

Chapter:	295	DANGEROUS GOODS ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To consolidate and amend the law relating to dangerous goods.

[27 July 1956]

(Originally 38 of 1956)

Part:	I	PRELIMINARY*		30/06/1997
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Note:

* (Added 9 of 1971 s. 2)

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Dangerous Goods Ordinance.

Section:	2	Interpretation	L.N. 35 of 2001	16/03/2001
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In this Ordinance, unless the context otherwise requires-

"carrier" (承運人) includes all persons carrying goods or passengers for hire by land or water;

"dangerous goods" (危險品) means any of the goods or substances to which this Ordinance applies under section 3;

"depot" (倉庫) means any place or vessel designated as a Government Explosives Depot under section 13A; (Added 9 of 1971 s. 3)

"explosive" (爆炸品) includes any substance used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

"licence" (牌照) includes permit; (Added 8 of 1964 s. 2)

"licensed premises" (領有牌照處所) means any premises in which dangerous goods are permitted to be manufactured or stored by virtue of a licence issued under this Ordinance;

"manufacture" (製造)-

(a) includes process, compress, liquefy or otherwise alter the nature or form of any substance;

(b) does not include assembling, mixing, compounding or installing for the preparation of materials within the meaning of pyrotechnic special effects material under the Entertainment Special Effects Ordinance (Cap 560) if the process is authorized by a discharge permit issued under that Ordinance; (Replaced 41 of 2000 s. 61)

"occupier" (佔用人) includes any number of persons and a body corporate and, in the case of any manufacture, includes any person carrying on such manufacture;

"owner" (擁有人), in respect of any vessel, includes a charterer and any person acting as agent for the owner;

"owner" (擁有人), in respect of dangerous goods, includes any person acting as agent for the owner;

"petroleum" (石油) includes crude petroleum, oil made from petroleum or from coal, shale, peat or other bituminous substance, and other products of petroleum or of any of the above-mentioned oils, and mixtures containing petroleum or any of the above-mentioned oils;

"prohibited goods" (違禁品) means any dangerous goods declared by any regulation made under section 5 to be prohibited goods for the purposes of this Ordinance; (Added 8 of 1959 s. 2)

"store" (貯存、貯存所), when used as a verb, includes to have possession or custody of or control over that to which the verb relates; (Added 24 of 1964 s. 2)

"this Ordinance"(本條例) includes regulations made under section 5;

"transit" (過境), in relation to cargo, means cargo which-

- (a) is brought into Hong Kong solely for the purpose of taking it out of Hong Kong; and
 - (b) remains at all times in or on the vessel, aircraft or vehicle in or on which it is brought into Hong Kong;
- (Added 25 of 1973 s. 2)

"vessel" (船隻) includes any ship or boat or junk or any other description of vessel used in navigation;

"warehouse owner" (貨倉擁有人) includes any person owning or managing any warehouse, store, quay, pier or other premises in which goods are deposited.

Section:	3	Application	23 of 1998; 71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 23 of 1998 s. 2; 71 of 1999 s. 3

This Ordinance shall apply to all explosives, compressed gases, petroleum and other substances giving off inflammable vapours, substances giving off poisonous gas or vapour, corrosive substances, substances which become dangerous by interaction with water or air, substances liable to spontaneous combustion or of a readily combustible nature, radioactive material and to such substances to which it is applied by the Chief Executive in Council under section 5:

Provided that this Ordinance shall not apply-

- (a) to any dangerous goods carried in Her Majesty's ships of war, or in the ships of war of any foreign state; or (Amended 23 of 1998 s. 2)
- (b) subject to Part III, to any dangerous goods in the possession and control of the State. (Amended 9 of 1971 s. 4)

(Amended 71 of 1999 s. 3)

Section:	4	Power of Chief Executive to give directions	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) The Chief Executive may give such directions as he thinks fit (either generally or in any particular case) with respect to the exercise or performance by any public officer (other than a judge, a District Judge or a magistrate) of any powers, functions and duties under this Ordinance.

(2) A public officer shall, in the exercise or performance of any powers, functions and duties under this Ordinance, comply with any directions given by the Chief Executive under subsection (1).

(Added 9 of 1971 s. 5. Amended 71 of 1999 s. 3)

Section:	5	Regulations	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) The Chief Executive in Council may by regulation provide for- (Amended 71 of 1999 s. 3)

- (a) the application of this Ordinance to any substances and articles whatsoever;
- (b) the exemption of any substance or article to which this Ordinance applies or any quantity thereof from the operation of this Ordinance or any part thereof;
- (c) the declaration of any dangerous goods to be prohibited goods for the purposes of this Ordinance; (Added 8 of 1959 s. 3)
- (d) the control of and the safety precautions which shall be taken in relation to the manufacture, possession, landing, shipment, transshipment, storage, movement, sale and use of dangerous goods;
- (e) the label to be attached to any drum, tin, case or other package containing dangerous goods and the notices to be affixed to any premises containing dangerous goods and other methods of marking such goods or premises;
- (f) the tests to be applied for any purpose whatsoever to any dangerous goods or to any receptacle which has contained dangerous goods;

- (g) the manner in which any dangerous goods shall be packed;
- (h) requiring information to be furnished to such public officers as may be specified in respect of dangerous goods carried or to be loaded on any vessel, aircraft or vehicles, and the nature of such information; (Amended 8 of 1959 s. 3)
- (i) requiring such dangerous goods signals as may be prescribed to be exhibited on any vessel or vehicle carrying or about to load dangerous goods;
- (j) requiring such port fire alarm signals as may be prescribed to be exhibited or made on an outbreak of fire on any vessel carrying dangerous goods;
- (k) the control of the blasting of stone, earth or other material, the precautions to be taken while such blasting takes place and the times during which such blasting may take place;
- (l) the use of any cinematograph or similar apparatus upon any premises which is not a place of public entertainment within the meaning of the Places of Public Entertainment Ordinance (Cap 172);
- (m) the apprehension without a warrant of any person found committing any such dangerous offence as may be specified on licensed premises, for the purpose of conveying such person before a magistrate;
- (n) the form and conditions of any licence issued under this Ordinance, the public officers who may issue such licence, the fees therefor, and the period for which such licence shall be valid;
- (o) forms generally; and
- (p) the better carrying out of the provisions of this Ordinance.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor:

Provided that no penalty so provided shall exceed a fine of \$25000 and imprisonment for 6 months. (Amended L.N. 171 of 1984)

Part:	II	CONTROL OF DANGEROUS GOODS*		30/06/1997
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Note:

* (Added 9 of 1971 s. 6)

Section:	6	Licence required for manufacture etc. of dangerous goods		30/06/1997
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(1) Except under and in accordance with a licence granted under this Ordinance, no person shall manufacture, store, convey or use any dangerous goods:

Provided that, except as may be otherwise provided by regulations made under section 5, nothing in this subsection shall be construed to apply to any dangerous goods- (Amended 49 of 1990 s. 38)

- (a) while in the course of transit as cargo in any vessel, aircraft or vehicle; or
- (b) while being loaded into or discharged from any vessel by any person or his servants or agents, licensed for that purpose under this Ordinance; or
- (c) while being loaded onto or discharged from any aircraft or vehicle; or
- (d) in respect of any possession of, or dealing in, such goods by any person which is authorized by a licence under section 27 of the Firearms and Ammunition Ordinance (Cap 238) or to which that Ordinance does not apply by virtue of any provision (except sections 9 and 10) in Part II thereof. (Replaced 68 of 1981 s. 56)

(2) Without prejudice to the other provisions of this Ordinance, this section, and regulations made under section 5 which relate to licences, shall not apply to or in relation to any dangerous goods which are liquefied petroleum gas within the meaning of the Gas Safety Ordinance (Cap 51) except to the extent, if any, specified in regulations made under that Ordinance. (Added 49 of 1990 s. 38)

(Replaced 8 of 1964 s. 4)

Section:	7	Prohibited goods		30/06/1997
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No person shall manufacture or cause to be manufactured any prohibited goods or have any prohibited goods in his possession, custody or control or in the possession, custody or control of any servant, agent or warehouse owner.

(Added 8 of 1959 s. 5)

Section:	8	Licence required for supplying labour, etc. for handling dangerous goods on vessels		30/06/1997
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No person shall hire out or supply labour, vessels or equipment for loading, discharging or moving dangerous goods on vessels except under and in accordance with a licence issued under this Ordinance.

Section:	9	Grant and revocation of licences		30/06/1997
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(1) The grant or renewal of any licence issued or to be issued under this Ordinance shall be in the absolute discretion of the officer authorized to issue such licence, and any such licence shall be subject to such terms and conditions endorsed thereon as such officer may determine.

(2) Such officer may, by notice in writing served upon the holder of the licence either personally or by registered post, revoke any licence issued under this Ordinance on proof to his satisfaction of an offence against this Ordinance or a breach of any condition of such licence by the holder.

(3) A notice under subsection (2) shall include a statement of the reasons for the revocation.

(Replaced 6 of 1994 s. 54)

Section:	9A	Appeals		30/06/1997
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An applicant for or holder of a licence may, within 28 days after receipt of notice of such refusal or revocation, appeal to the Administrative Appeals Board against any refusal to grant or renew or against any revocation of the licence under section 9.

(Added 6 of 1994 s. 54)

Section:	9B	Penalty for breach of licence		30/06/1997
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Notwithstanding any other liability which may arise under the provisions of this Ordinance or otherwise, the breach of any term or condition endorsed upon any licence issued pursuant to section 9 shall constitute an offence which shall be punishable on summary conviction by a fine not exceeding \$10000 and imprisonment not exceeding 1 month.

(Added 6 of 1994 s. 54)

Section:	10	Marking of dangerous goods and giving of notice of their character	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

No person shall deliver to any warehouse owner or carrier, or send or carry or cause to be sent or carried to or from any part of Hong Kong by land or water, or sell or expose for sale, or store any dangerous goods, or deposit any dangerous goods in or on any warehouse, wharf or quay unless- (Amended 71 of 1999 s. 3)

- (a) the true name or description of such goods is distinctly written, printed or marked in English and Chinese on the outside of the drum, tin, case or other package containing such goods; and
- (b) the prescribed label, if any, is attached to the outside of the drum, tin, case or other package containing such goods; and
- (c) in the case of delivery to any warehouse owner or carrier, notice in writing has been given to such warehouse owner or carrier of the true name or description of such goods and the dangerous nature thereof.

Section:	11	Removal of dangerous goods in contravention of regulations	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

Where any dangerous goods are possessed, landed, shipped, transhipped, stored or are otherwise dealt with, or

where any vessel, carrying any dangerous goods is berthed or has anchored or stopped contrary to any regulations made under section 5, the Commissioner of Police, the Director of Marine, the Director of Fire Services or the Commissioner of Mines, or any other person acting under the orders of any of those officers, may cause such dangerous goods, or such vessel to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal may be recovered from the owner thereof in like manner, in all respects, as a sum of money due or payable to the Government in respect of a fee is recoverable.

(Amended 42 of 1961 s. 2; 8 of 1964 s. 5; 71 of 1999 s. 3)

Section:	12	Power of entry, etc.	L.N. 104 of 2004	01/07/2004
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(1) Any police officer not below the rank of inspector, and any officer of the Fire Services Department not below the rank of station officer and any officer of the Mines Division, Civil Engineering and Development Department not below the rank of explosives officer I and any other officer of the Mines Division, Civil Engineering and Development Department, not below the rank of explosives officer II, authorized in writing by the Commissioner of Mines, and any member of the Customs and Excise Service, as defined in the Customs and Excise Service Ordinance (Cap 342), may- (Replaced L.N. 27 of 1991. Amended L.N. 364 of 1991; L.N. 104 of 2004)

- (a) enter, inspect and examine any place or building in which dangerous goods are manufactured, stored or used and every part thereof, at all times by day and by night, but so as not unnecessarily to impede or obstruct the work in such place or building, and may make inquiries as to the observance of this Ordinance and all matters and things relating to the safety of the public or of the persons employed in or about such place or building;
- (b) require the occupier of any place or building which he is entitled under this section to enter, or a person employed by such occupier therein, to give him samples of any substance therein;
- (c) enter and search any place or building in which such officer may have reasonable grounds for suspecting that there may be anything which, under paragraph (e), is liable to seizure;
- (d) stop, board and search any vessel, vehicle or aircraft in which such officer or member may have reasonable grounds for suspecting that there may be anything which, under paragraph (e), is liable to seizure; and
- (e) seize, remove and detain-
 - (i) anything with respect to which such officer or member may have reasonable grounds for suspecting that any offence against this Ordinance has been committed; or
 - (ii) any other thing, which may appear to such officer or member likely to be, or to contain, evidence of any such offence.

(2) Any such officer or member may-

- (a) break open any outer or inner door of any place or building which he is empowered to enter and search;
- (b) forcibly enter any vessel, vehicle or aircraft which he is empowered to stop, board and search and every part thereof;
- (c) remove by force any material obstruction to, or any persons obstructing any arrest, detention, search, inspection, seizure or removal which he is empowered to make;
- (d) detain any person found in any place or building which he is empowered to enter and search until such place or building has been searched; and
- (e) detain any vessel, vehicle or aircraft which he is empowered to stop, board and search and any person on board such vessel or vehicle and prevent any person from approaching or boarding such vessel or vehicle until such vessel or vehicle has been searched.

(3) Without prejudice to any power of entry or search conferred by any other enactment, no officer or member referred to in subsection (1) shall enter or search any part of any premises used solely for dwelling purposes except-

- (a) by virtue of a warrant issued by a magistrate, where such magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed in such part of the premises or there is in such part of the premises anything likely to be or to contain evidence of such offence; or
- (b) without warrant, where such officer or member is of opinion having regard to the circumstances that the purpose of the entry or the search would be defeated by application for such warrant. (Replaced 8 of 1959 s. 6)

(Amended 25 of 1973 s. 3)

Section:	13	Report of accident by explosion or fire		30/06/1997
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Whenever there occurs any accident by explosion or fire in or about or in connection with any licensed premises, the occupier of such premises shall forthwith report such accident, and any loss of life or personal injury occasioned thereby, to the Director of Fire Services.

(Amended 42 of 1961 s. 2; 8 of 1964 s. 7)

Part:	III	GOVERNMENT EXPLOSIVES DEPOTS	71 of 1999	01/07/1997
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(Part III added 9 of 1971 s.7)

Section:	13A	Chief Executive may designate places and vessels as Government Explosives Depots	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

The Chief Executive may, by notice published in the Gazette, designate any place or vessel as a Government Explosives Depot for the storage of explosives.

(Amended 71 of 1999 s. 3)

Section:	13B	Commissioner of Mines to be in charge of depots		30/06/1997
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The Commissioner of Mines shall, subject to section 13C, have the control and management of every depot.

Section:	13C	Powers of Director of Marine		30/06/1997
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(1) The Director of Marine may give directions as to the surveying, movement, siting and mooring of any vessel designated as a depot.

(2) The Director of Marine may, if it appears to him that a vessel designated as a depot is in any respect unsuitable for the storage of explosives-

- (a) prohibit the use of the vessel for the storage of explosives; or
- (b) permit the use of the vessel for the storage of explosives, either unconditionally or subject to such conditions as he may think fit to impose.

Section:	13D	Appointment of managers and deputy managers	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

The Chief Executive may, by notice published in the Gazette, appoint a manager and one or more deputy managers of a depot.

(Amended 71 of 1999 s. 3)

Section:	13E	Regulations for management of depots	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

(1) The Chief Executive in Council may by regulation provide for- (Amended 71 of 1999 s. 3)

- (a) the control and management of depots;
- (b) safety precautions to be taken in depots;
- (c) the empowering of any public officer to give such directions as he thinks fit for the purposes of the

- proper control and management and the safety of depots;
- (d) the fees chargeable for the storage of explosives in depots and for deliveries of explosives by the Government to or from depots;
- (e) the destruction of explosives stored in depots;
- (f) the sale of explosives stored in depots in respect of which the prescribed fees have not been paid and the deduction of such fees and the expenses of sale from the proceeds of sale; and
- (g) the better carrying out of the provisions of this Part.

(2) Regulations made under this section may provide that contravention of specified provisions of such regulations shall be an offence and may provide penalties therefor, but no penalty so provided shall exceed a fine of \$25000 and imprisonment for 6 months. (Amended L.N. 171 of 1984)

(Part III added 9 of 1971 s. 7)

Part:	IV	GENERAL*		30/06/1997
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Note:

* (Added 9 of 1971 s. 8)

Section:	14	Offences and penalties		30/06/1997
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(1) Any person who contravenes any of the provisions of section 6, 7, 8 or 10 shall be guilty of an offence and shall be liable to a fine of \$25000 and to imprisonment for 6 months: (Amended 8 of 1959 s. 7)

Provided that any person accused of having contravened any of the provisions of section 10 shall not be liable to be convicted thereof if he shows, to the satisfaction of the magistrate before whom he is tried, that he did not know the nature of the goods to which the information relates, and that he could not, with reasonable diligence, have obtained such knowledge.

(2) The occupier of any premises who fails to report an accident in contravention of the provisions of section 13 shall be guilty of an offence and shall be liable to a fine of \$1000.

(3) Any person who-

- (a) obstructs or delays any officer in the exercise of any of the powers conferred upon him by this Ordinance; or
- (b) wilfully or recklessly gives false information or withholds information, as to the source from which any dangerous goods were obtained or as to the manufacture, conveyance, storage, packing, labelling or use of any dangerous goods, (Replaced 8 of 1964 s. 8)

shall be guilty of an offence and shall be liable to a fine of \$20000 and to imprisonment for 6 months.

(Amended L.N. 171 of 1984)

Section:	15	Liability of licence holder for offences committed by his employees and agents		30/06/1997
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Whenever it is proved to the satisfaction of any court having jurisdiction that an offence against this Ordinance has been committed by any employee or agent of any person holding a licence issued under this Ordinance, such person shall be held to be liable for such offence and to the penalty provided therefor, unless he proves that the offence was committed without his knowledge or consent and that he had exercised all due diligence to prevent the commission of the offence:

Provided that-

- (a) no such person shall be sentenced to imprisonment (except in default of payment of a fine) for any offence under this section; and
- (b) nothing in this section shall be deemed to exempt the employee or agent from the penalties provided for the offence committed by him.

Section:	16	Liability of directors, etc. where offence committed by company		30/06/1997
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Where a person by whom an offence under this Ordinance has been committed is a company, every director and

every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

(Added 23 of 1961 s. 3)

Section:	17	Cancellation of licence on conviction		30/06/1997
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On the conviction of any person for an offence against this Ordinance, the magistrate may, in addition to any other penalty, order that any licence issued under this Ordinance held by such person shall be cancelled and any licence in respect whereof any such order is made shall be forthwith delivered by the holder thereof to the appropriate licensing authority for cancellation.

Section:	18	Forfeiture	71 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 71 of 1999 s. 3

A magistrate may order to be forfeited to the Government any dangerous goods and any container thereof with respect to which any offence against this Ordinance has been committed, whether any person has been charged with such offence or not.

(Amended 71 of 1999 s. 3)

Section:	19	(Repealed 31 of 1969 Schedule)		30/06/1997
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Section:	20	Saving for other enactments		30/06/1997
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The provisions of this Ordinance shall be in addition to and not in derogation of the provisions of any other enactment relating to dangerous goods.