

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

***The amended Dangerous Goods Ordinance (Cap. 295) and
E-services for Dangerous Goods related applications***

Purpose

This paper is to provide information to Members on: -

- (i) Highlights of amendments to the Dangerous Goods Ordinance, including the control regime of Dangerous Goods in Consumer Packs (“DGCP”); and
- (ii) E-services for dangerous goods (“DG”) related applications.

Background

2. In accordance with the Dangerous Goods Ordinance, Cap. 295 (“DGO”), any person who manufactures DG in any quantity, or stores, conveys or uses DG exceeding the statutory exempt quantity (“EQ”) must obtain a DG licence.

3. 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 of the regulatory control of DG in Hong Kong, the Fire Services Department (“FSD”) implemented the amended DGO and its subsidiary legislation on 31 March 2022, with a 2-year transitional period ending on 30 March 2024.

Highlights of Amended DGO

4. To recapitulate, the major amendments include the following:

- (i) Convert the local classification of DG from 10 categories to 9 classes to align with the IMDG classification system and facilitate the operation of the trade.
- (ii) 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.
- (iii) Categorise Exempt Quantity (“EQ”) into 3 types, including General EQ, Industrial EQ and Special EQ to match actual usage conditions and needs. EQ of respective DG has also been updated.
- (iv) Allow to store together Class 4 to 9 DG which are compatible with each other and exempt pressure receptacles from approval and inspection if they satisfy the conditions stipulated in the Amended DGO (including limited quantity and corresponding working pressure and water capacity).
- (v) 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. Relevant “Code of Practice for Control of Dangerous Goods on Land” is available on the Fire Services Department Dangerous Goods Thematic Website (<https://www.hkfsd.gov.hk/dg>).
- (vi) 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.
- (vii) Introduced the control regime of DGCP.

Control Regime of DGCP

5. With a view to facilitating the public and the trade, some DG that are commonly used in daily life are classified as DGCP if the container sizes concerned do not exceed the maximum package size specified in Schedule 2 to Cap. 295E. Common examples of DGCP include aerosol,

glue, perfume, alcohol handrub/sanitizer and perfumery products with flammable solvents.

6. DGCP are exempted from conveyance licence and packing, marking and labelling requirements regardless of their quantities. However, if the quantity of DGCP used or stored exceeds the EQ, the person concerned must obtain relevant licences from FSD. The EQ of DGCP can be divided into uninhabited compartment and warehouse compartment. The table below provides an overview of EQ for DGCP:

Dangerous Goods	Consumer Pack (Uninhabited compartment) EQ (units¹)	Consumer Pack (Warehouse compartment) EQ (units)
Class 2 DG (gases)	1 000	5 000
Class 3 DG (packing group II) (flammable liquids)	300	1 500
Class 3 DG (packing group III) (flammable liquids)	1 000	5 000
Class 4.1 DG (flammable solids)	1 000	5 000
Class 5.1 DG (oxidizing substances)	1 000	5 000
Class 6.1 DG (toxic substances)	1 000	5 000
Class 8 DG (corrosive substances)	1 000	5 000
Class 9 DG (miscellaneous dangerous substances or materials)	1 000	5 000
Aggregate EQ of more than one type of DG	1 000	5 000

¹ For DG in gas and liquid form, 1 unit equals 1 litre; for DG in solid form, 1 unit equals 1 kilogram.

Penalty

7. Any person who manufactures, stores, conveys or uses any DG without a granted licence shall be guilty of an offence and is liable on a first conviction to a fine at level 6 and to imprisonment for 6 months; and on a subsequent conviction to a fine of \$200,000 and to imprisonment for 12 months.

E-services for DG Related Applications

8. To press ahead with the digitalisation of Government services in line with the development of “Smart Government”, FSD has stepped up efforts in promoting the use of electronic services among enterprises and citizens. DG licensing services are now digitalised. E-submission has already been launched for nine DG-related applications². Through the user-friendly platform “GovHK”, members of the public can conveniently complete and submit electronic forms for these applications. Furthermore, e-payment and e-licence are also available for new applications, renewals, alterations and cancellations of DG licences.

9. For individual applications, the applicant should either have registered for “iAM Smart+” or have possessed a digital certificate. For applications made on behalf of a company, the applicant should be authorised by the company to use its company chop image.

Advice Sought

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

Fire Services Department April 2024

² (1) Alteration to / Cancellation of Licence for Dangerous Goods; (2) Application / Renewal of Licence for Dangerous Goods; (3) Application for / Renewal of Conveyance Licence for Schedule 2 Dangerous Goods (Class 2/3/3A); (4) Dangerous Goods Vehicle Inspection Booking; (5) Application Form for Pressure Receptacle Approval; (6) Application Form for the Status of Approved Person for Certification of Flammable Vapour Free (Gas-Free) under S.105, S.112 & S.137 of the Dangerous Goods (Control) Regulation; (7) Application Form for the Status of Approved Person for Inspection and Testing of (i) Pressure Receptacle and/or (ii) Piped Gas Installation; (8) Notification of Storage of Class 9A S3DG (Combustible Goods); and (9) Application for / Renewal of Timber Store Licence