

**Business Facilitation Advisory Committee
Wholesale and Retail Task Force**

***Progress of amendments to the Dangerous Goods (General)
Regulations and the Dangerous Goods (Application and Exemption)
Regulation 2012***

Purpose

1. This paper is to provide information to members on: -
 - 1.1 the latest progress of the amendments to the Dangerous Goods (General) Regulations [DG(G)R] and the Dangerous Goods (Application and Exemption) Regulation 2012 [DG(A&E)R 2012];
 - 1.2 the proposed amendments, including the control regime of Dangerous Goods in Consumer Packs [DGCP]; and
 - 1.3 the proposed transitional arrangements for the new legislation.

Background

2. The Dangerous Goods Ordinance, which provides for the control of dangerous goods [DG] under 10 broad Categories, was enacted in 1956. The current legislative framework allows any person to use, store and convey certain types of DG in small quantities, i.e. within an exempt quantity, without a DG licence.
3. The proposed amendments are intended to align the local regulatory regime on DG with the international standards, such as the International Maritime Dangerous Goods (IMDG) Code, to facilitate the trade and the public as well as to enhance the safety standard within the purview of the regulatory control of DG in Hong Kong.

4. Having considered the usage of DG in small packages (e.g. isopropyl alcohol (hand sanitiser)) in the market, a new DG classification system and control regime for DGCP will be introduced to facilitate the smooth operation of the trade and the public without compromising public safety. However, these new measures have yet to come into effect pending the completion of amendments to, and the passage of, the DG(G)R.

The Latest Progress

5. The Authority intends to proceed with those legislative amendments that are essential to the implementation of the new DG classification system, following a review of all the elements originally proposed in the legislative amendment exercise in recent years.
6. Upon the conclusion of a comprehensive consultation conducted in 2017, the legislative amendment exercise is now reaching the final stage pending the revamping of DG(G)R and updating of the DG(A&E)R 2012.
7. The proposed amendments are scheduled to be submitted to the LegCo in the 2020-21 legislative session.

The Latest Updates on the Proposed Amendments

8. To recapitulate, the major amendments include the following: -
 - 8.1 To convert the existing local classification of DG from 10 categories to 9 classes to align with the IMDG classification system and facilitate the operation of the trade.
 - 8.2 To introduce the concept of “packing group” from the IMDG Code, which indicates the degree of hazard of DG and to revise the exempt quantities of DG with reference to the degree of hazard.
 - 8.3 To repeal the existing packing, marking & labelling [PML] requirements of DG and introduce new PML requirements to align with the IMDG Code and facilitate the operation of the trade.

- 8.4 To issue a Code of Practice to spell out necessary technical details (e.g. detailed requirements on testing of DG packaging, specification of DG packaging), so as to facilitate timely updating of detailed requirements to tie in with technological changes and advances.
- 8.5 To introduce the control regime for DGCP which are DG (e.g. hand sanitiser and perfume) commonly used by the general public and in the form of consumer packs with package size not greater than the “maximum package size” specified in the regulation.
- 8.6 To exempt certain DG which are regulated by other legislation or contained in items commonly found in daily use by members of the public, including, among others, medicines and Chinese medicines, pesticides, food, plants or animals, inflated tyres, inflated balls or balloons and lighting devices.
- 8.7 To update the levels of penalty for offences under the DG(G)R, which have been eroded by inflation over the years, in order to retain the necessary deterrent effect.
9. In addition to the amendments proposed in the consultation exercise conducted in 2017, the Authority has also put forth the amendments as follows: -

Introduction of “Store and Use Licence”

- 9.1 Currently, a licence to store DG is deemed to include a licence to use such goods. In order to optimise the control regime of storage and use of DG to enhance safety, the Authority has proposed to introduce a “store and use licence” which requires the licensee to clearly declare the locations for use of DG.

Mixed Storage of Compatible Class 4 to 9 DG

- 9.2 Mixed storage of different categories of DG is prohibited under the extant DG(G)R. However, with a view to facilitating the operation of the trade without compromising public safety, Class 4 to 9 DG which are compatible with each other will be allowed to store together.

Exemption for Non-refillable Gas Cylinders

9.3 Under extant DG(G)R, all gas cylinders are required to be approved by the Authority and tested in accordance with the technical specifications stipulated in the regulation. For the purpose of facilitating the public and the trade without compromising public safety, non-refillable gas cylinders, under certain size and pressure, manufactured in accordance with acceptable standards will be exempted from the approval and testing requirements.

Control Regime of DGCP

9.4 In general, storage of DGCP with quantities of not more than 1,000 L/kg in a compartment not for human habitation or 5,000 L/kg in an industrial warehouse compartment will be exempted from licensing requirements.

9.5 Conveyance of DGCP, irrespective of the amount involved, will be exempted from licensing requirements. DGCP will also be exempted from the packing, marking and labelling requirements.

9.6 The list of DGCP will be updated to match the local wholesale and retail environment in light of the updates of IMDG Code (which is updated every two years), technological advances as well as local context.

Transitional Arrangements

10. A grace period of 24 months will be given to the public and the trade to adapt to the new legislation after its commencement. All existing DG licences shall be renewed under the new regulation before the expiry of the grace period. All existing approved gas cylinders and approved tanks for storage of diesel under exempt quantity shall be deemed to be approved cylinders and approved tanks under the new regulation.

Advice Sought

11. Members are invited to note the content of this paper for information.

Fire Services Department

July 2020