

# **Dangerous Goods Ordinance**

## **(Cap. 295)**

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To consolidate and amend the law relating to dangerous goods.

[27 July 1956]

*(Format changes—E.R. 6 of 2019)*

## Part I

### Preliminary

*(Added 9 of 1971 s. 2)*

#### 1. Short title

This Ordinance may be cited as the Dangerous Goods Ordinance.

#### 2. Interpretation

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 substances, materials or articles to which this Ordinance applies under section 3;  
*(Amended 4 of 2002 s. 2 and E.R. 5 of 2021)*

**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) means—

- (a) any solid or liquid substance or any mixture of solid or liquid substances, or both, which is—
  - (i) capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings; or

- (ii) designed to produce an effect by heat, light, sound, gas or smoke, or a combination of these, as a result of non-detonative self-sustaining exothermic chemical reactions; or
- (b) any article containing any substance or mixture referred to in paragraph (a); (*Replaced 4 of 2002 s. 2 and E.R. 5 of 2021*)

**IMDG Code** (《規則》) means the International Maritime Dangerous Goods Code published by the International Maritime Organization, as amended or revised by the Organization from time to time; (*Added 4 of 2002 s. 2 and E.R. 5 of 2021*)

**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—

- (a) any ship, junk, boat, dynamically supported craft, seaplane, or any other description of vessel used in navigation; and
- (b) any other description of vessel in Hong Kong or in the waters of Hong Kong not used in navigation or not constructed or adapted for use in navigation; (*Replaced 4 of 2002 s. 2 and E.R. 5 of 2021*)

**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.

### **3. Application**

- (1) This Ordinance applies to—
  - (a) explosives;
  - (b) gases;
  - (c) flammable liquids or flammable solids;
  - (d) substances liable to spontaneous combustion;
  - (e) substances that, in contact with water, emit flammable gases;
  - (f) oxidizing substances;
  - (g) organic peroxides;
  - (h) toxic substances;
  - (i) infectious substances;
  - (j) radioactive material;
  - (k) corrosive substances; and
  - (l) any substance, material and article to which this Ordinance applies, as provided for by any regulation made under section 5(1)(a).
- (2) This Ordinance does not apply—
  - (a) to any dangerous goods carried in the ships of war of the Chinese People's Liberation Army or in the ships of war of any foreign state; or
  - (b) subject to Part III, to any dangerous goods in the possession and control of the State.

*(Replaced 29 of 2021 s. 3)*

### **4. Power of Chief Executive to give directions**

- (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)*

## 5. Regulations

- (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, materials and articles whatsoever;
  - (b) the exemption from the operation of this Ordinance or any part thereof of—
    - (i) any—
      - (A) substance, material or article; or
      - (B) group or description of substances, materials or articles,
 to which this Ordinance applies, or any quantity thereof; or
    - (ii) any group or description of persons, by reference generally or by reference to any circumstances as may be specified and subject to such terms and conditions as may be specified; *(Replaced 4 of 2002 s. 4 and E.R. 5 of 2021)*
  - (ba) the application to or exemption from—
    - (i) any section of this Ordinance; or
    - (ii) any provision of the regulations,



- in respect of dangerous goods on land or dangerous goods at sea; (*Added 4 of 2002 s. 4 and E.R. 5 of 2021*)
- (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, handling, loading, unloading, stowage, storage, carriage, movement, sale and use of dangerous goods;
  - (e) the label, placard, mark or sign to be attached to any drum, tin, case, freight container 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;
  - (ga) the implementation of all or part of the IMDG Code, any other publication issued by the International Maritime Organization or any other international agreement dealing with dangerous goods, including the utilization of—
    - (i) a system of classification of dangerous goods;
    - (ii) testing requirements used to determine whether or not a substance, material or article constitutes dangerous goods to which regulations should apply,

contained in such code, publication or other international agreement; (*Added 4 of 2002 s. 4 and E.R. 5 of 2021*)

- (h) requiring information and declaration to be furnished to such public officers and other persons 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 and declaration; (*Amended 8 of 1959 s. 3*)
- (i) requiring such dangerous goods signals and warning signs 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;
- (ma) empowering the—
  - (i) Director of Marine, in respect of dangerous goods at sea; and
  - (ii) Director of Fire Services, in respect of dangerous goods on land,

to grant an exemption, in respect of a specific case or a specific person, from all or any of the provisions of this Ordinance, subject to such terms and conditions as the Director of Marine or the Director of Fire Services may specify; *(Added 4 of 2002 s. 4 and E.R. 5 of 2021)*

- (mb) prohibiting or controlling the employment of any person or class of persons in connection with the manufacture, loading, unloading, shipment, transshipment, storage, carriage, movement, sale or use of dangerous goods, for the purpose of ensuring proper standards are maintained in the course of any such activity; *(Added 4 of 2002 s. 4 and E.R. 5 of 2021)*
  - (mc) measures to be taken in the event of an emergency occurring while dangerous goods are being transported by a vehicle; *(Added 4 of 2002 s. 4 and E.R. 5 of 2021)*
  - (n) the following matters concerning a licence issued under this Ordinance—
    - (i) the terms and conditions of the licence;
    - (ii) the public officer who may issue the licence;
    - (iii) the fee for the licence; and
    - (iv) the period for which the licence is valid; and *(Replaced 29 of 2021 s. 4)*
  - (o) *(Repealed 29 of 2021 s. 4)*
  - (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 at level 6 and imprisonment for 6 months. *(Amended L.N. 171 of 1984)*

*(Amended 4 of 2002 s. 4 and E.R. 5 of 2021)*

**5AA. Secretary for Security may amend Schedules to regulations**

- (1) Subsection (2) applies if any contents of a Schedule to a regulation made under section 5(1) relate to a matter described in—
  - (a) section 5(1)(a);
  - (b) section 5(1)(b) (except subparagraph (ii));
  - (c) section 5(1)(ba);
  - (d) section 5(1)(c);
  - (e) section 5(1)(d);
  - (f) section 5(1)(e);
  - (g) section 5(1)(g); or
  - (h) section 5(1)(i);
- (2) Without limiting section 5(1), the Secretary for Security may amend the Schedule by notice published in the Gazette in so far as it relates to the matter.

*(Added 29 of 2021 s. 5)*

**5A. Codes of practice**

- (1) In this section, **Director** (處長) means the Director of Fire Services or the Director of Marine, as the case may be.
- (2) For the purpose of providing practical guidance in respect of any one or more of the requirements of this Ordinance or of regulations made under this Ordinance, the Director may issue such codes of practice (whether prepared by the Director or not) as the Director considers appropriate.
- (3) The Director may amend or revoke a code of practice issued by him under subsection (2).

- (4) Where the Director exercises a power under subsection (2) or (3), he shall, as soon as may be reasonably practicable, publish notice thereof in the Gazette and the notice shall be in such form as the Director considers appropriate.
- (5) A failure by any person to observe a provision of such a code shall not of itself cause him to incur any criminal liability, but where—
- (a) in any criminal proceedings the defendant is alleged to have committed an offence either—
    - (i) by reason of a contravention of or a failure to comply with, whether by act or omission, this Ordinance or regulations made under this Ordinance; or
    - (ii) by reason of a failure to discharge or perform a duty imposed by this Ordinance or such regulations; and
  - (b) the matter to which the alleged contravention or failure relates is one to which, in the opinion of the court, such a code relates,
- then subsection (6) shall apply as regards the proceedings.
- (6) In any criminal proceedings to which this subsection applies, the following namely—
- (a) compliance with a provision of a code found by the court to be relevant to a matter to which a contravention or failure alleged in the proceedings relates;
  - (b) a contravention of or failure to comply with, whether by act or omission, any such provision so found,
- may be relied on by any party to the proceedings as tending to establish or to negative any liability which is in question in the proceedings.

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- (7) In any criminal proceedings, any document which purports to be a copy of a particular code shall, in the absence of evidence to the contrary, be regarded by the court as being a true copy of that code.

*(Added 4 of 2002 s. 5 and E.R. 5 of 2021)*

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## Part II

### Control of Dangerous Goods

*(Added 9 of 1971 s. 6)*

#### **6. Licence required for manufacture, etc. of dangerous goods**

- (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)*

**7. Prohibited goods**

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)*

**8. Licence required for supplying labour, etc. for handling dangerous goods on vessels**

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.

**8A. Forms of licences**

- (1) If a regulation made under section 5(1)(n) empowers a public officer to issue a licence, the public officer may specify the form of the licence.
- (2) If the public officer specifies the form of the licence under subsection (1), the public officer must make copies of the form available—
  - (a) at the office of the public officer during normal office hours; and
  - (b) in any other way the public officer considers appropriate.

*(Added 29 of 2021 s. 6)*

**9. Grant and revocation of licences**



- (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)*

#### **9A. Appeals**

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)*

#### **9B. Penalty for breach of licence**

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— *(Amended 4 of 2002 s. 6 and E.R. 5 of 2021)*

- (a) for a first offence, by a fine at level 5 and imprisonment not exceeding 1 month;
- (b) for a subsequent offence, by a fine at level 6 and imprisonment not exceeding 3 months.

*(Added 6 of 1994 s. 54. Amended 4 of 2002 s. 6 and E.R. 5 of 2021)*

**10. Marking of dangerous goods and giving of notice of their character**

Except as otherwise provided in this Ordinance or regulations made under this Ordinance, 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; 4 of 2002 s. 7 and E.R. 5 of 2021)*

- (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.

**11. Removal of dangerous goods in contravention of regulations**

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)*

## **12. Power of entry, etc.**

- (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 officer of the Marine Department not below the rank of Marine Inspector II 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; 4 of 2002 s. 8 and E.R. 5 of 2021)*
  - (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, material or article 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;

- (e) detain any vessel, vehicle or aircraft which he is empowered to stop, board and search and any person on board such vessel, vehicle or aircraft and prevent any person from approaching or boarding such vessel, vehicle or aircraft until such vessel, vehicle or aircraft has been searched; and
  - (f) detain any vessel, vehicle or aircraft which he is empowered to stop, board and search and any person on board such vessel, vehicle or aircraft, where the officer or member has reasonable grounds for believing that anything liable to seizure under subsection (1)(e) results in a danger to public safety, and such detention may continue until the officer or member is satisfied that the danger to public safety has been removed. *(Added 4 of 2002 s. 8 and E.R. 5 of 2021)*
- (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; 4 of 2002 s. 8 and E.R. 5 of 2021)*

### 13. Report of accident by explosion or fire

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Whenever there occurs any accident by explosion or fire in or about or in connexion 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)*

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## **Part III**

### **Government Explosives Depots**

*(Part III added 9 of 1971 s. 7)*

**13A. Chief Executive may designate places and vessels as Government Explosives Depots**

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)*

**13B. Commissioner of Mines to be in charge of depots**

The Commissioner of Mines shall, subject to section 13C, have the control and management of every depot.

**13C. Powers of Director of Marine**

- (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.

**13D. Appointment of managers and deputy managers**

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)*

**13E. Regulations for management of depots**

- (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 at level 6 and imprisonment for 6 months. *(Amended L.N. 171 of 1984; 4 of 2002 s. 9 and E.R. 5 of 2021)*



## Part IV

### General

*(Added 9 of 1971 s. 8)*

#### 14. Offences and penalties

- (1) Any person who contravenes— *(Amended 4 of 2002 s. 10 and E.R. 5 of 2021)*
- (a) section 6 or 7 shall be guilty of an offence and shall be liable—
    - (i) for a first offence, to a fine at level 6 and to imprisonment for 6 months;
    - (ii) for a subsequent offence, to a fine of \$200,000 and to imprisonment for 12 months;
  - (b) section 8 or 10 shall be guilty of an offence and shall be liable to a fine at level 6 and to imprisonment for 6 months: *(Amended 8 of 1959 s. 7; 4 of 2002 s. 10 and E.R. 5 of 2021)*

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 at level 3.
- (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 at level 6 and to imprisonment for 6 months.

(*Amended L.N. 171 of 1984; 4 of 2002 s. 10 and E.R. 5 of 2021*)

**15. Liability of licence holder for offences committed by his employees and agents**

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.

**16. Liability of directors, etc. where offence committed by company**

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)*

### **17. Cancellation of licence on conviction**

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.

### **18. Forfeiture**

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)*

### **19. *(Repealed 31 of 1969 Schedule)***

### **19A. Application of IMDG Code**

(1) Where dangerous goods—

- (a) are being carried on board a vessel from a place outside Hong Kong to Hong Kong; or
- (b) are intended to be carried on board a vessel from Hong Kong to a place outside Hong Kong,

and such goods are packed, marked and labelled in accordance with the IMDG Code, they shall be deemed to comply with the requirements of any regulations made under this Ordinance in respect of the packing, marking

and labelling of such goods for conveyance by vessels or by vehicles transporting them to or from any berth where the vessel on which they have been, or will be, conveyed is located.

- (2) Where dangerous goods are passing through Hong Kong as part of a journey from a place outside Hong Kong to another place outside Hong Kong and such goods are packed, marked and labelled in accordance with the IMDG Code, they shall be deemed to comply with the requirements of any regulations made under this Ordinance in respect of the packing, marking and labelling of such goods for conveyance by vessels or by vehicles across the territory.
- (3) Subsection (1) also applies to dangerous goods where the vessel carrying or intended to carry such goods arrives at or departs from a port outside Hong Kong and the goods are transported by vehicle between Hong Kong and such vessel.

*(Added 4 of 2002 s. 11 and E.R. 5 of 2021)*

## **20. Saving for other enactments**

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.