

The Amended Dangerous Goods Ordinance

March 31, 2022

Effective

New Regulatory Regime for Dangerous Goods

Proper Regulation of Dangerous Goods Better Protection for Our Home and Lives



Hong Kong
Fire Services Department

For more information, please visit
Hong Kong Fire Services Department
Dangerous Goods Thematic Website

www.hkfsd.gov.hk/dg



Know More About Dangerous Goods Licences

In accordance with the Dangerous Goods Ordinance, Cap. 295, Laws of Hong Kong ("DGO"), any person who manufactures Dangerous Goods ("DG") in any quantity, or stores, conveys or uses DG exceeding the Exempt Quantity ("EQ") must obtain a DG licence.

Under the new regulatory regime, DG are classified into nine classes. For details of the classification of DG, please refer to Schedule 2 of Dangerous Goods (Application and Exemption) Regulation 2012, Cap. 295E, Laws of Hong Kong.

Types of DG Licences

Manufacture	Licence for Manufacture of DG • Class 2 to 9
Storage & Use	Licence for Store and Use of DG • Class 2 to 9
Conveyance	Licence for DG Vehicle (DGV) • Any mechanically propelled vehicle for the conveyance of Class 2 and / or Class 3 & 3A DG by road (i.e. DGV)



Other Regulatory Authorities

1. The Marine Department is the Licensing Authority for Class 1 to 9 DG at sea and container terminals.
2. The control of Class 1 DG (explosives) on land is under the jurisdiction of Civil Engineering and Development Department.

Any person who manufactures any DG, or stores, conveys or uses DG exceeding the EQ without a valid licence shall be guilty of an offence and shall be liable to a maximum fine of \$100,000 and to imprisonment for 6 months.

The following DG are not regulated by the Fire Services Department

1. Class 6.2 DG - Infectious Substances



2. Class 7 DG – Radioactive Substances



3. Gases stipulated under Section 2, Gas Safety Ordinance, Cap. 51, Laws of Hong Kong (e.g. LPG)



Application for a DG Licence

1. The application shall be made in writing to the Fire Services Department ("FSD") with all the relevant documents. It is the responsibility of an applicant to classify the chemicals under application pursuant to the DGO.
2. Applicants shall obtain information of the DG from their suppliers, manufacturers or exporters, e.g. Safety Data Sheet of the chemicals, to ensure that a proper classification of the DG has been conducted in accordance with the new legislation.

For details of application, please refer to "A Guide to Application for Dangerous Goods Licence and Approval".



Know More About the 24-Month Transitional Period

During the Transitional Period:

1. Regarding application for new DG Licence, applicants shall submit applications according to the Dangerous Goods (Control) Regulation, Cap. 295G, Laws of Hong Kong ("Cap. 295G").
2. Licensees under Dangerous Goods (General) Regulations, Cap. 295B, Laws of Hong Kong ("Cap. 295B") may:
 - a. apply for a licence under Cap. 295G; or
 - b. apply for the renewal of a licence in accordance with the repealed Cap. 295B.

Under the amended DGO, the total number of DG has increased from about 1,100 to about 2,300 while the types of DG under regulation of FSD have increased from about 400 to over 1,700. Public and trade should take note of the EQ of DG under the new legislation. For the manufacture, storage, conveyance or use of DG, application for a DG licence shall be made according to the requirements stipulated in the new legislation before the end of the transitional period.

1. After the commencement of the amended DGO, under what circumstances will the DG licence become invalid?

- i. The licence is expired;
- ii. The licence is revoked or cancelled;
- iii. The licence is surrendered by the licensee;
- iv. The licensed premises have been demolished, destroyed or cease to exist; or
- v. The licensee is deceased or ceases to exist.

2. What is the difference between the old DG store licence and the DG store and use licence under the amended DGO?

- Under the new legislation, the number of types of DG under regulation of FSD has increased to over 1,700, and the types of DG regulated have also been revised.
- Element of compatibility of DG has been introduced, so that DG of different classes could be stored together if they are compatible with each other.
- Except places solely used for the purpose of storage of DG, applicant shall state the use area of DG (if applicable) and submit such details to FSD in writing or layout plan. FSD will process the application by assessing whether the proposed use area is reasonable and safe.
- Under the new legislation, applicant shall clearly indicate the "hazardous area" of the DG store in the layout plan.
- Each application will be considered and assessed on its individual merits. FSD will issue the relevant Fire Safety Requirements to the applicant accordingly.

For details of the application for DG store and use licence, please refer to "A Guide to Application for Dangerous Goods Licence and Approval".

3. After the commencement of the amended DGO, what is the impact on the extant licensees if they apply for licence renewal under the repealed Cap. 295B?

During the transitional period, extant licensees may apply for licence renewal under the repealed Cap. 295B. Yet, the validity period of the renewed licence shall not exceed the end of the transitional period (i.e. 30 March 2024). Therefore, licensees should apply for licences under Cap. 295G (new legislation) before the end of the transitional period.



Small Tips

Preparation works for the application for store and use licence by new applicant / from extant licensee.

1. Make reference to Safety Data Sheet of the DG for classification
2. Review the quantity of DG
3. Ensure the DG is in compliance with the packing, marking and labelling requirements
4. Refer to "The Code of Practice for Control of Dangerous Goods on Land" for the compatibilities of different DG
5. Review the EQ of DG under the amended DGO
6. Prepare the layout plan of the use area of DG (If description in writing of the use area is not applicable)
7. Prepare the floor plan indicating the "hazardous area" and the DG store

Under the new legislation, DG shall comply with the packing, marking and labelling requirements. For details of the requirements, please refer to Cap. 295G.

For more information about DG, please visit the Fire Services Department Dangerous Goods Thematic Website

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