in the licensed store are inspected at least once a month by a person described in the condition endorsed on the licence under section 24(b) as the person who is responsible for managing the store.
- (2) If any deteriorated or damaged S1DG are discovered in the licensed store, the licensee must—
  - (a) report the fact to the Commissioner immediately; and
  - (b) remove the deteriorated or damaged S1DG from the licensed store and destroy them as soon as reasonably practicable in the manner specified by the Commissioner.
- (3) A licensee who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**29. Licensee to inspect conveyance permit etc.**

- (1) Subject to subsection (2), the licensee of a store and use licence must ensure that no person removes any S1DG from the licensed store unless—

- (a) before the SIDG are removed, the person has produced, and the licensee (or the licensee’s employee or agent) has inspected, the following document—
    - (i) a conveyance permit permitting the conveyance of the SIDG; or
    - (ii) if the SIDG are cartridges for small arms or safety cartridges—a licence granted under section 30(1) of the Firearms and Ammunition Ordinance (Cap. 238) (*Cap. 238 licence*) allowing the removal or conveyance of those cartridges by the person; and
  - (b) the licensee (or the licensee’s employee or agent) signs on the conveyance permit or the Cap. 238 licence to confirm that the permit or licence has been so inspected before the SIDG are removed from the licensed store.
- (2) Subsections (1)(a)(i) and (1)(b) do not apply to SIDG that are exempt from the operation of section 6 of the Ordinance for conveyance under this Part or Division 1 of Part 3 of Cap. 295E.
- (3) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**30. Licensee to maintain stock register**

- (1) The licensee of a store and use licence must maintain a stock register—
  - (a) containing—
    - (i) the kind and quantity of the SIDG stored in the licensed store, and the dates on which the SIDG are brought into the store;

- (ii) information on the invoice or any other document relating to the source from which the SIDG are obtained; and
    - (iii) records of removal of the SIDG from the store; and
  - (b) kept in a way that the balance in the store of each kind of the SIDG can readily be recognized from the register.
- (2) The licensee must ensure that—
  - (a) the stock register is kept—
    - (i) up to date;
    - (ii) in the form and manner specified by the Commissioner; and
    - (iii) in the licensed store or at a place close to the store; and
  - (b) each entry in the stock register is signed by a person described in the condition endorsed on the licence under section 24(b) as the person who is responsible for managing the store.
- (3) The licensee must, on request by the Commissioner—
  - (a) produce the stock register for inspection by the Commissioner at the time and place specified by the Commissioner; and
  - (b) allow the Commissioner to make copies of the stock register.
- (4) A licensee who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### 31. Restriction on storage of different SIDG

- (1) Subject to subsection (2), the licensee of a store and use licence must not store, or cause or permit to be stored, SIDG of different classes or different compatibility groups in the licensed store.
- (2) Subsection (1) does not apply to the storage in the same licensed store of—
  - (a) Class 1 SIDG of a compatibility group other than group A, K or L together with other Class 1 SIDG of compatibility group S (other than detonators) and intact special Class 9 SIDG;
  - (b) Class 1 SIDG of compatibility group C, D or E together with other Class 1 SIDG of—
    - (i) compatibility group C, D or E; or
    - (ii) compatibility group G (other than firework) of Division 1.3 or 1.4 (*group G SIDG*) that is in the form of explosive article, on condition that the group G SIDG is not liable to give rise to loose powder;
  - (c) Class 1 SIDG that is a detonator of compatibility group B together with other detonators of compatibility group S; and
  - (d) subject to section 39, Class 1 SIDG that is a detonator of compatibility group B or S together with other Class 1 SIDG of compatibility group D that are to be used for blasting.
- (3) Except with the approval of the Commissioner, the licensee of a store and use licence must not store, or cause or permit to be stored, Group 8 SIDG together with any other SIDG in the licensed store.



- (4) A licensee who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### **Subdivision 3—Licensed Mode A Store**

#### **32. Security of licensed Mode A store**

- (1) The licensee of a Mode A licence must ensure that—
- (a) the licensed Mode A store is protected by a fence in the manner specified by the Commissioner;
  - (b) except with the approval of the Commissioner, the store is securely locked after sunset and before sunrise;
  - (c) every entrance to the store (including any gate of the fence mentioned in paragraph (a)) is at all times securely locked, except when the entrance is required to be unlocked for inspection, maintenance or handling of S1DG in the store;
  - (d) no person may enter the store unless the person is authorized by the licensee or the Commissioner to do so; and
  - (e) the number of security guards (including armed security guards if required by the Commissioner) on duty at the store is at all times not less than the number specified in the condition endorsed on the licence under section 24(a).
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**33. Licensed Mode A store kept clean**

- (1) The licensee of a Mode A licence must ensure that the interior of the licensed Mode A store is kept clean and free from any grit or dirt that is capable of producing a spark or flame.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**34. Ground surrounding licensed Mode A store kept clear**

- (1) The licensee of a Mode A licence must ensure that the ground surrounding the licensed Mode A store to the distance as required by the condition endorsed on the licence under section 24(a) is kept clear of all obstructions.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (3) In subsection (1)—  
*obstructions* (障礙物) includes any vegetation.

**35. Licensed Mode A store provided with lightning conductor**

- (1) The licensee of a Mode A licence must ensure that the licensed Mode A store is, if required by the Commissioner, provided with an efficient lightning conductor.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**36. Repair work in or to licensed Mode A store**

- (1) The licensee of a Mode A licence must ensure that no repair work is carried out in or to the licensed Mode A store unless—
  - (a) all SIDG have been removed from the store; and
  - (b) the store has been thoroughly washed out and cleaned.
- (2) The licensee must ensure that no tool or instrument made of ferrous metal is used in any repair work in the store until subsections (1)(a) and (1)(b) have been complied with.
- (3) A licensee who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**37. Smoking, carrying lighted cigarette, etc. prohibited in or near licensed Mode A store**

- (1) A person must not smoke, carry a lighted cigarette, cigar or pipe or use an article that is capable of producing a spark or flame in—
  - (a) all areas of a licensed Mode A store; and
  - (b) all areas within the fence of the store mentioned in section 32(1)(a).
- (2) The licensee of a Mode A licence must take all reasonable precautions to ensure that subsection (1) is not contravened in relation to the licensed Mode A store.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.
- (4) A licensee who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 3.

**38. Warning sign, placard, etc. outside licensed Mode A store**

- (1) The licensee of a Mode A licence must ensure that—
- (a) a warning sign that complies with subsection (2) is displayed outside or adjacent to every entrance to the licensed Mode A store;
  - (b) a notice in English and Chinese is displayed at a conspicuous place outside or adjacent to—
    - (i) every entrance to the store; and
    - (ii) every gate of the fence of the store mentioned in section 32(1)(a),  
to the effect that smoking, carrying a lighted cigarette, cigar or pipe or using an article that is capable of producing a spark or flame is prohibited in the areas specified in section 37(1); and
  - (c) subject to subsection (3), a placard that conforms to the following is displayed at a conspicuous place outside or adjacent to every entrance to the store—
    - (i) the form in the following Figure in Part 1 of Schedule 1—
      - (A) for Class 1 S1DG in Division 1.1, 1.2 or 1.3—Figure No. 1;
      - (B) for Class 1 S1DG in Division 1.4—Figure No. 2;
      - (C) for special Class 9 S1DG that are mentioned in section 11 of that Schedule—Figure No. 2;
      - (D) for Class 1 S1DG in Division 1.5—Figure No. 3;
      - (E) for Class 1 S1DG in Division 1.6—Figure No. 4; and

- (ii) the specifications specified in Part 2 of Schedule 1.
- (2) For subsection (1)(a)—
  - (a) the warning sign must legibly show the English words “DANGER—EXPLOSIVES” and the Chinese characters “危險—爆炸品” in white against a background in red; and
  - (b) the English words and Chinese characters must not be less than 100 mm in height.
- (3) Subsection (1)(c) does not apply to a licensed Mode A store that is used solely for storing intact special Class 9 SIDG.
- (4) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**39. Storage of detonators in licensed Mode A store**

- (1) The licensee of a Mode A licence must ensure that detonators are not stored in the licensed Mode A store together with any other SIDG unless they are segregated in compliance with subsection (2).
- (2) Detonators must be segregated from other SIDG in a manner that can effectively prevent an explosion or fire that occurs in the storage area for detonators from initiating other SIDG in the store.
- (3) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### **Subdivision 4—Licensed Mode B Store**

#### **40. Security of licensed Mode B store**

- (1) Except with the approval of the Commissioner, the licensee of a Mode B licence must ensure that—
  - (a) if the licensed Mode B store is a room—the room is securely locked; or
  - (b) if the store is a fireproof container fixed in a compartment—both the container and compartment are securely locked.
- (2) Subsection (1) does not apply to the unlocking of a licensed Mode B store for inspection, maintenance or handling of S1DG in the store.
- (3) The licensee of a Mode B licence must take all reasonable precautions to prevent any person from unlocking the store unless the person is authorized by the licensee or the Commissioner to do so.
- (4) A licensee who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

#### **41. Storage limit of licensed Mode B store**

- (1) The licensee of a Mode B licence must ensure that the quantity of S1DG in the licensed Mode B store that are—
  - (a) of a Group or Class set out in column 2 in section 2 of Schedule 2; and
  - (b) of a Division (if applicable) set out in column 3 in section 2 of Schedule 2,

does not exceed the storage limit specified opposite to that Group or Class and Division (if applicable) in column 4 in section 2 of Schedule 2.

- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**42. Smoking, carrying lighted cigarette, etc. prohibited in or near licensed Mode B store**

- (1) A person must not smoke, carry a lighted cigarette, cigar or pipe or use an article that is capable of producing a spark or flame in a licensed Mode B store.
- (2) A person must not smoke, carry a lighted cigarette, cigar or pipe or use an article that is capable of producing a spark or flame—
- (a) if the licensed Mode B store is open—within 6 metres of the store, unless the area where the act of smoking, carrying or using occurs is separated from the store by a fire resisting wall, floor or ceiling; and
- (b) if the licensed Mode B store is a fireproof container fixed in a compartment—in the compartment.
- (3) The licensee of a Mode B licence must take all reasonable precautions to ensure that subsections (1) and (2) are not contravened in relation to the licensed Mode B store.
- (4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.
- (5) A licensee who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 3.

**43. Warning sign, placard, etc. outside licensed Mode B store**

- (1) The licensee of a Mode B licence must ensure that—
- (a) a warning sign that complies with subsection (2) is displayed outside or adjacent to every entrance to the licensed Mode B store;

- (b) a notice in English and Chinese is displayed at a conspicuous place outside or adjacent to—
- (i) every entrance to the store; and
  - (ii) if the store is a fireproof container fixed in a compartment—the compartment,
- to the effect that smoking, carrying a lighted cigarette, cigar or pipe or using an article that is capable of producing a spark or flame is prohibited in the areas specified in section 42(1) or (2); and
- (c) subject to subsection (3), a placard that conforms to the following is displayed at a conspicuous place outside or adjacent to every entrance to the store—
- (i) the form in the following Figure in Part 1 of Schedule 1—
    - (A) for Class 1 S1DG in Division 1.1, 1.2 or 1.3—Figure No. 1;
    - (B) for Class 1 S1DG in Division 1.4—Figure No. 2;
    - (C) for special Class 9 S1DG that are mentioned in section 11 of that Schedule—Figure No. 2;
    - (D) for Class 1 S1DG in Division 1.5—Figure No. 3;
    - (E) for Class 1 S1DG in Division 1.6—Figure No. 4; and
  - (ii) the specifications specified in Part 2 of Schedule 1.
- (2) For subsection (1)(a)—



- (a) the warning sign must legibly show the English words “DANGER—EXPLOSIVES” and the Chinese characters “危險—爆炸品” in white against a background in red; and
  - (b) the English words and Chinese characters must not be less than 40 mm in height.
- (3) Subsection (1)(c) does not apply to a licensed Mode B store that is used solely for storing intact special Class 9 S1DG.
- (4) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### **Subdivision 5—Use (Individual) Licence**

#### **44. Use of S1DG**

- (1) A person must not cause or permit any individual to use any quantity of S1DG at any location unless—
- (a) for all S1DG, the individual—
    - (i) is the licensee of a use (individual) licence; and
    - (ii) is permitted under the licence to use that quantity of S1DG at the location; and
  - (b) without affecting paragraph (a)—
    - (i) for Group 6 S1DG, Group 7 S1DG or special Class 9 S1DG that was stored in a licensed store—the individual is a person specified in the condition endorsed on the store and use licence under section 24(i) as a person permitted to use the S1DG; or

- (ii) for S1DG used in a licensed blasting site—the individual is the holder of a mine blasting certificate issued or renewed under regulation 22 of the Mines (Safety) Regulations (Cap. 285 sub. leg. B).
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**45. Grant and renewal of use (individual) licence**

The Commissioner may, on application by an individual and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the individual to use S1DG.

**46. Form of use (individual) licence**

- (1) A use (individual) licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 47; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;
  - (b) the name and other particulars of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the detailed description of the use of S1DG;
  - (e) the kind and quantity of S1DG permitted to be used;

- (f) the locations at which S1DG may be used;
  - (g) any other information the Commissioner thinks fit, including the licence's date of issue and validity period.
- (4) The licence must be authenticated by the Commissioner.

**47. Conditions of use (individual) licence**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a use (individual) licence any conditions for any or all of the following—

- (a) method of using S1DG;
- (b) safe handling of S1DG;
- (c) responsibility for, and supervision of, the use of S1DG.

## **Division 4—Blasting and Fireworks**

### **Subdivision 1—Blasting Permission**

**48. Interpretation of Subdivision 1 of Division 4 of Part 2**

In this Subdivision—

*blasting permission* (爆破准許) means—

- (a) in relation to a blasting operation in which S1DG are used for blasting—subject to paragraph (b), a possession licence together with a discharge (blasting) permit; or
- (b) in relation to a blasting operation in which only Group 8 S1DG are used—a discharge (blasting) permit.

**49. Grant and renewal of possession licence**

- (1) The Commissioner may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the licensee to possess S1DG (other than Group 8 S1DG) in a blasting site.
- (2) A possession licence may only be granted together with a discharge (blasting) permit for the use of the S1DG in the blasting site.

**50. Form of possession licence**

- (1) A possession licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 51; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;
  - (b) the name and other particulars of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the kind and quantity of S1DG permitted to be possessed;
  - (e) the address of the licensed blasting site;
  - (f) any other information the Commissioner thinks fit, including the licence's date of issue and validity period.
- (4) The licence must be authenticated by the Commissioner.

**51. Conditions of possession licence**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a possession licence any conditions for any or all of the following—

- (a) extent of the designated possession area where S1DG used for blasting may be possessed only if the S1DG are to be used in the blasting site without undue delay;
- (b) safety or security for possessing the S1DG, including the handling of the S1DG within the designated possession area;
- (c) person who is responsible for handling the possession and conveyance of the S1DG in the blasting site;
- (d) vehicle (if any) for the conveyance of the S1DG within the designated possession area;
- (e) disposal of deteriorated, damaged or surplus S1DG within the designated possession area;
- (f) records on the possession of the S1DG.

**52. Grant and renewal of discharge (blasting) permit**

- (1) The Commissioner may, on application and payment of the prescribed fee, grant or renew a permit permitting the discharge of S1DG in a blasting site.
- (2) For the purposes of section 6 of the Ordinance, a discharge (blasting) permit is regarded as a licence granted under the Ordinance.

**53. Form of discharge (blasting) permit**

- (1) A discharge (blasting) permit must be in English and Chinese.

- (2) The permit—
  - (a) is subject to the conditions endorsed on it under section 54; and
  - (b) must state that it is subject to those conditions.
- (3) The permit must include all of the following information—
  - (a) the permit number;
  - (b) the name and other particulars of the permit holder;
  - (c) the prescribed fee for the permit;
  - (d) the kind and quantity of SIDG permitted to be discharged;
  - (e) the address of the licensed blasting site;
  - (f) any other information the Commissioner thinks fit, including the permit's date of issue and validity period.
- (4) The permit must be authenticated by the Commissioner.

#### **54. Conditions of discharge (blasting) permit**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a discharge (blasting) permit any conditions for any or all of the following—

- (a) extent of the designated blasting area;
- (b) extent of the designated evacuation area;
- (c) protective and precautionary measures for blasting operations;
- (d) safe handling of SIDG;
- (e) method of discharge, including the maximum quantity of SIDG that may at any one time be loaded into each blast hole;

- (f) particulars of authorized shot firers employed or engaged for conducting blasting operations in the licensed blasting site;
- (g) monitoring and record keeping of blasting operations;
- (h) handling of misfire.

**55. Authorized shot firer required for blasting**

- (1) The permit holder of a discharge (blasting) permit must employ or engage at least one authorized shot firer described in the condition endorsed on the permit under section 54(f) for conducting blasting operations in the licensed blasting site.
- (2) A permit holder who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**Subdivision 2—Control of Blasting Operation**

**56. Smoking, carrying lighted cigarette, etc. prohibited while S1DG are being prepared etc.**

- (1) A person must not smoke, or carry a lighted cigarette, cigar or pipe, in any licensed blasting site while S1DG are being—
  - (a) removed from a licensed store (if applicable) within the site;
  - (b) prepared, loaded or connected for blasting; or
  - (c) laid at the site.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**57. Person engaged in preparing etc. S1DG not to carry article capable of producing spark or flame**

- (1) A person who is engaged in preparing, loading or connecting S1DG in a licensed blasting site must not carry an article that is capable of producing a spark or flame.
- (2) Subsection (1) does not apply to an article that is required by an authorized shot firer for the purpose of initiating S1DG.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**58. Conveyance of S1DG in licensed blasting site**

- (1) A person must not convey, or cause or permit to be conveyed, S1DG in a licensed blasting site unless the conveyance is under the personal supervision of an authorized shot firer.
- (2) An authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that—
  - (a) detonators are not carried in the same container with other S1DG when the detonators are conveyed in the site; and
  - (b) if the detonators are conveyed on a vehicle in the site—a placard that conforms to the following is displayed at a conspicuous place on the vehicle—
    - (i) the form in the following Figure in Part 1 of Schedule 1—
      - (A) for Class 1 S1DG in Division 1.1, 1.2 or 1.3—Figure No. 1;
      - (B) for Class 1 S1DG in Division 1.4—Figure No. 2;



- (C) for special Class 9 S1DG that are mentioned in section 11 of that Schedule—Figure No. 2;
  - (D) for Class 1 S1DG in Division 1.5—Figure No. 3;
  - (E) for Class 1 S1DG in Division 1.6—Figure No. 4; and
- (ii) the specifications specified in Part 2 of Schedule 1.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (4) An authorized shot firer who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**59. Preparing S1DG for blasting**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that when S1DG are prepared for blasting—
- (a) the instructions provided by the manufacturer of the S1DG that are not inconsistent with this Part are complied with; and
  - (b) the conditions endorsed on the discharge (blasting) permit are complied with.
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**60. Loading S1DG for blasting**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that when S1DG are loaded for blasting—
  - (a) the instructions provided by the manufacturer of the S1DG that are not inconsistent with this Part are complied with;
  - (b) the S1DG are loaded by—
    - (i) the authorized shot firer; or
    - (ii) a person who works under the shot firer’s direction and supervision; and
  - (c) the conditions endorsed on the discharge (blasting) permit are complied with.
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**61. Means of blasting**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that—
  - (a) the blasting is carried out by loading S1DG into blast holes; and
  - (b) except with the approval of the Commissioner, S1DG are not used on ground surface.
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**62. Loading quantity for blasting**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that each blast hole is loaded with a quantity of S1DG not exceeding the maximum quantity described in the condition endorsed on the discharge (blasting) permit under section 54(e).
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**63. Precautions for blasting**

- (1) Each person specified in subsection (2) must ensure that, during a blasting operation in a licensed blasting site, S1DG must not be fired unless effective and adequate precautions have been taken to prevent any fragments from being projected in a dangerous way.
- (2) The persons are—
  - (a) the permit holder of the discharge (blasting) permit for the licensed blasting site; and
  - (b) each authorized shot firer who conducts the blasting operation in the site.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**64. Warning signal and sign for blasting**

- (1) Each person specified in subsection (2) must ensure that, for the period of not less than 5 minutes before a blasting starts in a licensed blasting site until S1DG have been fired, there is—

- (a) a continuous audible warning signal at the site with sufficient strength to alert persons with ordinary hearing in, or in the vicinity of, the site (including persons in any vehicle in or approaching the site); and
  - (b) a continuous display of a red flag and other appropriate warning sign at each point of access to the designated evacuation area mentioned in section 54(b) to ensure that persons are warned of the danger a person in the area may be exposed to.
- (2) The persons are—
- (a) the permit holder of the discharge (blasting) permit for the licensed blasting site; and
  - (b) each authorized shot firer who conducts the blasting operation in the site.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**65. No entry to designated evacuation area while warning signal or sign sounded or displayed**

- (1) While the warning signal or sign mentioned in section 64(1) is sounded or displayed, a person—
- (a) must not enter the designated evacuation area mentioned in section 54(b); or
  - (b) if the person is in the area—must not refuse to leave it after being requested to leave by—
    - (i) a public officer; or
    - (ii) a person who is employed or engaged by the permit holder of the discharge (blasting) permit.

- (2) Subsection (1) does not apply to a person authorized by the Commissioner to conduct, supervise or inspect the blasting operation.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**66. Use of detonating fuse for firing not allowed**

- (1) Except with the approval of the Commissioner, an authorized shot firer who conducts a blasting operation in a licensed blasting site must ensure that no detonating fuse is used for firing.
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (3) In this section—  
*fuse* (信管) includes a substance or device manufactured or used for initiating any SIDG by means of burning.

**67. Use of exploders for firing**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site by using an exploder for firing SIDG must ensure that—
  - (a) the exploder, or a detachable device removed from the exploder the removal of which renders the exploder inoperable in firing SIDG, is under his or her control when the SIDG are prepared, loaded or connected;

- (b) if an electric exploder is used—the S1DG must not be fired unless the shot firer has tested the circuit for continuity and resistance with a circuit tester that is maintained according to the instructions provided by the manufacturer of the exploder that are not inconsistent with this Part; and
  - (c) the conditions endorsed on the discharge (blasting) permit are complied with.
- (2) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (3) In subsection (1)—
- electric exploder* (電爆炸裝置) includes any electronic device that is used to initiate a detonator.

**68. Action taken immediately after firing**

- (1) An authorized shot firer who conducts a blasting operation in a licensed blasting site must, as soon as reasonably practicable after S1DG are fired, confirm whether the S1DG have been completely fired.
- (2) Subject to section 70, an authorized shot firer must ensure that—
  - (a) no unexploded S1DG remains in the licensed blasting site when he or she leaves the site; and
  - (b) except with the approval of the Commissioner, any S1DG that are not used or destroyed in the operation are returned to the licensed store from which the S1DG were removed for use in the operation.
- (3) An authorized shot firer who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**69. Record of blasting operations**

- (1) An authorized shot firer must maintain a record of every blasting operation conducted by him or her in a licensed blasting site containing the details of—
  - (a) the blast holes bored in the operation;
  - (b) the depth of each blast hole;
  - (c) the kind and quantity of S1DG loaded into each blast hole;
  - (d) the time of firing; and
  - (e) misfire, if any, and how the misfire is dealt with.
- (2) An authorized shot firer must ensure that the record mentioned in subsection (1) is—
  - (a) in the form specified by the Commissioner;
  - (b) in relation to the information mentioned in subsection (1)(a), (b) and (c)—compiled when the S1DG are loaded; and
  - (c) completed as soon as reasonably practicable after the blasting operation has been conducted.
- (3) An authorized shot firer who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 3.

**70. Misfire**

- (1) If, during a blasting operation in a licensed blasting site, any S1DG fail to detonate after firing, each person specified in subsection (2) must ensure that—
  - (a) the place where the firing took place is searched to locate any unexploded S1DG;

- (b) the misfired S1DG are dealt with—
    - (i) in the manner described in the condition endorsed on the discharge (blasting) permit under section 54(h); or
    - (ii) in any other manner as the Commissioner may direct; and
  - (c) no person (other than a person whom the shot firer considers necessary for handling the misfired S1DG) comes closer than 15 metres from the place where the firing took place until the misfired S1DG have been fired, rendered safe or otherwise dealt with.
- (2) The persons are—
    - (a) the permit holder of the discharge (blasting) permit for the licensed blasting site; and
    - (b) each authorized shot firer who conducts the blasting operation in the site.
  - (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

## **71. Special precautions for blasting**

- (1) If an authorized shot firer who conducts a blasting operation in a licensed blasting site under a discharge (blasting) permit considers that any special precautions are reasonably necessary for the safety of any person or property in the vicinity of the site, the shot firer must notify the permit holder of the precautions.
- (2) Except with the approval of the Commissioner, a person must not conduct any blasting operation until the precautions mentioned in subsection (1) have been taken.



- (3) An authorized shot firer who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### **Subdivision 3—Fireworks Display on Land**

#### **72. Discharge of manufactured fireworks for fireworks display on land**

- (1) A person must not discharge any fireworks, or cause or permit any fireworks to be discharged, for the production of any pyrotechnic effect for fireworks display on land unless they are manufactured fireworks discharged—
  - (a) under a discharge (fireworks) permit; or
  - (b) in compliance with a permission granted under subsection (2).
- (2) The Secretary may, by notice published in the Gazette, grant a general permission for the discharge of manufactured fireworks by the public or a specified class of the public subject to the conditions specified in the notice.
- (3) The Secretary may grant a general permission under subsection (2) after taking into account—
  - (a) the interests of public safety;
  - (b) whether it is more appropriate to grant a discharge (fireworks) permit under section 73(1); and
  - (c) whether it is reasonable to do so in all the circumstances of the case.

- (4) A notice published under subsection (2) is not subsidiary legislation.
- (5) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 3.

**73. Grant and renewal of discharge (fireworks) permit**

- (1) The Secretary may, on application and payment of the prescribed fee, grant or renew a permit permitting the discharge of manufactured fireworks for fireworks display on land.
- (2) For the purposes of section 6 of the Ordinance, a discharge (fireworks) permit is regarded as a licence granted under the Ordinance.
- (3) Despite subsection (1), the Secretary may waive in whole or in part the prescribed fee specified in item 9 of the table in section 3 of Schedule 8 if a discharge (fireworks) permit is granted or renewed in aid of or for the purposes of any charity, religious body or religious function approved by the Secretary.

**74. Form of discharge (fireworks) permit**

- (1) A discharge (fireworks) permit must be in English and Chinese.
- (2) The permit—
  - (a) is subject to the conditions endorsed on it under section 75; and
  - (b) must state that it is subject to those conditions.
- (3) The permit must include all of the following information—
  - (a) the permit number;

- (b) the name and other particulars of the permit holder;
  - (c) the prescribed fee for the permit;
  - (d) the location of the fireworks display;
  - (e) any other information the Secretary thinks fit, including the permit's date of issue and validity period.
- (4) The permit must be authenticated by the Secretary.

**75. Conditions of discharge (fireworks) permit**

For the purposes of section 9 of the Ordinance, the Secretary may endorse on a discharge (fireworks) permit any conditions for any or all of the following—

- (a) the kind and quantity of manufactured fireworks permitted to be discharged;
- (b) details of the firing point;
- (c) protective and precautionary measures relating to the discharge of the manufactured fireworks;
- (d) safe handling of the manufactured fireworks;
- (e) method of discharge of the manufactured fireworks;
- (f) person who is responsible for the handling and discharge of the manufactured fireworks.

**76. Licensee of use (individual) licence required for fireworks display**

- (1) The permit holder of a discharge (fireworks) permit must employ or engage at least one licensee of a use (individual) licence for the discharge of manufactured fireworks in fireworks display on land.
- (2) A permit holder who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

## **Division 5—Conveyance of S1DG**

### **Subdivision 1—Construction**

#### **77. Certain special Class 9 S1DG regarded as Class 1 S1DG**

In this Division, special Class 9 S1DG that are not intact in S1DG packaging that complies with the IMDG Code are regarded as Class 1 S1DG.

### **Subdivision 2—Conveyance Generally**

#### **78. Exemption of conveyance permit**

- (1) Subject to subsection (2), the following are exempt from the operation of section 6 of the Ordinance for conveyance—
  - (a) intact special Class 9 S1DG;
  - (b) Group 8 S1DG;
  - (c) explosive (whether or not falling within the definition of *S1DG*) in a licensed factory in such quantities as are reasonably required for, and incidental to, the manufacture of S1DG;
  - (d) Class 1 S1DG within a designated conveyance area;
  - (e) Class 1 S1DG within a designated possession area;
  - (f) Class 1 S1DG removed from a licensed Mode A store situated in a licensed blasting site for use in the site without undue delay; and
  - (g) any quantity of cartridges for small arms or safety cartridges removed from a licensed store, if a licence has been granted to a person (or in the case of a body corporate, to a responsible officer on its behalf) under the Firearms and Ammunition Ordinance

(Cap. 238) authorizing the removal or conveyance of the cartridges by the person.

- (2) Despite subsection (1), except with the approval of the Commissioner, a person must not convey, or cause or permit to be conveyed, on land—
  - (a) intact special Class 9 S1DG together with any other DG; or
  - (b) Group 8 S1DG together with any other S1DG.
- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 3 months.

**79. Loading capacity of vehicle for conveyance of Class 1 S1DG**

- (1) Except with the approval of the Commissioner, a vehicle must not carry more than 200 kg of explosive content of Class 1 S1DG at any one time.
- (2) If—
  - (a) a vehicle carries not more than 200 kg of explosive content of Class 1 S1DG together with not more than 2 000 detonators;
  - (b) the detonators are segregated from other Class 1 S1DG by a partition that can effectively prevent an explosion or fire that occurs at one side of the partition from initiating other Class 1 S1DG at the other side; and
  - (c) the height of the partition is not less than the higher of the load of the detonators or other Class 1 S1DG, the detonators are not regarded as explosive content of Class 1 S1DG for the purposes of subsection (1).

- (3) If subsection (1) is contravened in relation to a vehicle, the owner and driver of the vehicle each commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**80. Display of placard on vehicle**

- (1) Subject to subsection (2), Class 1 S1DG must not be conveyed on a vehicle unless a placard that conforms to the following is displayed at a conspicuous place on the vehicle—
  - (a) the form in the following Figure in Part 1 of Schedule 1—
    - (i) for Class 1 S1DG in Division 1.1, 1.2 or 1.3—Figure No. 1;
    - (ii) for Class 1 S1DG in Division 1.4—Figure No. 2;
    - (iii) for special Class 9 S1DG that are mentioned in section 11 of that Schedule—Figure No. 2;
    - (iv) for Class 1 S1DG in Division 1.5—Figure No. 3;
    - (v) for Class 1 S1DG in Division 1.6—Figure No. 4;and
  - (b) the specifications specified in Part 2 of Schedule 1.
- (2) Subsection (1) does not apply to Class 1 S1DG that are exempt from the operation of section 6 of the Ordinance for conveyance under this Part or Division 1 of Part 3 of Cap. 295E.
- (3) If subsection (1) is contravened in relation to a vehicle, the owner and driver of the vehicle each commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**81. Class 1 SIDG not permitted in public transport carrier**

- (1) A person must not carry any Class 1 SIDG while the person is on board a public transport carrier.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
- (3) In subsection (1)—

*public transport carrier* (公共交通工具) means a public bus, public light bus, taxi, train, light rail vehicle, tramcar or any other carrier that is used in or for publicly available services for the transportation of persons.

**Subdivision 3—Conveyance Permit**

**82. Grant of conveyance permit**

- (1) The Commissioner may, on application and payment of the prescribed fee, grant a permit permitting the conveyance of Class 1 SIDG on land from one place of origin to only one destination.
- (2) For the purposes of section 6 of the Ordinance, a conveyance permit is regarded as a licence granted under the Ordinance.

**83. Form of conveyance permit**

- (1) A conveyance permit must be in English and Chinese.
- (2) The permit—
  - (a) is subject to the conditions endorsed on it under section 84; and
  - (b) must state that it is subject to those conditions.

- (3) The permit must include all of the following information—
- (a) the permit number;
  - (b) the name and other particulars of the permit holder;
  - (c) the prescribed fee for the permit;
  - (d) the kind and quantity of Class 1 S1DG permitted to be conveyed in the journey;
  - (e) the place of origin of the conveyance;
  - (f) the destination of the conveyance;
  - (g) any other information the Commissioner thinks fit, including the permit's date of issue and validity period.
- (4) The permit must be authenticated by the Commissioner.

**84. Conditions of conveyance permit**

For the purposes of section 9 of the Ordinance, the Commissioner may endorse on a conveyance permit any conditions for any or all of the following—

- (a) route of conveyance;
- (b) vehicle to be used for the conveyance;
- (c) driver of the vehicle;
- (d) persons who attend to the vehicle;
- (e) safe handling of the Class 1 S1DG conveyed.

**Division 6—Packing, Marking and Labelling of S1DG**

**85. Application of Division 6 of Part 2**

This Division does not affect the operation of—



- (a) section 6 of the Ordinance; and
  - (b) any other provision of this Regulation,
- in relation to the storage or conveyance of Class 1 S1DG and special Class 9 S1DG.

**86. Exemption in general**

This Division does not apply to—

- (a) Class 1 S1DG or special Class 9 S1DG that—
  - (i) are used in a manufacturing process in a licensed factory or a licensed blasting site, including any examination and testing necessary for the process;
  - (ii) are exempt from the operation of section 6 of the Ordinance for storage under this Part or Division 1 of Part 3 of Cap. 295E; or
  - (iii) have been removed from S1DG packaging for use without undue delay; or
- (b) Group 8 S1DG.

**87. Requirements for packing, marking and labelling**

- (1) Subject to sections 86 and 88, a person must not store or convey, or cause or permit to be stored or conveyed, Class 1 S1DG or special Class 9 S1DG unless the packing, marking and labelling requirements specified in Schedule 3 are complied with in relation to the S1DG.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**88. Effect of compliance with IMDG Code**

For the purposes of section 87, if Class 1 S1DG or special Class 9 S1DG are packed, marked and labelled in conformity with the IMDG Code, the packing, marking and labelling requirements specified in Schedule 3 for storage or conveyance of the S1DG are regarded as having been complied with in relation to the S1DG.

**89. Class 1 S1DG or special Class 9 S1DG presumed to be as specified in mark or label**

- (1) If an S1DG packaging of Class 1 S1DG or special Class 9 S1DG bears a mark or label, the contents of the packaging are, unless the contrary is proved, presumed to be—
  - (a) if the packaging bears a mark that specifies a UN number—S1DG of a classification or identification as per that number;
  - (b) if the packaging bears a mark that does not specify a UN number but specifies a proper shipping name—S1DG as described by that name; or
  - (c) if the packaging does not bear a mark but bears a label that specifies a Class of S1DG—S1DG of the relevant Class.
- (2) The mark or label mentioned in subsection (1) is admissible as evidence, on the face of it, of the identity of the Class 1 S1DG or special Class 9 S1DG in any civil or criminal proceedings.

## **Division 7—Validity and Replacement of S1DG Licence or Permit**

### **90. Cessation of validity of S1DG licence and permit**

- (1) An S1DG licence or permit ceases to be valid when—
  - (a) the validity period of the licence or permit expires;
  - (b) the licence or permit—
    - (i) is revoked under section 9 of the Ordinance;
    - (ii) is cancelled under section 17 of the Ordinance;  
or
    - (iii) is surrendered by the licensee or permit holder;  
or
  - (c) the licensee or permit holder dies or ceases to exist.
- (2) Without affecting subsection (1)—
  - (a) a manufacture (factory) licence ceases to be valid when the licensed factory (including any S1DG process building of the factory) is demolished, destroyed or ceases to exist; and
  - (b) a store and use licence ceases to be valid when the licensed store is demolished, destroyed or ceases to exist.
- (3) If an S1DG licence or permit that is granted or renewed in hard copy form—
  - (a) ceases to be valid under subsection (1)(b)(i) or (ii), the licensee or permit holder must surrender the licence or permit to (for a discharge (fireworks) permit) the Secretary or (for any other S1DG licence or permit) the Commissioner within 7 working days after a written notice of the revocation or

cancellation is received by the licensee or permit holder; or

- (b) ceases to be valid under subsection (2)(a) or (b), the licensee must surrender the licence to the Commissioner within 7 working days after the occurrence of the event described in that subsection.
- (4) A licensee or permit holder who without reasonable excuse contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1.
- (5) In this section—

***S1DG licence or permit*** (S1危險品牌照或許可證) means—

- (a) a manufacture (factory) licence;
- (b) a manufacture (blasting) licence;
- (c) a store and use licence;
- (d) a possession licence;
- (e) a use (individual) licence;
- (f) a discharge (blasting) permit;
- (g) a discharge (fireworks) permit; or
- (h) a conveyance permit.

## 91. Replacement of S1DG licence and permit

- (1) If an S1DG licence or permit (other than a discharge (fireworks) permit) (***original licence or permit***) is lost, defaced or destroyed, the Commissioner may, on application and payment of the prescribed fee, grant to the licensee or permit holder a replacement licence or replacement permit (as the case may be) in like terms.
- (2) A replacement licence or replacement permit granted under subsection (1) has the same effect as the original licence or permit.

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- (3) If a discharge (fireworks) permit is lost, defaced or destroyed (*original permit*), the Secretary may, on application and payment of the prescribed fee, grant to the permit holder a replacement permit in like terms.
  - (4) A replacement permit granted under subsection (3) has the same effect as the original permit.
  - (5) In subsection (1)—  
***SIDG licence or permit*** (S1危險品牌照或許可證) has the meaning given by section 90(5).
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## Part 3

### S2DG

#### Division 1—Interpretation

##### 92. Interpretation of Part 3

In this Part—

***approved tank*** (獲准貯槽) means a tank approved under section 114(1);

***Class 3A premises*** (第3A類處所) means a premises in which an approved tank containing Class 3A S2DG is located;

***conveyance licence*** (運送牌照) means a licence granted or renewed under section 117;

***fire safety requirements*** (消防安全規定), in relation to a premises that is to be used as a licensed factory, licensed store or Class 3A premises, or a vehicle that is to be used as a licensed vehicle, means fire safety requirements issued under section 93 for the factory, store, premises or vehicle;

***fire service installation or equipment*** (消防裝置或設備) has the meaning given by section 2 of the Fire Services Ordinance (Cap. 95);

***hazardous area*** (危險區), in relation to a licensed factory, licensed store or Class 3A premises, means the area of, and adjacent to, the factory, store or premises that is marked as “hazardous area” on the latest plan of the factory, store or premises approved by the Director;

***licensed factory*** (持牌工廠) means a premises in which the manufacture of S2DG is permitted under a manufacture licence;

**licensed store** (持牌貯存所) means a premises the use of which for the storage of S2DG is permitted under a store and use licence, and includes any fixed piping, fittings or equipment designed and constructed for the distribution of the S2DG;

**licensed tank** (持牌貯槽) means a licensed store—

- (a) that is a tank; and
- (b) the use of which for the storage of S2DG is permitted under a store and use licence;

**licensed tank vehicle** (持牌貯槽車輛) means a licensed vehicle that is a tank vehicle;

**licensed vehicle** (持牌車輛) means a vehicle the use of which for the conveyance of S2DG (Class 2/3/3A) is permitted under a conveyance licence (including a motor tractor or trailer);

**manufacture** (製造)—

- (a) includes the filling of a pressure receptacle (other than a boiler or a pressure vessel as defined by section 2(1) of the Boilers and Pressure Vessels Ordinance (Cap. 56)) with any gas; but
- (b) does not include the removal of a refrigerant from a refrigeration machine or equipment and storing the refrigerant in a container designed for storing it;

**manufacture licence** (製造牌照) means a licence granted or renewed under section 94(1);

**motor tractor** (機動拖拉機) has the meaning given by regulation 2 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A);

**paint materials** (油漆物料) has the meaning given by section 2 of Cap. 295E;

***pre-packed S2DG*** (預先包裝的S2危險品) has the meaning given to the definition of ***pre-packed Schedule 2 dangerous goods*** by section 2 of Cap. 295E;

***pressure receptacle*** (壓力氣體容器) means a receptacle used for containing Class 2 S2DG under pressure, other than a boiler or a pressure vessel as defined by section 2(1) of the Boilers and Pressure Vessels Ordinance (Cap. 56);

***quantity*** (分量), in relation to S2DG, has the same meaning as in section 5 of Cap. 295E;

***registered contractor*** (註冊承辦商) has the meaning given by regulation 2 of the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg. A);

***S2DG licence*** (S2危險品牌照) means—

- (a) in relation to the manufacture of S2DG—a manufacture licence; or
- (b) in relation to the storage or use (or both) of S2DG—a store and use licence;

***S2DG packaging*** (S2危險品包裝) means any receptacle (including a receptacle that forms part of pre-packed S2DG), tank or material for receiving, holding or enclosing S2DG, but does not include any freight container, aircraft container or vehicle;

***store and use licence*** (貯存暨使用牌照) means a licence granted or renewed under section 94(2);

***tank-container*** (液罐貨櫃) means a movable freight container designed for containing S2DG directly without any form of intermediate containment;

***tank vehicle*** (貯槽車輛) means a vehicle for the conveyance of S2DG (Class 2/3/3A) that comprises at least one tank (other than the fuel tank) permanently mounted on the chassis of the vehicle;



*trailer* (拖車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374).

## **Division 2—Fire Safety Requirements**

### **93. Director may issue fire safety requirements**

- (1) The Director may from time to time issue fire safety requirements that set out the safety standards required for a licensed factory, licensed store, Class 3A premises (including an approved tank in it) or licensed vehicle, including its design, construction, ventilation, piping, fittings and equipment, retaining facilities and drainage, electrical installation and fittings, fire service installation or equipment, signs (including notices and placards), operation, housekeeping, management, security, staff training and emergency preparedness.
- (2) Fire safety requirements issued under subsection (1) must be formulated on a case-by-case basis after conducting individual risk assessment.

## **Division 3—Manufacture, Storage and Use of S2DG**

### **94. Grant and renewal of S2DG licence**

- (1) The Director may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the manufacture of S2DG in a premises that complies with the fire safety requirements issued for the premises.
- (2) The Director may, on application and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the licensee to—

- (a) store S2DG in a premises that complies with the fire safety requirements issued for it; or
- (b) so store S2DG and use them.

**95. Form of manufacture licence**

- (1) A manufacture licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 96; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;
  - (b) the name of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the date on which the licence is first granted;
  - (e) the validity period of the licence;
  - (f) the description and classification (including its packing group) of S2DG permitted to be manufactured;
  - (g) the following particulars of the licensed factory—
    - (i) the address of the factory; and
    - (ii) the locations at which the S2DG may be manufactured.
- (4) The licence must be authenticated by the Director.

**96. Conditions of manufacture licence**

For the purposes of section 9 of the Ordinance, the Director may endorse on a manufacture licence any or all of the following conditions—

- (a) the licence or a copy of it must be displayed in a conspicuous place at the licensed factory;
- (b) the licence must be produced for inspection if requested by the Director;
- (c) the licence must not be altered without the approval of the Director;
- (d) the fire safety requirements issued for the factory must be complied with at all times;
- (e) adequate measures must be taken to ensure the safe operation of the factory, including the housekeeping, management, security, staff training, emergency preparedness and other control of the factory;
- (f) the layout and structure within the hazardous area of the factory must be kept in the same way as shown in the latest plan of the factory approved by the Director in writing;
- (g) except with the Director's written approval, no alteration or addition may be made to the factory (including any fittings or equipment in it);
- (h) the factory (including any fittings or equipment in it) must be maintained in good order and condition at all times;
- (i) the fire service installation or equipment for the factory must be kept in efficient working order;
- (j) the fire service installation or equipment for the factory must—

- (i) be inspected by a registered contractor at least once in every 12 months; and
- (ii) be certified, after the inspection, to be in efficient working order by a certificate issued by the registered contractor under regulation 9 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B);
- (k) the fire service installation or equipment for the factory must not be obstructed by any thing in a way that may affect its operation;
- (l) if there is any incident of explosion or fire in, in the vicinity of or in connection with the factory, or any leak of S2DG from the factory—
  - (i) the incident must be reported immediately to the Director; and
  - (ii) if loss of life or personal injury is caused by the incident—the loss or injury must also be reported immediately to the Director;
- (m) any spill or leakage of S2DG must be stemmed and handled promptly.

**97. Form of store and use licence**

- (1) A store and use licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 98; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;

- (b) the name of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the date on which the licence is first granted;
  - (e) the validity period of the licence;
  - (f) the following particulars of S2DG permitted to be stored or used—
    - (i) the description of the S2DG;
    - (ii) the classification (including its packing group) of the S2DG; and
    - (iii) the maximum quantity for the storage and use of the S2DG in aggregate;
  - (g) the following particulars of the licensed store—
    - (i) the address of the store; and
    - (ii) the locations at which the S2DG may be stored;
  - (h) the locations at which the S2DG may be used (if applicable).
- (4) The licence must be authenticated by the Director.

**98. Conditions of store and use licence**

For the purposes of section 9 of the Ordinance, the Director may endorse on a store and use licence any or all of the following conditions—

- (a) the licence or a copy of it must be displayed in a conspicuous place at the licensed store;
- (b) the licence must be produced for inspection if requested by the Director;
- (c) the licence must not be altered without the approval of the Director;

- (d) the quantity for the storage and use of S2DG in aggregate must not exceed the maximum quantity for the storage and use in aggregate as specified in the licence;
- (e) when the S2DG specified in the licence are not in use, they must be returned to the store for storage;
- (f) the fire safety requirements issued for the store must be complied with at all times;
- (g) adequate measures must be taken to ensure the safe operation of the store, including the housekeeping, management, security, staff training, emergency preparedness and other control of the store;
- (h) the layout and structure within the hazardous area of the store must be kept in the same way as shown in the latest plan of the store approved by the Director in writing;
- (i) the store (including any fittings or equipment in it) must be maintained in good order and condition at all times;
- (j) the store and all other areas in the hazardous area must be maintained in a clean and tidy condition;
- (k) the store must not be used for the storage of any thing or dangerous goods (other than the S2DG specified in the licence), except—
  - (i) any thing that is necessary to facilitate the storage of the S2DG; or
  - (ii) an empty receptacle used for containing the S2DG;
- (l) if there is any ventilation opening provided in the store, the opening must not be obstructed;

- (m) no vehicle may be parked in the hazardous area of the store for any purpose other than refueling;
- (n) one way traffic flow must be maintained for the entry and exit routes for a store that is a refueling station;
- (o) when a vehicle delivers fuel to the store, a safe emergency route must be maintained;
- (p) S2DG must not be placed outside the store for any purpose or duration, unless the S2DG are in use or the placing of the goods is reasonably necessary in the course of handling the S2DG;
- (q) the fire service installation or equipment for the store must be kept in efficient working order;
- (r) the fire service installation or equipment for the store must—
  - (i) be inspected by a registered contractor at least once in every 12 months; and
  - (ii) be certified, after the inspection, to be in efficient working order by a certificate issued by the registered contractor under regulation 9 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 sub. leg. B);
- (s) the fire service installation or equipment for the store must not be obstructed by any thing in a way that may affect its operation;
- (t) if there is any incident of explosion or fire in, in the vicinity of or in connection with the store, or any leak of S2DG from the store—
  - (i) the incident must be reported immediately to the Director; and

- (ii) if loss of life or personal injury is caused by the incident—the loss or injury must also be reported immediately to the Director;
- (u) any spill or leakage of S2DG must be stemmed and handled promptly;
- (v) if a licensed tank is inspected under regulation 8 of the Building (Oil Storage Installations) Regulations (Cap. 123 sub. leg. K) and, after the inspection, a certificate of inspection is issued under that regulation, a copy of the certificate must be delivered to the Director as soon as practicable.

**99. Cessation of validity of S2DG licence**

- (1) An S2DG licence ceases to be valid when—
  - (a) the validity period of the licence expires;
  - (b) the licence—
    - (i) is revoked under section 9 of the Ordinance;
    - (ii) is cancelled under section 17 of the Ordinance;  
or
    - (iii) is surrendered by the licensee; or
  - (c) the licensee dies or ceases to exist.
- (2) Without affecting subsection (1)—
  - (a) a manufacture licence ceases to be valid when the licensed factory is demolished, destroyed or ceases to exist; and
  - (b) a store and use licence ceases to be valid when the licensed store is demolished, destroyed or ceases to exist.
- (3) If an S2DG licence that is granted or renewed in hard copy form—



- (a) ceases to be valid under subsection (1)(b)(i) or (ii), the licensee must surrender the licence to the Director within 7 working days after a written notice of the revocation or cancellation is received by the licensee; or
  - (b) ceases to be valid under subsection (2)(a) or (b), the licensee must surrender the licence to the Director within 7 working days after the occurrence of the event described in that subsection.
- (4) A licensee who without reasonable excuse contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 1.

**100. Replacement of S2DG licence**

- (1) If an S2DG licence (*original licence*) is lost, defaced or destroyed, the Director may, on application and payment of the prescribed fee, grant to the licensee a replacement licence in like terms.
- (2) A replacement licence granted under subsection (1) has the same effect as the original licence.

**101. Restriction on alteration or addition etc. without approval**

- (1) The licensee of a store and use licence must not make any alteration or addition, or cause or permit any alteration or addition to be made, to the licensed store that results in any deviation in any material particular from the latest plan of the store approved by the Director.
- (2) Subsection (1) does not apply to an alteration or addition approved by the Director.
- (3) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

- 102. Licensee of store and use licence to provide particulars of S2DG**
- (1) The licensee of a store and use licence must, if requested by the Director, provide the Director with particulars of the S2DG contained in the store.
  - (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.
- 103. Use of defective licensed tank prohibited**
- (1) If it appears to the Director that a licensed tank for which a store and use licence is issued is, by reason of its condition, not suitable to be used for the storage of S2DG or unsafe, the Director may, by written notice served on the licensee of the licence—
    - (a) prohibit the use of the tank for the storage of S2DG; or
    - (b) permit the use of the tank for the storage of S2DG subject to the conditions specified in the notice.
  - (2) On receiving a notice under subsection (1), the licensee must immediately cease to—
    - (a) if subsection (1)(a) applies—use the tank for the storage of S2DG; or
    - (b) if subsection (1)(b) applies—use the tank for the storage of S2DG in contravention of the conditions specified in the notice.
  - (3) A licensee of a store and use licence who is aggrieved by a notice served under subsection (1) may appeal to the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442).

- (4) An appeal under subsection (3) against a notice under subsection (1) does not relieve the licensee from complying with subsection (2) pending the determination of the appeal.
- (5) A licensee who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

### **Division 4—Restrictions and Safety Precautions for Manufacture and Storage of S2DG**

#### **104. Smoking, carrying lighted cigarette, etc. prohibited in hazardous area of licensed factory, licensed store or Class 3A premises**

- (1) A person must not smoke or carry a lighted cigarette, cigar or pipe in the hazardous area of a licensed factory, licensed store or Class 3A premises.
- (2) A person who carries out an operation described in subsection (3) must not—
  - (a) smoke; or
  - (b) carry a lighted cigarette, cigar or pipe.
- (3) For subsection (2), the operation is one that involves loading S2DG into, or discharging S2DG from, a licensed factory, licensed store or Class 3A premises.
- (4) A person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

#### **105. Use of fire, flame, etc. prohibited in hazardous area of licensed store or Class 3A premises**

- (1) A person must not use, or cause or permit to be used, any naked light, flame or other source of substantial heat, or

other means of igniting flammable substances or vapour in the hazardous area of a licensed store or Class 3A premises, unless—

- (a) the prior approval of the Director has been obtained; or
  - (b) all of the following conditions are met—
    - (i) all S2DG have been removed from the licensed store or Class 3A premises;
    - (ii) if the storage of Class 2.1 S2DG, Class 3 S2DG, Class 3A S2DG, Class 4 S2DG or Class 5 S2DG, or S2DG of any other class with subsidiary hazard of 2.1, 3, 4.1, 4.2, 4.3 or 5.1 is involved—a person approved under subsection (2) has certified that all areas in the hazardous area of the licensed store or Class 3A premises are free from flammable vapour.
- (2) The Director may, on application, approve a person for the purposes of making a certification mentioned in subsection (1)(b)(ii).
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

**106. Fire, forge, etc. not be sited near licensed store or Class 3A premises**

- (1) A person must not site, or cause or permit fire, forge, furnace or other source of substantial heat to be sited, in an area that is within—
  - (a) the hazardous area of a licensed store or Class 3A premises; or
  - (b) 6 metres of the store or premises.

- (2) Subsection (1) does not apply if—
  - (a) the siting of the fire, forge, furnace or other source of substantial heat is approved by the Director; and
  - (b) the site is separated from the licensed store or Class 3A premises by a fire resisting wall of the dimensions and construction required by the Director.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

**107. Licensed store and Class 3A premises kept locked**

- (1) A person who manages, controls, keeps or operates a licensed store or Class 3A premises must cause every entrance to it to be at all times securely closed and (if it was equipped with any locking device at the time of grant of the relevant licence or approval) locked, except when access is required to the store or premises for the inspection, maintenance or handling of the S2DG in it.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**108. Children and unauthorized person not permitted in licensed store or Class 3A premises**

- (1) A person must not enter or remain in a licensed store or Class 3A premises unless the person—
  - (a) has attained the age of 14; and
  - (b) has obtained the permission of—
    - (i) the Director;
    - (ii) for a licensed store, the licensee of the licensed store; or

- (iii) for a Class 3A premises, the owner or person in charge of the premises.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**109. Restriction on installation of electrical apparatus**

- (1) A person must not install, or cause or permit to be installed, an electrical apparatus in the hazardous area of—
  - (a) a licensed store in which any Class 2.1 S2DG, Class 3 S2DG, Class 3A S2DG, Class 4 S2DG or Class 5 S2DG, or S2DG of any other class with subsidiary hazard of 2.1, 3, 4.1, 4.2, 4.3 or 5.1 are stored; or
  - (b) a Class 3A premises.
- (2) Subsection (1) does not apply if—
  - (a) the electrical apparatus and its wiring are designed and installed in a way that they do not ignite flammable vapour during the operation of the apparatus; and
  - (b) the electrical apparatus and its wiring are installed—
    - (i) after an application for the installation has been approved by the Director; and
    - (ii) in compliance with the standard specified in the fire safety requirements issued for the store or premises after an application to the Director for the installation is made.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**110. Restriction on storage of different types of S2DG**

- (1) A person must not store, or cause or permit to be stored, 2 or more types of S2DG (whether or not of the same class) that are incompatible in a licensed store.
- (2) For subsection (1), 2 or more types of S2DG are incompatible if, when they come into contact with each other or all others—
  - (a) a combustion occurs or is likely to occur;
  - (b) considerable heat is, or is likely to be, generated;
  - (c) a flammable, asphyxiant, oxidizing or toxic gas is, or is likely to be, generated;
  - (d) a corrosive substance is, or is likely to be, formed; or
  - (e) a chemically unstable substance is, or is likely to be, formed.
- (3) Without limiting subsection (1)—
  - (a) Class 2 S2DG must not be stored with S2DG of a different class;
  - (b) Class 3 S2DG must not be stored with S2DG of a different class, except Class 3A S2DG or paint materials that are Class 3 S2DG or Class 8 S2DG;
  - (c) Class 3A S2DG must not be stored with S2DG of a different class, except Class 3 S2DG or paint materials that are Class 3 S2DG or Class 8 S2DG; and
  - (d) Class 4 S2DG, Class 5 S2DG, Class 6.1 S2DG, Class 8 S2DG or Class 9 S2DG must not be stored with Class 2 S2DG, Class 3 S2DG or Class 3A S2DG, or S2DG of any other class so specified for the purposes of this paragraph in the code of practice.

- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

**111. Water not to be introduced into licensed store containing Class 4.3 S2DG**

- (1) A person must not introduce water, or cause or permit the introduction of water, into a licensed store containing Class 4.3 S2DG or S2DG of any other class with subsidiary hazard of 4.3.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

**112. Repair of tank**

- (1) A person must not repair, or cause or permit the repair of, a tank that has been used to store Class 2.1 S2DG, Class 3 S2DG, Class 3A S2DG, Class 4 S2DG or Class 5 S2DG, or S2DG of any other class with subsidiary hazard of 2.1, 3, 4.1, 4.2, 4.3 or 5.1 by any means involving—
  - (a) the use of any source of artificial heat; or
  - (b) a process producing heat or sparking, or a process likely to produce heat or sparking.
- (2) Subsection (1) does not apply if a person approved under subsection (3) has certified that a tank is free from flammable vapour.
- (3) The Director may, on application, approve a person for the purposes of making a certification mentioned in subsection (2).
- (4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.



### 113. Decommissioning of tank

- (1) If a tank has been used for the storage of S2DG but is no longer so used, the person who owns or possesses the tank must—
  - (a) take necessary steps to decommission the tank; and
  - (b) inform the Director on completion of the decommissioning.
- (2) If—
  - (a) the person is a natural person who cannot be readily found or a body corporate that is not incorporated in Hong Kong; or
  - (b) the tank was owned by or in the possession of—
    - (i) a natural person immediately before the person's death; or
    - (ii) a body corporate immediately before its dissolution,

the Director may, by written notice served on a specified person, require the specified person to take necessary steps to decommission the tank within a reasonable period specified in the notice and inform the Director on completion of the decommissioning.
- (3) A person who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.
- (4) A specified person on whom a notice is served under subsection (2) must comply with the notice within the period specified in it.

- (5) A specified person who without reasonable excuse contravenes subsection (4) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.
- (6) In this section—  
*specified person* (指明的人), in relation to a tank located in a premises, means the owner, person in charge, tenant or occupier of the premises.

### **Division 5—Approved Tank for Containing Class 3A S2DG (Diesel Oil, Furnace Oil and other Fuel Oil)**

#### **114. Application for approval of tank**

- (1) The Director may, on application, approve the use of a tank for containing Class 3A S2DG.
- (2) If—
- (a) a tank was approved for the purposes of regulation 99A of the repealed Cap. 295B; and
  - (b) the approval is in force immediately before the commencement date,
- the tank is deemed to be approved under subsection (1).
- (3) A tank deemed under subsection (2) to be approved is exempt from the operation of sections 6 and 10 of the Ordinance.

## **Division 6—Conveyance of S2DG (Class 2/3/3A) by Licensed Vehicle**

### **Subdivision 1—General**

#### **115. Interpretation of Division 6 of Part 3**

In this Division—

*identification disc* (識別證), in relation to a licensed vehicle, means the identification disc issued for the vehicle under section 117(2);

*registered owner* (登記車主)—

- (a) in relation to a vehicle, has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374); and
- (b) in relation to a village vehicle as defined by that section, means the holder of a village vehicle permit as defined by that section issued in respect of the vehicle.

### **Subdivision 2—Conveyance Licence and other Requirements for S2DG (Class 2/3/3A)**

#### **116. Conveyance of S2DG (Class 2/3/3A) by licensed vehicle**

- (1) Subject to subsection (2), a person must not use, or cause or permit to be used, a vehicle for the conveyance of S2DG (Class 2/3/3A) (including such S2DG placed inside a freight container) unless the vehicle is a licensed vehicle for conveying the S2DG (Class 2/3/3A).
- (2) Subsection (1) does not apply to a conveyance of S2DG (Class 2/3/3A) that is exempt from the operation of section 6 of the Ordinance under Part 3 in Cap. 295E.

- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**117. Grant and renewal of conveyance licence**

- (1) The Director may, on application by the registered owner of a vehicle or any person authorized by the owner and payment of the prescribed fee, grant or renew a licence mentioned in section 6 of the Ordinance permitting the use of the vehicle for the conveyance of S2DG (Class 2/3/3A).
- (2) On granting a conveyance licence, the Director must also issue to the licensee an identification disc for identifying the vehicle.

**118. Form of conveyance licence**

- (1) A conveyance licence must be in English and Chinese.
- (2) The licence—
  - (a) is subject to the conditions endorsed on it under section 119; and
  - (b) must state that it is subject to those conditions.
- (3) The licence must include all of the following information—
  - (a) the licence number;
  - (b) the name of the licensee;
  - (c) the prescribed fee for the licence;
  - (d) the date on which the licence is first granted;
  - (e) the validity period of the licence;

- (f) the classification of S2DG (Class 2/3/3A) (including its Class or type) permitted to be conveyed by the licensed vehicle;
  - (g) the following particulars of the licensed vehicle—
    - (i) its vehicle registration mark;
    - (ii) its engine number; and
    - (iii) its chassis number;
  - (h) the area in which S2DG (Class 2/3/3A) may be conveyed by the licensed vehicle.
- (4) The licence must be authenticated by the Director.

#### **119. Conditions of conveyance licence**

For the purposes of section 9 of the Ordinance, the Director may endorse on a conveyance licence any or all of the following conditions—

- (a) the licence and the identification disc of the licensed vehicle must not be altered without the approval of the Director;
- (b) the fire safety requirements issued for the vehicle must be complied with at all times;
- (c) the vehicle (including any fittings or equipment in it) must be maintained in good order and condition at all times;
- (d) adequate measures must be taken to ensure the safe operation of the vehicle, including the housekeeping, management, security, staff training, emergency preparedness and other control of the vehicle;
- (e) the fire service installation or equipment for the vehicle must be kept in efficient working order;

- (f) the fire service installation or equipment for the vehicle must not be obstructed by any thing on the vehicle in a way that may affect its operation;
- (g) the vehicle must not be used for the conveyance of any thing other than the S2DG (Class 2/3/3A) specified in the licence (*permitted S2DG*), except—
  - (i) any thing that is necessary to facilitate the conveyance of permitted S2DG; or
  - (ii) an empty receptacle used for containing permitted S2DG;
- (h) S2DG (Class 2/3/3A) must be carried in the cargo compartment of the vehicle;
- (i) S2DG (Class 2/3/3A) must not be carried—
  - (i) in a tank on the vehicle unless the tank is approved by the Director; or
  - (ii) in a tank-container on the vehicle unless the construction of the tank-container is in conformity with the IMDG Code;
- (j) the vehicle must only convey S2DG (Class 2/3/3A) in the area specified in the licence;
- (k) if the vehicle is a motor tractor, it must be operated together with a trailer that is a licensed vehicle;
- (l) if the vehicle is a trailer, it must be operated together with a motor tractor that is a licensed vehicle;
- (m) S2DG (Class 2/3/3A) in packaged form must be secured by suitable means that is capable of restraining the S2DG in the vehicle in a manner that prevents, during the conveyance process, any movement that would cause the S2DG packaging to be damaged or result in any accidental release of the S2DG;

- (n) if there is any incident of explosion or fire in, in the vicinity of or in connection with the vehicle, or any leak of S2DG (Class 2/3/3A) from the vehicle—
  - (i) the incident must be reported immediately to the Director; and
  - (ii) if loss of life or personal injury is caused by the incident—the loss or injury must also be reported immediately to the Director;
- (o) any spill or leakage of S2DG (Class 2/3/3A) must be stemmed and handled promptly.

**120. Cessation of validity of conveyance licence**

- (1) A conveyance licence ceases to be valid when—
  - (a) the validity period of the licence expires;
  - (b) the licence—
    - (i) is revoked under section 9 of the Ordinance;
    - (ii) is cancelled under section 17 of the Ordinance;  
or
    - (iii) is surrendered by the licensee;
  - (c) the licensed vehicle specified in the licence is broken up or destroyed; or
  - (d) the licensee—
    - (i) ceases to be the registered owner of the vehicle;  
or
    - (ii) dies or ceases to exist.
- (2) If a conveyance licence that is granted or renewed in hard copy form—

- (a) ceases to be valid under subsection (1)(b)(i) or (ii), the licensee must surrender the licence and identification disc to the Director within 7 working days after a written notice of the revocation or cancellation is received by the licensee; or
  - (b) ceases to be valid under subsection (1)(c) or (d)(i), the licensee must surrender the licence and identification disc to the Director within 7 working days after the occurrence of the event described in subsection (1)(c) or (d)(i).
- (3) A licensee who without reasonable excuse contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 1.

**121. Replacement of conveyance licence and identification disc**

- (1) If a conveyance licence (*original licence*) or an identification disc (*original disc*) granted or issued to a licensee is lost, defaced or destroyed, the Director may, on application by the licensee of the original licence or a person authorized in writing by the licensee and payment of the prescribed fee, grant to the licensee a replacement conveyance licence and issue a replacement identification disc in like terms.
- (2) A replacement licence has the same effect as the original licence.
- (3) A replacement identification disc has the same effect as the original disc.



**122. Requirement to display identification disc**

- (1) A person must not convey, or cause or permit to be conveyed, S2DG (Class 2/3/3A) by a licensed vehicle unless an identification disc issued for the vehicle is displayed—
  - (a) if the vehicle has an engine and a fixed windscreen—on the left hand side of the windscreen in a manner that the disc is clearly visible from the front of the vehicle;
  - (b) if the vehicle has an engine but not a fixed windscreen—at a conspicuous place on the left hand side of the front of the vehicle in a manner that the disc is clearly visible from the front of the vehicle; or
  - (c) if the vehicle does not have an engine—at a conspicuous place near the registration plate on the vehicle.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**123. Licensee to provide particulars of S2DG (Class 2/3/3A)**

- (1) The licensee of a conveyance licence must, if requested by the Director, provide the Director with the particulars of the S2DG (Class 2/3/3A) conveyed by the licensed vehicle.
- (2) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**124. Examination of licensed vehicle**

- (1) The Director may, by written notice served on the licensee of a conveyance licence, require the licensee to produce the licensed vehicle for examination, at the time and place specified in the notice, to ascertain whether the vehicle is suitable for the conveyance of the S2DG (Class 2/3/3A).

- (2) A vehicle produced under subsection (1) may only be kept at the place of examination for a reasonable period.
- (3) A licensee who fails to comply with a notice served under subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**125. Use of defective tank on licensed tank vehicle prohibited**

- (1) If it appears to the Director that a tank on a licensed tank vehicle for which a conveyance licence is issued is, by reason of its condition, not suitable to be used to contain S2DG (Class 2/3/3A) or unsafe, the Director may, by written notice served on the licensee of the licence—
  - (a) prohibit the use of the tank for containing S2DG; or
  - (b) permit the use of the tank for containing S2DG subject to the conditions specified in the notice.
- (2) On receiving a notice under subsection (1), the licensee must immediately cease to—
  - (a) if subsection (1)(a) applies—use the tank for containing S2DG; or
  - (b) if subsection (1)(b) applies—use the tank for containing S2DG in contravention of the conditions specified in the notice.
- (3) A licensee of a conveyance licence who is aggrieved by a notice served under subsection (1) may appeal to the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap. 442).
- (4) An appeal under subsection (3) against a notice under subsection (1) does not relieve the licensee from complying with subsection (2) pending the determination of the appeal.

- (5) A licensee who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**126. Notification of change of particulars of licensee**

- (1) If there is a change in any particulars of the licensee of a conveyance licence, the licensee must, within 7 working days of the change, notify the Director in writing of the change.
- (2) On receiving a notification under subsection (1), if the Director is satisfied that the change has occurred and an amendment to the particulars in the relevant conveyance licence or identification disc (or both) is required, the Director may amend the particulars in the licence or identification disc (or both), and grant another licence and issue another identification disc to the licensee.
- (3) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

- (4) In this section—

*particulars* (詳情), in relation to the licensee of a conveyance licence, include the following particulars of the licensee—

- (a) name;
- (b) address;
- (c) telephone number;
- (d) details of the identity document (as defined by regulation 2 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)).

**127. Notification of cessation of ownership**

- (1) If the licensee of a conveyance licence ceases to be the registered owner of the licensed vehicle, the licensee must, within 7 working days of the cessation, notify the Director in writing of the change.
- (2) A licensee who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2.

**128. Restriction on alteration etc. without approval**

- (1) The licensee of a conveyance licence must not make any alteration or addition, or cause or permit any alteration or addition to be made, to the licensed vehicle (including any fittings or equipment in it) that may—
  - (a) result in any deviation in its design or construction approved by the Director before the licence is granted or renewed; and
  - (b) affect the ability of the vehicle to convey S2DG (Class 2/3/3A) safely.
- (2) For subsection (1)(a), the design or construction of a licensed vehicle includes the design or construction of the engine, fuel tank, cargo compartment, tank, fire resisting shield, electrical system, fittings or equipment of the vehicle.
- (3) A licensee who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**129. Licence not required for conveyance of certain quantity of kerosene**

- (1) Despite section 116(1), the conveyance of kerosene on a pedal cycle or motor cycle is exempt from the operation of section 6 of the Ordinance for conveyance if not more than 40 litres of kerosene is conveyed at any one time.
- (2) In this section—

*kerosene* (煤油) means S2DG with UN number UN 1223 specified in Part 2 of Schedule 2 to Cap. 295E;

*motor cycle* (電單車) has the meaning given by section 2 of the Road Traffic Ordinance (Cap. 374).

**Subdivision 3—Restrictions and Safety Precautions for Conveyance of S2DG (Class 2/3/3A)**

**130. Restriction on conveyance of S2DG (Class 2/3/3A) of different classes**

- (1) A person must not convey, or cause or permit to be conveyed, by a licensed vehicle—
  - (a) Class 2 S2DG with S2DG of a different class;
  - (b) Class 3 S2DG with S2DG of a different class, except Class 3A S2DG or paint materials that are Class 3 S2DG or Class 8 S2DG; or
  - (c) Class 3A S2DG with S2DG of a different class, except Class 3 S2DG or paint materials that are Class 3 S2DG or Class 8 S2DG.
- (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.

**131. Display of warning sign and placard on licensed vehicle**

- (1) A person must not convey, or cause or permit to be conveyed, S2DG (Class 2/3/3A) by a licensed vehicle unless—
  - (a) a warning sign is displayed at a conspicuous place at the front and rear of the vehicle; and
  - (b) one or more than one placards showing the class or classes of S2DG (Class 2/3/3A) carried on the vehicle are displayed at a conspicuous place on both sides and the rear of the vehicle.
- (2) A warning sign required under subsection (1)(a) must conform with the form in Figure No. 1 in Part 1 of Schedule 4 and the specifications specified in Part 2 of Schedule 4.
- (3) A placard or placards required under subsection (1)(b) must conform with—
  - (a) the form in the following Figure in Part 1 of Schedule 5—
    - (i) for Class 2.1 S2DG—Figure No. 1a or 1b;
    - (ii) for Class 2.2 S2DG—Figure No. 2a or 2b;
    - (iii) for Class 2.3 S2DG—Figure No. 3;
    - (iv) for Class 3 S2DG or Class 3A S2DG—Figure No. 4a or 4b; and
  - (b) the specifications specified in Part 2 of Schedule 5.
- (4) If 2 placards prescribed in Part 1 of Schedule 5 bear the same figure number but are followed by different letters, the reference to “one or more than one placards” in subsection (1)(b) is to be read as a reference to either of those placards.

- (5) A person who contravenes subsection (1)(a) or (b) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**132. Licensed vehicle to be attended to**

- (1) The driver of a licensed vehicle conveying S2DG (Class 2/3/3A) must ensure that the vehicle is attended to by himself or herself or by another person who—
- (a) has attained the age of 18;
  - (b) is authorized by the driver; and
  - (c) is aware of—
    - (i) if the driver is not attending to the vehicle—the whereabouts of the driver; and
    - (ii) the nature of the S2DG (Class 2/3/3A) on the vehicle.
- (2) A driver who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**133. No smoking, lighted cigarette, etc. in operations relating to licensed vehicle**

- (1) A person who carries out an operation described in subsection (2) must not—
- (a) smoke;
  - (b) carry a lighted cigarette, cigar or pipe; or
  - (c) carry a naked flame.
- (2) For subsection (1), the operation is one that involves—
- (a) using a licensed vehicle to convey S2DG (Class 2/3/3A); or

- (b) loading S2DG (Class 2/3/3A) onto, or unloading S2DG (Class 2/3/3A) from, a licensed vehicle.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**134. Direct transfer of S2DG (Class 2/3/3A) from licensed vehicle prohibited**

- (1) A person must not fuel a vehicle or vessel directly from a licensed vehicle.
- (2) A person must not transfer S2DG (Class 2/3/3A) directly from a licensed vehicle to a tank or tank-container on another licensed vehicle.
- (3) A person must not transfer S2DG (Class 2/3/3A) directly from a licensed vehicle to a receptacle, except to—
  - (a) an approved tank; or
  - (b) a receptacle located in—
    - (i) a licensed factory or licensed store; or
    - (ii) a premises in which the storage of the S2DG is exempt from the operation of section 6 of the Ordinance under Cap. 295E.
- (4) Subsections (2) and (3) do not apply to a transfer of S2DG (Class 2/3/3A) from a licensed vehicle if—
  - (a) the vehicle is in such a condition that continuing to use it to convey the S2DG may cause a fire or other occurrence that endangers life or property; or
  - (b) the vehicle is involved in an accident or emergency that calls for the transfer without undue delay.



- (5) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 4.
- (6) If a person is charged under subsection (5) with an offence for contravening subsection (3) in relation to a transfer of S2DG (Class 2/3/3A) to a receptacle located in a place that did not fall within the description of subsection (3)(b)(i) or (ii), it is a defence for the person to show that, having used his or her best endeavour to make enquiry with the person in charge of the place, he or she reasonably believed that the place fell within that description.

**135. Electrostatic charges on licensed vehicle**

- (1) When Class 2.1 S2DG, Class 3 S2DG or Class 3A S2DG is being loaded onto or unloaded from a tank or tank-container on a licensed vehicle, adequate precaution (as specified in the code of practice for the purposes of this subsection) must be taken to prevent the accumulation of electrostatic charges.
- (2) If subsection (1) is contravened, the person who controls or operates the loading or unloading operation commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**136. Passenger on licensed vehicle**

- (1) A person must not drive a licensed vehicle that has S2DG (Class 2/3/3A) on board while any passenger other than a person employed or engaged to handle the S2DG in the course of the conveyance is on the vehicle.

- (2) If subsection (1) is contravened in relation to a licensed vehicle, the driver of the vehicle commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

**137. Repair of tank on licensed tank vehicle**

- (1) This section applies to—
- (a) a tank on a licensed tank vehicle that has been used to contain Class 2.1 S2DG, Class 3 S2DG or Class 3A S2DG; and
  - (b) a compartment of the tank (including the piping connected to the tank).
- (2) A person must not repair, or cause or permit the repair of, a tank or any compartment of it if the repair involves—
- (a) the use of any source of artificial heat; or
  - (b) a process producing heat or sparking, or a process likely to produce heat or sparking,
- unless a person approved under subsection (3) has certified that the tank or compartment is free from flammable vapour.
- (3) The Director may, on application, approve a person for the purposes of making a certification mentioned in subsection (2).
- (4) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.

## Division 7—Packing, Marking and Labelling of S2DG

### Subdivision 1—Interpretation and Application

#### 138. Interpretation of Division 7 of Part 3

In this Division—

**limited packs** (限量裝), in relation to S2DG, means—

- (a) for the pre-packed S2DG—the capacity of the receptacle forming part of the pre-packed S2DG does not exceed the limited quantity (if any) specified in column 8 of the table in Part 2, 3 or 4 of Schedule 2 to Cap. 295E in relation to the S2DG; or
- (b) for the S2DG that are contained directly without any form of intermediate containment in a receptacle—the capacity of the receptacle does not exceed the limited quantity (if any) specified in column 8 of the table in relation to the S2DG;

**non-refillable pressure receptacle** (不可重注的壓力氣體容器) means a pressure receptacle that—

- (a) contains or has contained Class 2 S2DG; and
- (b) is not constructed or intended to be refilled with Class 2 S2DG;

**proper shipping name** (正式運輸名稱), in relation to any S2DG, means the name of the S2DG specified in column 2 of the table in Part 2, 3 or 4 of Schedule 2 to Cap. 295E;

**refillable pressure receptacle** (可重注的壓力氣體容器) means a pressure receptacle that—

- (a) contains or has contained Class 2 S2DG; and
- (b) is constructed or intended to be refilled with Class 2 S2DG.

**139. Application of Division 7 of Part 3**

This Division does not affect the operation of—

- (a) section 6 of the Ordinance; or
  - (b) any other provision of this Regulation,
- in relation to the storage or conveyance of S2DG.

**Subdivision 2—Exemptions**

**140. Exemption in general**

(1) This Division does not apply to—

- (a) S2DG in consumer packs;
- (b) S2DG with UN number UN 3065 specified in Part 2 of Schedule 2 to Cap. 295E;
- (c) Class 3A S2DG in an approved tank; or
- (d) S2DG that are—
  - (i) contained in a receptacle that is permanently installed in and forming part of a machinery; and
  - (ii) used or intended to be used for the proper functioning of the machinery.

(2) In subsection (1)—

*consumer packs* (消費裝) has the meaning given by section 2 of Cap. 295E.

**141. Exemption on marking and labelling of S2DG**

The marking and labelling requirements under section 142 do not apply to S2DG in limited packs.

### **Subdivision 3—Packing, Marking and Labelling of S2DG**

#### **142. Requirements for packing, marking and labelling**

- (1) A person must not store or convey, or cause or permit to be stored or conveyed, S2DG unless the packing, marking and labelling requirements specified in Schedule 6 are complied with in relation to the S2DG.
- (2) If 2 labels prescribed in Division 2 of Part 3 of Schedule 6 bear the same figure number but are followed by different letters, the reference to “a label” in section 13 of Schedule 6 is to be read as a reference to either of those labels.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

#### **143. Effect of compliance with IMDG Code**

- (1) Subject to subsection (2), if S2DG are packed, marked and labelled in conformity with the IMDG Code, the packing, marking and labelling requirements specified in Schedule 6 for storage or conveyance of the S2DG under this Division are regarded as having been complied with in relation to the S2DG.
- (2) Subsection (1) does not apply to—
  - (a) the packing, marking and labelling requirements for Class 3A S2DG under section 142; and
  - (b) the special packing requirements for a pressure receptacle under section 145.

**144. S2DG presumed to be as specified in mark or label**

- (1) If an S2DG packaging bears a mark or label, the contents of the packaging are, unless the contrary is proved, presumed to be—
  - (a) if the packaging bears a mark that specifies a UN number or HK number—S2DG of a classification or identification as per that number;
  - (b) if the packaging bears a mark that does not specify a UN number or HK number but specifies a proper shipping name or true name—S2DG as described by that name; or
  - (c) if the packaging does not bear a mark that falls within the description of paragraph (a) or (b) but bears a label that specifies a Class of S2DG—S2DG of the relevant Class.
- (2) The mark or label mentioned in subsection (1) is admissible as evidence, on the face of it, of the identity of the S2DG in any civil or criminal proceedings.

**Division 8—Pressure Receptacle**

**145. Special packing requirements for pressure receptacle**

- (1) A person must not use a pressure receptacle for containing any Class 2 S2DG unless—
  - (a) the receptacle is of a type approved by the Director as being appropriate for containing the Class 2 S2DG;
  - (b) the receptacle is inspected or tested—
    - (i) in accordance with the standard specified in the code of practice;

- (ii) at the frequency specified in the code of practice; and
    - (iii) by a person approved by the Director for the purposes of such inspection or testing; and
  - (c) the receptacle has passed the inspection or testing.
- (2) Subsection (1) does not apply to—
  - (a) a pressure receptacle (whether a refillable pressure receptacle or a non-refillable pressure receptacle) that contains Class 2 S2DG in limited packs; or
  - (b) a non-refillable pressure receptacle in respect of which all of the following conditions are met—
    - (i) the receptacle is manufactured in accordance with the standard specified in the code of practice;
    - (ii) either of the following—
      - (A) the receptacle contains Class 2 S2DG directly without any form of intermediate containment and its water capacity does not exceed 1 litre;
      - (B) the receptacle contains Class 2.1 S2DG or Class 2.2 S2DG directly without any form of intermediate containment the pressure of which does not exceed 35 bars and its water capacity does not exceed 25 litres; or
      - (C) the receptacle contains Class 2.1 S2DG or Class 2.2 S2DG directly without any form of intermediate containment the pressure of which exceeds 35 bars but does not exceed 250 bars and its water capacity does not exceed 5 litres.

**146. Record of inspection or testing of pressure receptacle**

- (1) The owner of a pressure receptacle must—
    - (a) keep a record of the inspection or testing of the receptacle conducted in compliance with section 145(1)(b) (including any record transferred under paragraph (c));
    - (b) if requested by the Director, produce the record to the Director for inspection; and
    - (c) on the transfer of ownership of the receptacle, transfer the record to the new owner.
  - (2) For subsection (1)(a), the record must include all of the following information in respect of each inspection or testing—
    - (a) the name of the person who conducted the inspection or testing;
    - (b) the date of the inspection or testing;
    - (c) the details of the inspection or testing;
    - (d) the results of the inspection or testing.
  - (3) If the owner of a pressure receptacle contravenes subsection (1), the owner commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 month.
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## Part 4

### Storage of Air Cargo DG at Hong Kong International Airport

#### 147. Interpretation of Part 4

In this Part—

*air cargo DG* (空運危險品) means—

- (a) S2DG; or
- (b) any other dangerous goods (other than S1DG) that fall within the definition of *dangerous goods* in section 2 of the Dangerous Goods (Consignment by Air) (Safety) Ordinance (Cap. 384);

*air cargo terminal* (空運貨站) means a franchised air-freight terminal at the Hong Kong International Airport;

*air cargo terminal operator* (空運貨站經營人), in relation to an air cargo terminal, means—

- (a) the person who owns or manages the terminal; or
- (b) an employee employed by, or an agent engaged by, the person for operating or managing the terminal;

*licensed store* (持牌貯存所) has the meaning given by section 92.

#### 148. Storage of air cargo DG at air cargo terminal

- (1) Subject to subsections (2) and (3), the storage of air cargo DG (*DG A*) unloaded from an aircraft at the Hong Kong International Airport in a licensed store in an air cargo terminal together with other air cargo DG (*DG B*) is exempt from the operation of section 110.

- (2) Subsection (1) only applies if both DG A and DG B are packed, marked and labelled in compliance with the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A).
  - (3) An air cargo terminal operator must ensure that the air cargo DG (whether DG A or DG B) are not stored in the licensed store for a period exceeding 72 hours.
  - (4) An air cargo terminal operator who contravenes subsection (3) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 2 months.
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## Part 5

### Storage of Class 9A S3DG (Combustible Goods)

#### 149. Notification to Director of storage of Class 9A S3DG

- (1) If the quantity of Class 9A S3DG stored in a premises (other than an approved container terminal specified in Schedule 2 to the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F)) exceeds the specified quantity for the premises, the person who stores the Class 9A S3DG in the premises must, within 48 hours after the quantity being exceeded, send a written notice to the Director.
- (2) The notice sent under subsection (1) must contain all of the following information—
  - (a) the address of the premises (including the floor number) and the type of the premises;
  - (b) the description and quantity of the Class 9A S3DG stored in the premises;
  - (c) the purpose for which the Class 9A S3DG are stored in the premises.
- (3) If, after the notice is sent under subsection (1), there is any increase in the quantity of Class 9A S3DG stored in the premises, the person who stores the Class 9A S3DG in the premises must, within 48 hours of the increase, send to the Director another written notice containing the information specified in subsection (2).
- (4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 4.

(5) If a person who sent a written notice under subsection (1) or (3) wilfully or recklessly makes a statement or provides any information that is false in a material particular, the person commits an offence and is liable on conviction to a fine at level 4.

(6) In this section—

***industrial premises*** (工業處所) has the meaning given by section 2 of Cap. 295E, and includes an open space used exclusively for storing Class 9A S3DG;

***non-industrial premises*** (非工業處所) means a premises other than an industrial premises;

***specified quantity*** (指明分量), in relation to an item of Class 9A S3DG described in column 1 in section 2 of Schedule 7, means—

- (a) for a non-industrial premises—the quantity specified in column 2 in section 2 of the Schedule corresponding to the item; and
- (b) for an industrial premises—the quantity specified in column 3 in section 2 of the Schedule corresponding to the item.

## 150. Director may issue direction

(1) The Director may, in respect of a premises used for the storage of Class 9A S3DG, issue a direction to the owner or occupier of the premises to—

- (a) prohibit the use of naked light or flame of any description in the premises;

- (b) require the placing of one or more notices in the premises that bear the English words “Smoking Prohibited” and the Chinese characters “嚴禁吸煙” the height of which must not be less than 180 mm; or
  - (c) prescribe the conditions subject to which the Class 9A S3DG must be stored, including conditions relating to—
    - (i) the nature and construction of the receptacle in which the Class 9A S3DG are stored;
    - (ii) the maintenance of free access way within the premises; or
    - (iii) the provision and maintenance in good working order of adequate fire service installation or equipment in the premises.
- (2) An owner or occupier who fails to comply with a direction issued under subsection (1) commits an offence and is liable on conviction to a fine at level 4.
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## Part 6

### Storage of Freight Container in Approved Container Terminal

#### 151. Interpretation of Part 6

In this Part—

*approved container terminal* (認可貨櫃碼頭) means a container terminal specified in Schedule 2 to the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F);

*container terminal operator* (貨櫃碼頭經營人), in relation to an approved container terminal, means—

- (a) the person who owns or manages the terminal; or
- (b) an employee employed by, or an agent engaged by, the person for operating or managing the terminal;

*designated storage area* (指定貯存區域), in relation to an approved container terminal, means an area in the terminal that is designated by the container terminal operator for the storage of freight containers containing S2DG;

*licensed store* (持牌貯存所) has the meaning given by section 92.

#### 152. Storage of freight container containing S2DG exempted from section 6 of Ordinance

- (1) If the conditions specified in subsections (2) and (3) are met, the storage of a freight container containing S2DG (irrespective of quantity) at a designated storage area in an approved container terminal is exempt from the operation of section 6 of the Ordinance.

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- (2) For a freight container containing S2DG (Class 2/3/3A), the condition is that—
- (a) the freight container is stored during the first 72 hours from the time it was unloaded at the approved container terminal; or
  - (b) if the freight container is stored during the 96 hours immediately following the 72 hours mentioned in paragraph (a), documentary proof is submitted to the Director of Marine during that 96-hour period to prove that—
    - (i) a connecting vessel scheduled to arrive at the terminal within 72 hours from the time the container was unloaded at the terminal fails to arrive within that 72 hours; and
    - (ii) an onward carrying vessel has been arranged to remove the container from the terminal within 7 days after the date on which the container was unloaded at the terminal.
- (3) For a freight container containing S2DG other than S2DG (Class 2/3/3A), the conditions are that—
- (a) the requirements in the IMDG Code for the S2DG concerning packing, marking and labelling are complied with in relation to the container;
  - (b) the container is segregated in stacks at the designated storage area in accordance with the IMO recommendations relating to horizontal and longitudinal separations; and
  - (c) within 21 days from the date on which the container was unloaded at the approved container terminal, it is removed to a licensed store.
- (4) In subsection (3)—

*IMO recommendations* (《IMO建議》) means the Revised Recommendations on the Safe Transport of Dangerous Cargoes and Related Activities in Port Areas published by the International Maritime Organization, as amended or revised by the Organization from time to time.

**153. Certain freight container to be unpacked immediately after unloading**

- (1) If a freight container containing S2DG packed together with other goods is unloaded at an approved container terminal, the container terminal operator must unpack the container—
  - (a) within 72 hours from the time the container was unloaded unless the container is loaded onto a connecting vessel at the terminal within the 72-hour period; or
  - (b) within the 96 hours immediately following the 72-hour period mentioned in paragraph (a) if documentary proof is submitted to the Director of Marine during that 96-hour period to prove that—
    - (i) a connecting vessel scheduled to arrive at the terminal within 72 hours from the time the container was unloaded at the terminal fails to arrive within that 72 hours; and
    - (ii) an onward carrying vessel has been arranged to remove the container from the terminal within 7 days after the date on which the container was unloaded at the terminal.
- (2) The S2DG unpacked in compliance with subsection (1) must be removed immediately to a licensed store by the container terminal operator.



- (3) A container terminal operator who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.

**154. Container terminal operator to maintain record**

- (1) The container terminal operator of an approved container terminal must maintain a record of S2DG handled in the terminal.
  - (2) The record must, in relation to each consignment of S2DG handled, contain—
    - (a) the date of receipt of the S2DG;
    - (b) the class of the S2DG;
    - (c) the quantity of the S2DG;
    - (d) the serial number of the freight container containing the S2DG; and
    - (e) the date on which the S2DG are moved out of the terminal.
  - (3) The container terminal operator must, if requested by the Director, produce the record to the Director for inspection.
  - (4) A container terminal operator who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine at level 6 and to imprisonment for 6 months.
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## Part 7

### Miscellaneous Provisions

#### **155. Power of Director to exempt**

- (1) The Director may, in respect of a specific case or a specific person, grant an exemption from any provision in Parts 3, 4 and 5 and section 154.
- (2) An exemption under subsection (1) may be granted subject to the terms and conditions as the Director may specify.
- (3) At any time after an exemption has been granted under subsection (1), the Director may, on any ground that the Director considers appropriate—
  - (a) revoke the exemption; or
  - (b) vary the terms and conditions specified under subsection (2) for the exemption.

#### **156. Performance of functions by public officer**

- (1) The Commissioner may authorize a public officer of the Civil Engineering and Development Department to perform a function of the Commissioner under this Regulation.
- (2) The Secretary may authorize a public officer of the Home Affairs Bureau to perform a function of the Secretary under this Regulation.
- (3) The Director may authorize a public officer of the Fire Services Department to perform a function of the Director under this Regulation.

- (4) The Director of Marine may authorize a public officer of the Marine Department to perform a function of the Director of Marine under this Regulation.
- (5) If a public officer is authorized by an official under subsection (1), (2), (3) or (4) to perform a function, an act done by the public officer in performing the function is regarded as an act done by the official.
- (6) Authorization made under this section must be in writing.
- (7) In this section, a reference to the performance of any functions includes the exercise of a power and the discharge of a duty.

**157. Licence and permit: validity period and prescribed fee**

- (1) A licence or permit granted or renewed under this Regulation is valid for 12 months or a shorter period as may be specified in the licence or permit by the regulating Authority.
- (2) Despite sections 3 and 6 of Schedule 8, if a licence or permit is granted or renewed for a period (*validity period*) of less than 12 months, the fee payable in respect of the grant or renewal is the amount calculated by multiplying—
  - (a) one-twelfth of the fee specified in the Schedule for the grant or renewal of the licence or permit; and
  - (b) the number of months (or part of a month) in the validity period.
- (3) In calculating a prescribed fee under subsection (2), a fraction of a dollar that is less than 50 cents is disregarded, and a fraction of a dollar that is equal to or more than 50 cents is regarded as a whole dollar.

- (4) If the grant of a duplicate or replacement of, or alteration or addition to, or endorsement on, a licence or permit is requested by its licensee or permit holder, the duplicate, replacement, alteration, addition or endorsement may be granted or made by the regulating Authority on payment of the prescribed fees set out in column 4 or 5 of the tables in sections 3 and 6 of Schedule 8.
- (5) Subsections (2) and (3) do not apply to items 8 and 9 of the table in section 3 of Schedule 8.
- (6) Subsection (4) does not apply to item 8 of the table in section 3 of Schedule 8.
- (7) In this section—

***regulating Authority*** (規管當局) means—

- (a) in relation to a licence or permit under Part 2 (other than a permit under section 73)—the Commissioner;
- (b) in relation to a permit under section 73—the Secretary; or
- (c) in relation to a licence under Part 3—the Director.

**158. Licence or permit not transferable**

A licence or permit granted or renewed under this Regulation is not transferable.

**159. Special defence for warehouse owner and carrier**

- (1) This section applies to a warehouse owner or carrier (or a person acting in that capacity) charged with an offence under section 21, 31, 41, 78(3), 79, 80, 81, 87, 102, 109, 110, 116, 122, 123, 130, 131, 134(5) (in so far as it relates to the contravention of subsection (3)), 135, 136, 142, 148, 149, 153 or 154 (*defendant*).

- (2) It is a defence for the defendant to establish that the defendant—
  - (a) did not know the true nature of the contents of the receptacle in relation to which the offence is alleged to have been committed; and
  - (b) could not, with reasonable diligence, have known the true nature of the contents of the receptacle.
- (3) The defendant is taken to have established a matter that needs to be established for the defence if—
  - (a) there is sufficient evidence to raise an issue with respect to that matter; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.

**160. Special defence relating to packing, marking and labelling offence**

- (1) This section applies to a person charged with an offence under section 142 (*defendant*).
- (2) It is a defence for the defendant to establish that—
  - (a) the S2DG is for the defendant’s reasonable personal use and the quantity of the S2DG is sufficient only for that use; or
  - (b) if the alleged offence is constituted by the conveyance, or by causing or permitting the conveyance, of S2DG by the defendant—the defendant is conveying, or causing or permitting the conveyance of, the S2DG for the delivery to some other person for the other person’s reasonable personal use and the quantity of the S2DG is sufficient only for that use.

- (3) The defendant is taken to have established a matter that needs to be established for the defence if—
- (a) there is sufficient evidence to raise an issue with respect to that matter; and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
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## Part 8

### Repeal and Transitional Provisions

#### Division 1—Repeal

**161. Dangerous Goods (General) Regulations repealed**

The Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) are repealed.

#### Division 2—Interpretation

**162. Interpretation of Part 8**

In this Part—

*Cap. 295B licence* (《第295B章》牌照) means a licence that was in force under, and regulated by, the repealed Cap. 295B immediately before the commencement date;

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

#### Division 3—Transitional Provisions for Part 2

##### Subdivision 1—Interpretation

**163. Interpretation of Division 3 of Part 8**

In this Division—

*Cap. 295B DG (Cat. 1)* (《第295B章》危險品(第1類)) means any dangerous goods of category 1 under the repealed Cap. 295B that falls within S1DG;

- Cap. 295B permit** (《第295B章》許可證) means a permit that was in force under, and regulated by, the repealed Cap. 295B immediately before the commencement date;
- discharge (blasting) permit** (燃爆(爆破)許可證) has the meaning given by section 3;
- discharge (fireworks) permit** (燃放(爆竹煙花)許可證) has the meaning given by section 3;
- factory** (工廠) has the meaning given by section 3;
- manufacture (blasting) licence** (製造(爆破)牌照) has the meaning given by section 3;
- manufacture (factory) licence** (製造(工廠)牌照) has the meaning given by section 3;
- possession licence** (管有牌照) has the meaning given by section 3;
- store and use licence** (貯存暨使用牌照) has the meaning given by section 3;
- use (individual) licence** (使用(個人)牌照) has the meaning given by section 3.

## Subdivision 2—Licences and Permits

### 164. Manufacture of Cap. 295B DG (Cat. 1)

- (1) This section applies in relation to a Cap. 295B licence for the manufacture of Cap. 295B DG (Cat. 1), whether or not manufactured in or outside a factory (*subject manufacture*).
- (2) Despite the coming into operation of this Regulation—
  - (a) the Cap. 295B licence remains in force;



- (b) the repealed Cap. 295B continues to apply to the subject manufacture; and
- (c) this Regulation does not apply to the subject manufacture,

until the end of the licence’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.

- (3) If the Cap. 295B licence’s validity period ends within the transitional period—
  - (a) the licensee may, before the end of the validity period, apply for the renewal of the licence in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the licensee may, before the end of the validity period, apply under this Regulation for a manufacture (factory) licence or manufacture (blasting) licence, in which case this Regulation applies in relation to the subject manufacture.
- (4) The Commissioner may renew the Cap. 295B licence under the repealed Cap. 295B during the transitional period for one or more times for a period that the Commissioner thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

**165. Storage and use of Cap. 295B DG (Cat. 1)**

- (1) This section applies in relation to a Cap. 295B licence for the storage and use of Cap. 295B DG (Cat. 1) (*subject storage and use*).
- (2) Despite the coming into operation of this Regulation—
  - (a) the Cap. 295B licence remains in force;

- (b) the repealed Cap. 295B continues to apply to the subject storage and use; and
- (c) this Regulation does not apply to the subject storage and use,
  - until the end of the licence’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the Cap. 295B licence’s validity period ends within the transitional period—
  - (a) the licensee may, before the end of the validity period, apply for the renewal of the licence in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the licensee may, before the end of the validity period, apply under this Regulation for a store and use licence, in which case this Regulation applies in relation to the subject storage and use.
- (4) The Commissioner may renew the Cap. 295B licence under the repealed Cap. 295B during the transitional period for one or more times for a period that the Commissioner thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

**166. Blasting permission**

- (1) This section applies in relation to a permission for blasting granted under regulation 46 of the repealed Cap. 295B (*subject blasting*).
- (2) Despite the coming into operation of this Regulation—
  - (a) the permission for blasting remains in force;

- (b) the repealed Cap. 295B continues to apply to the subject blasting; and
  - (c) this Regulation does not apply to the subject blasting,  
until the end of the permission’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the permission’s validity period ends within the transitional period—
- (a) the permission holder may, before the end of the validity period, apply for the renewal of the permission in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the permission holder may, before the end of the validity period, apply under this Regulation for a possession licence (if applicable) and a discharge (blasting) permit at the same time, in which case this Regulation applies in relation to the subject blasting.
- (4) The Commissioner may renew the permission under the repealed Cap. 295B during the transitional period for one or more times for a period that the Commissioner thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

**167. Discharge of fireworks on land**

- (1) This section applies in relation to a Cap. 295B permit for the discharge of fireworks on land under regulation 59(2) of the repealed Cap. 295B (*subject discharge*).
- (2) Despite the coming into operation of this Regulation—

- (a) the Cap. 295B permit that has yet to expire remains in force;
  - (b) the repealed Cap. 295B continues to apply to the subject discharge; and
  - (c) this Regulation does not apply to the subject discharge,
- until the end of the permit's validity period as if the repealed Cap. 295B were still in force.

**168. Removal permit for Cap. 295B DG (Cat. 1)**

- (1) This section applies in relation to a Cap. 295B permit for the removal of Cap. 295B DG (Cat. 1) (*subject removal*).
- (2) Despite the coming into operation of this Regulation—
  - (a) the Cap. 295B permit that has yet to expire remains in force;
  - (b) the repealed Cap. 295B continues to apply to the subject removal; and
  - (c) this Regulation does not apply to the subject removal,until the end of the permit's validity period as if the repealed Cap. 295B were still in force.

**Subdivision 3—Person Authorized under Repealed Cap. 295B**

**169. Person authorized to use Cap. 295B DG (Cat. 1) for blasting**

- (1) This section applies to a person authorized by the Commissioner for the purposes of regulation 47 of the repealed Cap. 295B (*authorized person*) if the authorization is in force immediately before the commencement date.

- (2) Despite the coming into operation of this Regulation—
  - (a) the authorization mentioned in subsection (1) remains in force;
  - (b) the repealed Cap. 295B continues to apply to the authorized person; and
  - (c) this Regulation does not apply to the authorized person,  
until the end of the authorization's validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the authorization's validity period ends within the transitional period—
  - (a) the authorized person may, before the end of the validity period, apply for the renewal of the authorization in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the authorized person may, before the end of the validity period, apply under this Regulation for a use (individual) licence, in which case this Regulation applies to the authorized person.
- (4) The Commissioner may renew the authorization under the repealed Cap. 295B during the transitional period for one or more times for a period that the Commissioner thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

## **Subdivision 4—Contravention**

### **170. Certain contravention during transitional period**

- (1) A contravention of section 80 during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of regulation 8 of the repealed Cap. 295B.
- (2) A contravention of section 87 during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of regulations 39, 40, 41, 42, 43, 44 and 45 of the repealed Cap. 295B, as may be appropriate.

## **Division 4—Transitional Provisions for Part 3**

### **Subdivision 1—Interpretation**

#### **171. Interpretation of Division 4 of Part 8**

In this Division—

**Cap. 295B DG (Cat. 2 to 10)** (《第295B章》危險品(第2至10類)) means any dangerous goods of category 2, 3, 4, 5, 6, 7, 8, 9 or 10 under the repealed Cap. 295B that falls within S2DG;

**conveyance licence** (運送牌照) has the meaning given by section 92;

*manufacture licence* (製造牌照) has the meaning given by section 92;

*store and use licence* (貯存暨使用牌照) has the meaning given by section 92.

### Subdivision 2—Licences

#### 172. **Manufacture of Cap. 295B DG (Cat. 2 to 10)**

- (1) This section applies in relation to a Cap. 295B licence for the manufacture of Cap. 295B DG (Cat. 2 to 10) (*subject manufacture*).
- (2) Despite the coming into operation of this Regulation—
  - (a) the Cap. 295B licence remains in force;
  - (b) the repealed Cap. 295B continues to apply to the subject manufacture; and
  - (c) this Regulation does not apply to the subject manufacture,
 

until the end of the licence’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the Cap. 295B licence’s validity period ends within the transitional period—
  - (a) the licensee may, before the end of the validity period, apply for the renewal of the licence in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the licensee may, before the end of the validity period, apply under this Regulation for a manufacture licence, in which case this Regulation applies in relation to the subject manufacture.

- (4) The Director may renew the Cap. 295B licence under the repealed Cap. 295B during the transitional period for one or more times for a period that the Director thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

**173. Storage and use of Cap. 295B DG (Cat. 2 to 10)**

- (1) This section applies in relation to a Cap. 295B licence for the storage and use of Cap. 295B DG (Cat. 2 to 10) (*subject storage and use*).
- (2) Despite the coming into operation of this Regulation—
- (a) the Cap. 295B licence remains in force;
  - (b) the repealed Cap. 295B continues to apply to the subject storage and use; and
  - (c) this Regulation does not apply to the subject storage and use,
- until the end of the licence’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the Cap. 295B licence’s validity period ends within the transitional period—
- (a) the licensee may, before the end of the validity period, apply for the renewal of the licence in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the licensee may, before the end of the validity period, apply under this Regulation for a store and use licence, in which case this Regulation applies in relation to the subject storage and use.



- (4) The Director may renew the Cap. 295B licence under the repealed Cap. 295B during the transitional period for one or more times for a period that the Director thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

**174. Licence for conveyance of Cap. 295B DG (Cat. 2 to 10)**

- (1) This section applies in relation to a Cap. 295B licence for the conveyance of Cap. 295B DG (Cat. 2 to 10) (*subject conveyance*).
- (2) Despite the coming into operation of this Regulation—
- (a) the Cap. 295B licence remains in force;
  - (b) the repealed Cap. 295B continues to apply to the subject conveyance; and
  - (c) this Regulation does not apply to the subject conveyance,
- until the end of the licence’s validity period or the end of the transitional period (whichever is the earlier) as if the repealed Cap. 295B were still in force.
- (3) If the Cap. 295B licence’s validity period ends within the transitional period—
- (a) the licensee may, before the end of the validity period, apply for the renewal of the licence in accordance with the repealed Cap. 295B as if the repealed Cap. 295B were still in force; or
  - (b) the licensee may, before the end of the validity period, apply under this Regulation for a conveyance licence, in which case this Regulation applies in relation to the subject conveyance.

- (4) The Director may renew the Cap. 295B licence under the repealed Cap. 295B during the transitional period for one or more times for a period that the Director thinks appropriate (but not beyond the end of the transitional period) as if the repealed Cap. 295B were still in force.

### **Subdivision 3—Approved Cylinder or Container**

#### **175. Approved cylinder or container**

If—

- (a) a cylinder or any other container was approved for the purposes of regulation 64 of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the cylinder or container is deemed to be a pressure receptacle of a type approved for the purposes of section 145(1).

### **Subdivision 4—Persons Approved under Repealed Cap. 295B**

#### **176. Person Approved for examination or testing of cylinders**

If—

- (a) a person was approved for the purposes of regulation 66(1) of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the person is deemed, during the transitional period, to be an approved person mentioned in section 145(1)(b).

**177. Person approved for examination of cylinders**

If—

- (a) a person was approved for the purposes of regulation 67(1) of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the person is deemed, during the transitional period, to be an approved person mentioned in section 145(1)(b).

**178. Person approved for certifying stores, containers, etc.**

If—

- (a) a person was approved for the purposes of regulation 108 of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the person is deemed, during the transitional period, to be a person approved under section 105(2).

**179. Approved person for certifying tanks on tank wagons**

If—

- (a) a person was approved for the purposes of regulation 120 of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the person is deemed, during the transitional period, to be a person approved under section 137(3).

**180. Person approved for certifying repairs to tanks**

If—

- (a) a person was approved for the purposes of regulation 128 of the repealed Cap. 295B; and
- (b) the approval is in force immediately before the commencement date,

the person is deemed, during the transitional period, to be a person approved under section 112(3).

**Subdivision 5—Directions and Contravention**

**181. Direction issued under repealed Cap. 295B**

If—

- (a) a direction was issued under regulation 171C of the repealed Cap. 295B; and
- (b) the direction is in force immediately before the commencement date,

the direction is deemed to be a direction issued under section 150(1).

**182. Contravention of sections 6 and 10 of Ordinance during transitional period**

- (1) A contravention of section 6 of the Ordinance during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of that section.

- (2) A contravention of section 10 of the Ordinance during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of that section.

**183. Certain contraventions during transitional period**

- (1) A contravention of section 113, 126 or 127 during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of any provision of the repealed Cap. 295B.
  - (2) A contravention of section 131 during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of regulations 76(a) and 102 of the repealed Cap. 295B.
  - (3) A contravention of section 142 during the transitional period does not constitute an offence if the act or omission that constitutes the contravention, had it happened before the commencement date, would not have constituted a contravention of regulations 74, 84, 92, 99, 139, 153, 159, 170 and 176 of the repealed Cap. 295B, as may be appropriate.
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## Schedule 1

[ss. 38, 43, 58 & 80]

### Form and Specifications for S1DG Placard

#### Part 1

#### Form of S1DG Placard

Figure No. 1

Placard for Class 1 S1DG in Division 1.1, 1.2 or 1.3



Figure No. 2

Placard for Class 1 S1DG in Division 1.4



Figure No. 3

Placard for Class 1 S1DG in Division 1.5



Figure No. 4

Placard for Class 1 S1DG in Division 1.6



## Part 2

### Specifications for S1DG Placard

1. A placard must be displayed in an upright position.
2. A placard must be square-shaped, with the minimum length of each side measuring 250 mm (*minimum dimensions*).
3. For a placard of minimum dimensions, the number “1” at the bottom of the placard (as required by Part 1 of this Schedule) must be at least 25 mm in height.
4. If no specific dimensions are indicated for a feature of a placard in this Part or in the relevant Figure in Part 1 of this Schedule, the feature must be in the appropriate scale as shown in the Figure. If a placard’s dimensions are bigger than the minimum dimensions, the dimensions of every feature in the placard must be adjusted upward proportionally.



5. A placard must be displayed on a background of contrasting colour or, if a background of contrasting colour cannot be provided, have a dotted or solid outer boundary line.
6. A placard must indicate the appropriate Division (by way of a number), and the appropriate compatibility group (by way of a letter), of the Class 1 S1DG. For this purpose, the symbols in the Figures in Part 1 of this Schedule must be modified as provided for in Part 3 of this Schedule.

### Part 3

#### Modification of Symbols in Figures

7. In this Part, an expression specified below has the meaning given by section 3—  
*S1DG package*;  
*S1DG packaging*.
8. For Class 1 S1DG that are intact in an S1DG package that complies with the IMDG Code—
  - (a) if the Class 1 S1DG are of Division 1.1, 1.2 or 1.3—
    - (i) “# #” as shown in the lower half of Figure No. 1 must be replaced by “1.1”, “1.2” or “1.3” (as the case may be); and
    - (ii) “★” as shown in the lower half of Figure No. 1 must be replaced by a letter that indicates the compatibility group of the S1DG; or
  - (b) if the Class 1 S1DG are of Division 1.4, 1.5 or 1.6—

- 
- (i) the number “1.4”, “1.5” or “1.6” as shown in the upper half of Figure No. 2, 3 or 4 must be at least 75 mm in height and at least 12.5 mm thick; and
  - (ii) “★” as shown in the lower half of Figure No. 2, 3 or 4 must be replaced by a letter that indicates the compatibility group of the SIDG.
9. Despite section 8 of this Schedule, if Class 1 SIDG are removed from their original SIDG package that complies with the IMDG Code and repacked in a new SIDG package, and—
- (a) the Division or compatibility group (or both) of the Class 1 SIDG is determined by the safety measure of the original SIDG packaging; and
  - (b) the Division or compatibility group (or both) of the Class 1 SIDG of the new SIDG packaging is known,
- the placard must show the appropriate Division number, and the appropriate compatibility group letter, of the Class 1 SIDG in the manner specified in section 8(a) or (b) of this Schedule.
10. Despite section 8 of this Schedule, if Class 1 SIDG are removed from their original SIDG package that complies with the IMDG Code and repacked in a new SIDG package, and—
- (a) the Division or compatibility group (or both) of the Class 1 SIDG is determined by the safety measure of the original SIDG packaging; and
  - (b) the Division or compatibility group (or both) of the Class 1 SIDG of the new SIDG packaging is not known,
- “# #”, “★” or both “# #” and “★” (as the case may be) in the form of Figure No. 1 may be omitted from the Figure.

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11. For special Class 9 SIDG that are not intact in an SIDG package that complies with the IMDG Code, a placard in the form of Figure No. 2 is required and the “★” as shown in the lower half of the Figure must be replaced by “G”.
  12. If Class 1 SIDG of 2 or more Divisions are stored or conveyed together, the placard must conform with the form for the most dangerous Division among those Divisions. For this purpose, the degree of danger is to be determined according to the following order—
    - (a) Division 1.1 (most dangerous);
    - (b) Division 1.5;
    - (c) Division 1.2;
    - (d) Division 1.3;
    - (e) Division 1.6;
    - (f) Division 1.4 (least dangerous).
-

## Schedule 2

[s. 41]

### Storage Limit of Licensed Mode B Store

#### 1. Interpretation of Schedule 2

In this Schedule—

*cartridge-operated fixing tool* (槍彈推動打釘工具) has the meaning given by regulation 2 of the Factories and Industrial Undertakings (Cartridge-Operated Fixing Tools) Regulations (Cap. 59 sub. leg. R);

*explosive content* (爆炸品含量) has the meaning given by section 3.

#### 2. Storage limit of licensed Mode B store

Column 1 Item	Column 2 S1DG	Column 3 Division of Class 1 S1DG	Column 4 Storage limit
1.	Group 6 S1DG (cartridges for cartridge-operated fixing tool, cartridges for small arms or safety cartridges)	1.1, 1.2, 1.3 or 1.4	20 000 rounds in the aggregate

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Column 1	Column 2	Column 3	Column 4
Item	S1DG	Division of Class 1 S1DG	Storage limit
2.	Group 6 S1DG (except cartridges mentioned in item 1) or Group 7 S1DG (except S1DG used for blasting)	1.1 or 1.2	Aggregate explosive content of 25 kg
3.	Group 6 S1DG (except cartridges mentioned in item 1) or Group 7 S1DG (except S1DG used for blasting)	1.3 or 1.4	Aggregate explosive content of 200 kg
4.	Special Class 9 S1DG	—	Aggregate explosive content of 200 kg

## Schedule 3

[ss. 87 & 88]

### Packing, Marking and Labelling Requirements for S1DG

#### Part 1

#### Packing Requirements for Class 1 S1DG or Special Class 9 S1DG

1. In this Part—  
*suitable* (適當), in relation to S1DG packaging, means the packaging is—
  - (a) well constructed so as to prevent any loss of contents from the S1DG package;
  - (b) in good condition;
  - (c) of such a character and construction that any interior surface with which the contents may come into contact is not adversely affected by the contents;
  - (d) capable of withstanding ordinary risks during storage, handling or conveyance; and
  - (e) capable of withstanding any pressure likely to be generated in it in the course of normal use.
  
2. In this Part, an expression specified below has the meaning given by section 3—  
*explosive content*;

***S1DG package;***  
***S1DG packaging.***

3. Class 1 S1DG of different compatibility groups must be packed separately.
4. The aggregate explosive content of the total quantity of Class 1 S1DG contained in an S1DG package must not exceed 25 kg.
5. Special Class 9 S1DG of different UN numbers must be packed separately.
6. S1DG packaging must be—
  - (a) designed, made of appropriate material and of a size, so as to be—
    - (i) suitable for the packaging, having regard to the nature of the S1DG contained in it and the capability of withstanding ordinary risks during storage or conveyance; and
    - (ii) able to protect the S1DG against inadvertent or accidental ignition or initiation during storage or conveyance; and
  - (b) maintained in good condition and repair and free from corrosion, contamination or any other defect which may impair its performance.
7. S1DG packaging must not be constructed, whether wholly or partly, of iron or steel unless the iron or steel is covered with such material as to prevent the iron or steel from being or becoming exposed to open air.

## Part 2

### Marking Requirements for Class 1 SIDG or Special Class 9 SIDG

8. In this Part, an expression specified below has the meaning given by section 3—  
*SIDG package*;  
*SIDG packaging*.
9. The outer surface of an outermost SIDG packaging must be legibly marked with all of the following information—
  - (a) the UN number of each kind of SIDG contained in the SIDG package;
  - (b) the proper shipping name of each kind of SIDG contained in the SIDG package, in either English or Chinese;
  - (c) the quantity of each kind of SIDG contained in the SIDG package.
10. The information specified in section 9 of this Schedule must be marked in such a manner that the information is clearly identifiable despite any exposure to open air and water.
11. Section 9 of this Schedule does not apply to an outermost SIDG packaging if—
  - (a) the outermost SIDG packaging is transparent; and
  - (b) the SIDG packaging immediately inside the outermost SIDG packaging is—
    - (i) marked in compliance with section 9 of this Schedule; and



- (ii) visible from outside.

## **Part 3**

### **Labelling Requirements and Labels for S1DG**

#### **Division 1—Interpretation**

12. In this Part, an expression specified below has the meaning given by section 3—
- intact special Class 9 S1DG;*
  - S1DG package;*
  - S1DG packaging.*

#### **Division 2—Labelling Requirements for S1DG Packaging**

13. For S1DG contained in an S1DG packaging, the outer surface of the outermost S1DG packaging must bear a label that is in the form of the following Figure and meets the specifications specified in Division 4 of this Part—
- (a) for Class 1 S1DG in Division 1.1, 1.2 or 1.3—Figure No. 1;
  - (b) for Class 1 S1DG in Division 1.4—Figure No. 2;
  - (c) for special Class 9 S1DG that are mentioned in section 26 of this Schedule—Figure No. 2;
  - (d) for Class 1 S1DG in Division 1.5—Figure No. 3;
  - (e) for Class 1 S1DG in Division 1.6—Figure No. 4;
  - (f) for intact special Class 9 S1DG—Figure No. 5.

14. The label must—

- (a) be properly attached or affixed to the outer surface of the S1DG packaging in an upright position or a flat position;
  - (b) be displayed on a background of contrasting colour on the outer surface of the packaging or, if a background of contrasting colour cannot be provided, have a dotted or solid outer boundary line; and
  - (c) be clearly identifiable despite any exposure to open air and water.
  
- 15. If Class 1 S1DG of 2 or more Divisions are packed in the same S1DG packaging, the label must conform with the form for the most dangerous Division among those Divisions. For this purpose, the degree of danger is to be determined according to the following order—
  - (a) Division 1.1 (most dangerous);
  - (b) Division 1.5;
  - (c) Division 1.2;
  - (d) Division 1.3;
  - (e) Division 1.6;
  - (f) Division 1.4 (least dangerous).
  
- 16. Sections 13 and 15 of this Schedule do not apply to an outermost S1DG packaging if—
  - (a) the outermost S1DG packaging is transparent; and
  - (b) the S1DG packaging immediately inside the outermost S1DG packaging is—
    - (i) labelled in compliance with section 13 or 15 (as may be appropriate) of this Schedule; and

(ii) visible from outside.

### Division 3—Form of Labels for S1DG

Figure No. 1

Label for Class 1 S1DG in Division 1.1, 1.2 or 1.3



Figure No. 2

Label for Class 1 S1DG in Division 1.4



Figure No. 3

Label for Class 1 S1DG in Division 1.5



Figure No. 4

Label for Class 1 S1DG in Division 1.6



Figure No. 5

Label for intact special Class 9 S1DG



#### Division 4—Specifications for S1DG Label

17. A label must be displayed in an upright position or a flat position.
18. A label—
  - (a) must be square-shaped, with the minimum length of each side measuring 100 mm (*minimum dimensions*); and
  - (b) if it is not feasible to display a label of the minimum dimensions due to the size or shape of the S1DG packaging—must be of reasonable dimensions that are, having regard to the size or shape of the packaging, appropriate for the packaging and must remain clearly visible and legible.
19. For a label of minimum dimensions, the number “1” or “9” (underlined) at the bottom of the label (as required by Division 3 of this Part) must be at least 10 mm in height.

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20. If no specific dimensions are indicated for a feature of a label in this Division or in the relevant Figure in Division 3 of this Part, the feature must be in the appropriate scale as shown in the Figure. If a label is of dimensions different from the minimum dimensions, the dimensions of every feature in the label must be adjusted proportionally.
  21. The correct textual description in the middle of the label of Class 1 S1DG or special Class 9 S1DG is optional.
  22. A label must indicate the appropriate Division (by way of a number), and the appropriate compatibility group (by way of a letter), of the Class 1 S1DG. For this purpose, the symbols in the Figures in Division 3 of this Part must be modified as provided for in Division 5 of this Part.

### **Division 5—Modification of Symbols in Figures**

23. For Class 1 S1DG that are intact in an S1DG package that complies with the IMDG Code—
  - (a) if the Class 1 S1DG are of Division 1.1, 1.2 or 1.3—
    - (i) “# #” as shown in the lower half of Figure No. 1 must be replaced by “1.1”, “1.2” or “1.3” (as the case may be); and
    - (ii) “★” as shown in the lower half of Figure No. 1 must be replaced by a letter that indicates the compatibility group of the S1DG; or
  - (b) if the Class 1 S1DG are of Division 1.4, 1.5 or 1.6—
    - (i) the number “1.4”, “1.5” or “1.6” as shown in the upper half of Figure No. 2, 3 or 4 must be at least 30 mm in height and at least 5 mm thick; and

- (ii) “★” as shown in the lower half of Figure No. 2, 3 or 4 must be replaced by a letter that indicates the compatibility group of the S1DG.
  
- 24. Despite section 23 of this Schedule, if Class 1 S1DG are removed from their original S1DG package that complies with the IMDG Code and repacked in a new S1DG package, and—
  - (a) the Division or compatibility group (or both) of the Class 1 S1DG is determined by the safety measure of the original S1DG packaging; and
  - (b) the Division or compatibility group (or both) of the Class 1 S1DG of the new S1DG packaging is known, the label must show the appropriate Division number, and the appropriate compatibility group letter, of the Class 1 S1DG in the manner specified in section 23(a) or (b) of this Schedule.
  
- 25. Despite section 23 of this Schedule, if Class 1 S1DG are removed from their original S1DG package that complies with the IMDG Code and repacked in a new S1DG package, and—
  - (a) the Division or compatibility group (or both) of the Class 1 S1DG is determined by the safety measure of the original S1DG packaging; and
  - (b) the Division or compatibility group (or both) of the Class 1 S1DG of the new S1DG packaging is not known, “# #”, “★” or both “# #” and “★” (as the case may be) in the form of Figure No. 1 may be omitted from the Figure.

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26. For special Class 9 SIDG that are not intact in an SIDG package that complies with the IMDG Code, a label in the form of Figure No. 2 is required and the “★” as shown in the lower half of the Figure must be replaced by “G”.
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## **Schedule 4**

[s. 131]

### **Form and Specifications for S2DG (Class 2/3/3A) Warning Sign**

#### **Part 1**

#### **Form of S2DG (Class 2/3/3A) Warning Sign**

Figure No. 1

Warning sign for S2DG (Class 2/3/3A)



#### **Part 2**

#### **Specifications for S2DG (Class 2/3/3A) Warning Sign**

1. A warning sign must be displayed in an upright position.

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2. A warning sign must have the minimum height of 300 mm and the minimum width of 400 mm.
  3. All Chinese characters in the warning sign must be at least 90 mm in height and in width.
  4. All English letters in the warning sign must be at least 70 mm in height and 35 mm in width.
  5. If a warning sign's dimensions are bigger than the minimum height of 300 mm and the minimum width of 400 mm, the dimensions of every Chinese character and English letter in the sign must be adjusted upward proportionally.
-

## Schedule 5

[s. 131]

### Form and Specifications for S2DG Placard

#### Part 1

#### Form of S2DG Placard

Figure No. 1a

Placard for Class 2.1 S2DG



Figure No. 1b

Placard for Class 2.1 S2DG



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Figure No. 2a

Placard for Class 2.2 S2DG



Figure No. 2b

Placard for Class 2.2 S2DG



Figure No. 3

Placard for Class 2.3 S2DG



Figure No. 4a

Placard for Class 3 S2DG or  
Class 3A S2DG



Figure No. 4b

Placard for Class 3 S2DG or  
Class 3A S2DG



## Part 2

### Specifications for S2DG Placard

1. A placard must be displayed in an upright position.
2. A placard must be square-shaped, with the minimum length of each side measuring 250 mm (*minimum dimensions*).
3. For a placard of minimum dimensions, the number “2” or “3” at the bottom of the placard (as required by Part 1 of this Schedule) must be at least 25 mm in height.
4. If no specific dimensions are indicated for a feature of a placard in this Part or in the relevant Figure in Part 1 of this Schedule, the feature must be in the appropriate scale as shown in the Figure. If a placard’s dimensions are bigger than the minimum dimensions, the dimensions of every feature in the placard must be adjusted upward proportionally.

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5. A placard must be displayed on a background of contrasting colour or, if a background of contrasting colour cannot be provided, have a dotted or solid outer boundary line.
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## Schedule 6

[ss. 142 & 143]

# Packing, Marking and Labelling Requirements for S2DG

## Part 1

### Packing Requirements for S2DG

1. In this Part—
  - S2DG packaging* (S2危險品包裝) has the meaning given by section 92;
  - suitable* (適當), in relation to S2DG packaging, means the packaging is—
    - (a) well constructed so as to prevent any loss of contents from the S2DG packaging, unless the packaging is designed to release some contents for safety reason;
    - (b) in good condition;
    - (c) of such a character and construction that any interior surface with which the contents may come into contact is not adversely affected by the contents;
    - (d) capable of withstanding ordinary risks during storage, handling or conveyance; and
    - (e) capable of withstanding any pressure likely to be generated in it in the course of normal use.
2. S2DG must not be packed together with any other S2DG that is specified as incompatible in the code of practice.

3. S2DG packaging must be—
  - (a) designed, made of appropriate material and of a size, so as to be—
    - (i) suitable for the packaging, having regard to the nature of the S2DG contained in it and the capability of withstanding ordinary risks during storage or conveyance; and
    - (ii) able to protect the S2DG against inadvertent or accidental ignition or initiation during storage or conveyance; and
  - (b) maintained in good condition and repair and free from corrosion, contamination or any other defect which may impair its performance.
4. S2DG packaging must be of a size specified in the code of practice, if applicable.
5. S2DG packaging must be filled in conformity with the filling ratio specified in the code of practice, if applicable.
6. S2DG packaging must be filled with S2DG to the extent as to leave within the packaging air space or ullage that is not less than the minimum air space or ullage specified in the code of practice, if applicable.
7. S2DG packaging must be tested according to a method specified in the code of practice, if applicable.
8. If S2DG is contained in a pressure receptacle, the receptacle must be one that—
  - (a) is of a type approved for the purposes of section 145(1); and



- (b) has passed the inspection or testing for the purposes of section 145(1).

## Part 2

### Marking Requirements for S2DG

9. In this Part—  
**S2DG packaging** (S2危險品包裝) has the meaning given by section 92.
10. The outer surface of an outermost S2DG packaging must be legibly marked with all of the following information—
- (a) the UN number of each type of S2DG contained in the S2DG packaging and, in the case of Class 3A S2DG, the HK number;
  - (b) the proper shipping name or true name of each type of S2DG contained in the S2DG packaging, in either English or Chinese, as specified in the code of practice.
11. The information specified in section 10 of this Schedule must be marked in such a manner that the information is clearly identifiable despite any exposure to open air and water.
12. Section 10 of this Schedule does not apply to an outermost S2DG packaging if—
- (a) the outermost S2DG packaging is transparent; and
  - (b) the S2DG packaging immediately inside the outermost S2DG packaging is—
    - (i) marked in compliance with section 10 of this Schedule; and

- (ii) visible from outside.

## **Part 3**

### **Labelling Requirements and Labels for S2DG**

#### **Division 1—Labelling Requirements for S2DG Packaging**

- 13. For S2DG contained in an S2DG packaging, the outer surface of the outermost S2DG packaging must bear a label that is in the form of the following Figure and meets the specifications specified in Division 3 of this Part—
  - (a) for Class 2.1 S2DG—Figure No. 1a or 1b;
  - (b) for Class 2.2 S2DG—Figure No. 2a or 2b;
  - (c) for Class 2.3 S2DG—Figure No. 3;
  - (d) for Class 3 S2DG or Class 3A S2DG—Figure No. 4a or 4b;
  - (e) for Class 4.1 S2DG—Figure No. 5;
  - (f) for Class 4.2 S2DG—Figure No. 6;
  - (g) for Class 4.3 S2DG—Figure No. 7a or 7b;
  - (h) for Class 5.1 S2DG—Figure No. 8;
  - (i) for Class 5.2 S2DG—Figure No. 9a or 9b;
  - (j) for Class 6.1 S2DG—Figure No. 10;
  - (k) for Class 8 S2DG—Figure No. 11;
  - (l) for Class 9 S2DG—Figure No. 12.
  
- 14. The label must—
  - (a) be properly attached or affixed to the outer surface of the S2DG packaging in an upright position or a flat position;

- (b) be displayed on a background of contrasting colour on the outer surface of the packaging or, if a background of contrasting colour cannot be provided, have a dotted or solid outer boundary line; and
  - (c) be clearly identifiable despite any exposure to open air and water.
- 15. If subsidiary hazard is specified for 1 type of S2DG by way of only one number, the number specified for the subsidiary hazard is regarded as the class number of the S2DG, and the outer surface of the outermost S2DG packaging must also bear the label that conforms to the relevant Figure of that class number under section 13 of this Schedule.
- 16. If subsidiary hazard is specified for 1 type of S2DG by way of more than one number, the numbers specified for the subsidiary hazard are regarded as the class numbers of the S2DG, and the outer surface of the outermost S2DG packaging must also bear all the labels that conform to the relevant Figures of those class numbers under section 13 of this Schedule.
- 17. Sections 13, 15 and 16 of this Schedule do not apply to an outermost S2DG packaging if—
  - (a) the outermost S2DG packaging is transparent; and
  - (b) the S2DG packaging immediately inside the outermost S2DG packaging is—
    - (i) labelled in compliance with section 13, 15 or 16 (as may be appropriate) of this Schedule; and
    - (ii) visible from outside.
- 18. Subject to section 19 of this Schedule, if 2 or more types of S2DG are packed in the same outermost S2DG packaging, the

outer surface of the outermost S2DG packaging must bear the labels in relation to each type of the S2DG in compliance with section 13, 15 or 16 (as may be appropriate) of this Schedule.

19. If 2 or more types of S2DG are packed in the same outermost S2DG packaging and the application of sections 13, 15, 16 and 18 of this Schedule lead to any overlapping of the class numbers, the outer surface of the outermost S2DG packaging must only bear the labels for different class numbers among those types of S2DG.

### **Division 2—Form of Labels for S2DG**

Figure No. 1a

Label for Class 2.1 S2DG



Figure No. 1b

Label for Class 2.1 S2DG



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Figure No. 2a

Label for Class 2.2 S2DG



Figure No. 2b

Label for Class 2.2 S2DG



Figure No. 3

Label for Class 2.3 S2DG



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Figure No. 4a

Label for Class 3 S2DG or  
Class 3A S2DG



Figure No. 4b

Label for Class 3 S2DG or  
Class 3A S2DG



Figure No. 5

Label for Class 4.1 S2DG



Figure No. 6

Label for Class 4.2 S2DG



Figure No. 7a

Label for Class 4.3 S2DG



Figure No. 7b

Label for Class 4.3 S2DG



Figure No. 8

Label for Class 5.1 S2DG



Figure No. 9a

Label for Class 5.2 S2DG



Figure No. 9b

Label for Class 5.2 S2DG





Figure No. 10

Label for Class 6.1 S2DG



Figure No. 11

Label for Class 8 S2DG



Figure No. 12

Label for Class 9 S2DG



### Division 3—Specifications for S2DG Label

20. A label must be displayed in an upright position or a flat position.
21. A label—
  - (a) must be square-shaped, with the minimum length of each side measuring 100 mm (*minimum dimensions*); and
  - (b) if it is not feasible to display a label of the minimum dimensions due to the size or shape of the S2DG packaging—must be of reasonable dimensions that are, having regard to the size or shape of the packaging, appropriate for the packaging and must remain clearly visible and legible.
22. If no specific dimensions are indicated for a feature of a label in this Division or in the relevant Figure in Division 2 of this Part, the feature must be in the appropriate scale as shown in

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the Figure. If a label is of dimensions different from the minimum dimensions, the dimensions of every feature in the label must be adjusted proportionally.

23. The correct textual description in the middle of the label of the S2DG as specified in the code of practice is optional.
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## Schedule 7

[s. 149]

### Storage of Class 9A S3DG in Non-industrial and Industrial Premises

**1. Interpretation of Schedule 7**

In this Schedule, an expression specified below has the meaning given by section 149(6)—

*industrial premises;*

*non-industrial premises;*

*specified quantity.*

**2. Specified quantity for storage of Class 9A S3DG**

	Column 1	Column 2	Column 3
	Class 9A S3DG	Non-industrial premises	Industrial premises
1.	Cotton waste	100 kg	2 tonnes
2.	Cotton (raw)	50 kg	2 tonnes
3.	Kapok	50 kg	2 tonnes
4.	Polymethylmethacrylate (raw material)	250 kg	2 tonnes
5.	Polypropylene (raw material)	250 kg	2 tonnes

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	Column 1	Column 2	Column 3
	Class 9A S3DG	Non-industrial premises	Industrial premises
6.	Polystyrene (raw material)	250 kg	2 tonnes
7.	Polytetrafluoroethylene	250 kg	2 tonnes
8.	Polythene (raw material)	250 kg	2 tonnes
9.	Polyvinyl chloride (raw material)	250 kg	2 tonnes
10.	Rubber (raw) (excludes any S2DG with UN number UN 1287 or UN 1345)	100 kg	2 tonnes
11.	Rubber tyres for motor vehicles and aircrafts	50 tyres	500 tyres

## Schedule 8

[ss. 2, 73 & 157]

### Prescribed Fees

#### Part 1

#### Prescribed Fees for Licences and Permits for S1DG

1. In this Part—  
*place of public entertainment* (公眾娛樂場所) has the meaning given by section 2 of the Places of Public Entertainment Ordinance (Cap. 172).
2. In this Part, an expression specified below has the meaning given by section 3—  
*blasting*;  
*conveyance permit*;  
*discharge (blasting) permit*;  
*discharge (fireworks) permit*;  
*licensed blasting site*;  
*manufacture (blasting) licence*;  
*manufacture (factory) licence*;  
*Mode A licence*;  
*Mode A store*;  
*Mode B licence*;

*Mode B store;  
possession licence;  
use (individual) licence.*

3. For a licence or permit specified in column 2 of the following table—
- (a) the fee specified in column 3 corresponding to the licence or permit is prescribed for the grant or renewal of the licence or permit for 12 months unless provided otherwise;
  - (b) the fee specified in column 4 corresponding to the licence or permit is prescribed for a duplicate or replacement of the licence or permit; and
  - (c) the fee specified in column 5 corresponding to the licence or permit is prescribed for an alteration or addition to, or endorsement of conditions on, the licence or permit.

**Table**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences or permits	Fee for grant or renewal \$	Fee for duplicate or replacement \$	Fee for alteration or addition or endorsement of conditions \$
1.	A manufacture (factory) licence	53,950	770	2,270
2.	A manufacture (blasting) licence	53,950	770	2,270

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences or permits	Fee for grant or renewal \$	Fee for duplicate or replacement \$	Fee for alteration or addition or endorsement of conditions \$
3.	A Mode A licence for storing—		770	(a) For relocation of the Mode A store— \$6,100
	(a) Group 6 SIDG or special Class 9 SIDG (not used for blasting)	51,900		(b) For all other cases— \$2,270
	(b) Group 7 SIDG (not used for blasting)	21,900		
	(c) SIDG other than that mentioned in paragraph (a) or (b)	51,700		
4.	A Mode B licence for storing—		770	(a) For relocation of the Mode B store— \$6,100
	(a) Group 6 SIDG or special Class 9 SIDG (not used for blasting)	10,200		(b) For all other cases— \$2,270
	(b) Group 7 SIDG (not used for blasting)	15,150		
5.	A use (individual) licence	1,520	770	—



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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences or permits	Fee for grant or renewal \$	Fee for duplicate or replacement \$	Fee for alteration or addition or endorsement of conditions \$
6.	A possession licence	51,700	770	(a) For change of the designated possession area in the licensed blasting site— \$6,100  (b) For all other cases— \$2,270
7.	A discharge (blasting) permit	74,100	770	(a) For change of the designated blasting area in the licensed blasting site— \$6,100  (b) For all other cases— \$2,270
8.	A conveyance permit	315 per permit	Not applicable	Not applicable

## Dangerous Goods (Control) Regulation

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences or permits	Fee for grant or renewal \$	Fee for duplicate or replacement \$	Fee for alteration or addition or endorsement of conditions \$
9.	A discharge (fireworks) permit for discharge at—			
	(a) a place of public entertainment	270 per permit	15	15
	(b) any other place	15 per permit	15	15

## Part 2

### Prescribed Fees for Licences for S2DG

4. In this Part—
- identification disc*** (識別證) has the meaning given by section 115;
- quantity*** (分量) has the same meaning as in section 5 of Cap. 295E;
- unit*** (單位) has the same meaning as in section 4 of Cap. 295E.
5. In this Part, an expression specified below has the meaning given by section 92—
- conveyance licence***;
- licensed store***;
- licensed tank***;

*manufacture licence;*  
*store and use licence.*

6. For a licence specified in column 2 of the following table—
- (a) the fee specified in column 3 corresponding to the licence is prescribed for the grant or renewal of the licence for 12 months;
  - (b) the fee specified in column 4 corresponding to the licence is prescribed for a duplicate or replacement of the licence and identification disc; and
  - (c) the fee specified in column 5 corresponding to the licence is prescribed for an alteration or addition to, or endorsement of conditions on, the licence and identification disc.

**Table**

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences	Fee for grant or renewal \$	Fee for duplicate or replacement of licences and identification discs \$	Fee for alteration or addition or endorsement of conditions \$
1.	A manufacture licence	1,560	275	275
2.	A store and use licence for storing Class 2 S2DG in—		275	275

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences	Fee for grant or renewal \$	Fee for duplicate or replacement of licences and identification discs \$	Fee for alteration or addition or endorsement of conditions \$
	(a) each licensed tank	1,310		
	(b) each licensed store (other than a licensed tank) for storing—			
	(i) not more than 500 units in one or more receptacles	530		
	(ii) more than 500 units but not more than 2 500 units in one or more receptacles	1,040		
	(iii) more than 2 500 units in one or more receptacles	2,600		
3.	A store and use licence for a licensed store for storing Class 3 S2DG or Class 3A S2DG of quantities—		275	275

## Dangerous Goods (Control) Regulation

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences	Fee for grant or renewal \$	Fee for duplicate or replacement of licences and identification discs \$	Fee for alteration or addition or endorsement of conditions \$
	(a) not exceeding 500 units	300		
	(b) exceeding 500 units but not exceeding 2 500 units	575		
	(c) exceeding 2 500 units but not exceeding 5 000 units	870		
	(d) exceeding 5 000 units but not exceeding 25 000 units	2,760		
	(e) exceeding 25 000 units	7,570		
4.	A store and use licence for a licensed store for storing Class 4 S2DG, Class 5 S2DG, Class 6.1 S2DG, Class 8 S2DG or Class 9 S2DG of quantities—		275	275
	(a) not exceeding 25 units	575		
	(b) exceeding 25 units but not exceeding 100 units	1,150		

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Licences	Fee for grant or renewal \$	Fee for duplicate or replacement of licences and identification discs \$	Fee for alteration or addition or endorsement of conditions \$
	(c) exceeding 100 units	2,530		
5.	A conveyance licence	960	275	275

Wendy LEUNG  
Clerk to the Executive Council

COUNCIL CHAMBER

9 February 2021

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### Explanatory Note

This Regulation replaces the Dangerous Goods (General) Regulations (Cap. 295 sub. leg. B) (*existing Regulations*) to—

- (a) align the regulatory framework of dangerous goods in the existing Regulations with the amendments to the International Maritime Dangerous Goods Code (*IMDG Code*) (which is updated every 2 years);
  - (b) enhance the safety of the manufacture, storage, use and conveyance of dangerous goods by retaining the licensing or permit regime under the existing Regulations with slight modifications; and
  - (c) facilitate the daily use of dangerous goods by omitting obsolete requirements in the existing Regulations.
2. The Dangerous Goods (Application and Exemption) Regulation 2012 (Cap. 295 sub. leg. E) (*Cap. 295E*) sets out the application, exemption and classification system of dangerous goods. The Regulation adopts the same system and should be read together with Cap. 295E.
  3. The Regulation is divided into 8 Parts and 8 Schedules.

#### Part 1—Preliminary (sections 1 and 2)

4. Section 1 provides for the commencement of the Regulation, which must not be before the commencement date appointed for section 4 of the Dangerous Goods (Amendment) Ordinance 2002 (4 of 2002).

5. Section 2(1) contains definitions that are necessary for the interpretation of the Regulation. Some key definitions are *code of practice* (relevant to Part 3), *DG*, *S1DG* (relevant to Part 2), *prescribed fee* (relevant to Parts 2, 3 and 7) and *S2DG* (relevant to Parts 3, 4 and 6).
6. Section 2(2) makes it clear that the expressions used in the Regulation in relation to DG have the same classification or identification system of dangerous goods as in Cap. 295E.

### **Part 2—S1DG (sections 3 to 91)**

7. This Part makes provisions for the manufacture, storage and use, conveyance as well as the packing, marking and labelling (*PML*) requirements of S1DG. In line with Cap. 295E, S1DG consists of Class 1 S1DG, special Class 9 S1DG and Group 8 S1DG.
8. Divisions 2, 3, 4, 5 and 6 of the Part empowers the Commissioner of Mines to grant and renew manufacture (factory) licences, manufacture (blasting) licences, store and use licences, use (individual) licences, blasting permissions, and the grant of conveyance permits, in relation to S1DG.
9. Division 4 of the Part also enables the Secretary for Home Affairs to grant—
  - (a) discharge (fireworks) permits for fireworks display; and
  - (b) general permissions for the discharge of manufactured fireworks by the public or a specified class of the public.
10. Division 6 of the Part sets out the PML requirements for S1DG, which are further elaborated in Schedule 3. It should be



noted that if S1DG of specified Classes are packed, marked and labelled in accordance with the IMDG Code, the PML requirements for those Classes under this Division are regarded as having been complied with for the purposes of storage and conveyance.

### **Part 3—S2DG (sections 92 to 146)**

11. This Part makes provisions for the manufacture, storage and use, conveyance as well as the PML requirements of S2DG.
12. Division 2 gives power to the Director of Fire Services (*Director*) to issue fire safety requirements on safety standards for licensed factories, licensed stores, Class 3A premises and licensed vehicles.
13. Divisions 3 and 6 of the Part empower the Director to grant and renew manufacture licences, store and use licences and conveyance licences.
14. Division 4 of the Part provides for restrictions and safety precautions for the manufacture and storage of S2DG.
15. Division 7 of the Part sets out the PML requirements for S2DG, which are further elaborated in Schedule 6. It should be noted that if S2DG of specified Classes are packed, marked and labelled in accordance with the IMDG Code, the PML requirements for those Classes under this Division are regarded as having been complied with for the purposes of storage and conveyance.

**Part 4—Storage of Air Cargo DG at Hong Kong International Airport (sections 147 and 148)**

16. Under this Part, the time limit for the mixed storage of S2DG and any other dangerous goods (other than S1DG) as defined in the Dangerous Goods (Consignment by Air) (Safety) Ordinance (Cap. 384) at the Hong Kong International Airport is extended from 24 hours under the existing Regulations to 72 hours.

**Part 5—Storage of Class 9A S3DG (Combustible Goods) (sections 149 and 150)**

17. Class 9A S3DG is set out in Schedule 3 to Cap. 295E. Subject to an exception, a person who stores Class 9A S3DG in a non-industrial premises or an industrial premises is required to send a written notice to the Director if the quantity of the Class 9A S3DG stored in the premises exceeds that specified in Schedule 7.

**Part 6—Storage of Freight Container in Approved Container Terminal (sections 151 to 154)**

18. Section 152 provides for the exemption from the operation of section 6 of the Dangerous Goods Ordinance (Cap. 295) for the storage of S2DG in a freight container in a container terminal (*approved container terminal*) specified in Schedule 2 to the Dangerous Goods (Shipping) Regulation 2012 (Cap. 295 sub. leg. F).

19. Section 153 requires a container terminal operator of an approved container terminal to unpack a freight container containing S2DG within a certain period after the container is unloaded. The Director of Marine is the enforcement authority for sections 152 and 153.
20. Section 154 requires a container terminal operator of an approved container terminal to maintain record of the S2DG handled in the terminal. The Director of Fire Services is the enforcement authority for that section.

#### **Part 7—Miscellaneous Provisions (sections 155 to 160)**

21. Section 155 empowers the Director of Fire Services to grant an exemption from certain provisions of the Regulation.
22. Section 156 provides that the following officials may authorize a public officer in the relevant bureau or department to perform the officials' functions under the Regulation—
  - (a) the Commissioner of Mines;
  - (b) the Secretary for Home Affairs;
  - (c) the Director of Fire Services;
  - (d) the Director of Marine.
23. Section 157 provides for the validity period and prescribed fees payable for the grant or renewal of licences or permits under the Regulation. The particulars of the fees are prescribed in Schedule 8.
24. Section 158 provides that licences or permits issued under the Regulation are not transferable.

25. Sections 159 and 160 provide for special defences to defendants charged with certain offences under the Regulation.

### **Part 8—Repeal and Transitional Provisions (sections 161 to 183)**

26. This Part repeals the existing Regulations. It also provides for the transitional arrangement from the current operation under the existing Regulations to the new regulatory regime under the Regulation.

### **Schedules—Schedules 1 to 8**

27. Schedule 1 sets out the form and specifications for S1DG placard.
28. Schedule 2 provides for the storage limit of S1DG in a licensed Mode B store.
29. Schedule 3 prescribes the packing, marking and labelling requirements for S1DG.
30. Schedule 4 provides for the form and specifications for S2DG (Class 2/3/3A) warning sign.
31. Schedule 5 sets out the form and specifications for S2DG placard.
32. Schedule 6 prescribes the packing, marking and labelling requirements for S2DG.
33. Schedule 7 provides for the specified quantity for storage of Class 9A S3DG in a non-industrial premises and an industrial premises.

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34. Schedule 8 provides for the prescribed fees for the licences and permits granted and renewed under Parts 2 and 3.