

Chapter:	295D	DANGEROUS GOODS (GOVERNMENT EXPLOSIVES DEPOTS) REGULATIONS	Gazette Number	Version Date
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		Empowering section		30/06/1997
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(Cap 295 section 13E)

[1 May 1971] (L.N. 32 of 1971)

(Originally L.N. 22 of 1971)

Regulation:	1	Citation		30/06/1997
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These regulations may be cited as the Dangerous Goods (Government Explosives Depots) Regulations.

Regulation:	2	Interpretation	71 of 1999	01/07/1997
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Remarks:

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

In these regulations-

"Commissioner" (處長) means the Commissioner of Mines;

"deputy manager" (副經理) means a deputy manager of a depot appointed by the Chief Executive under section 13D of the Ordinance; (71 of 1999 s. 3)

"explosive accessories" (爆炸品附件) includes connectors, detonators, fuses, igniters, igniter cords, primers, relays and any other substance or device used or manufactured with a view to initiating an explosive by means of detonation, burning or otherwise; (L.N. 271 of 1983)

"inner package" (內包裝) means a substantial case, bag, canister or other receptacle, so made and closed as to prevent any of the contents from escaping; (L.N. 271 of 1983)

"manager" (經理) means the manager of a depot appointed by the Chief Executive under section 13D of the Ordinance; (71 of 1999 s. 3)

"month" (月) means calendar month; (L.N. 271 of 1983)

"outer package" (外包裝) means any form of package superimposed upon an inner package for the purpose of protecting such inner package from damage. (L.N. 271 of 1983)

Regulation:	3	Reception and removal of explosives at depots		30/06/1997
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(1) No person shall cause or permit any explosive to be received into or removed from a depot except in the presence of and under the direction of the manager or a deputy manager of the depot.

(2) No person shall cause or permit any explosive to be received into or removed from a depot between the hours of sunset and sunrise without the permission of the Commissioner.

Regulation:	4	Explosives to be unloaded forthwith		30/06/1997
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(1) Subject to regulations 3, 5, 6 and 7-

(a) the person in command of a vessel which brings any explosive to a depot for reception; and

(b) the person at whose request the explosive is to be stored in a depot,

shall cause the explosive to be unloaded forthwith from the vessel and delivered into the depot.

(2) If any explosive is not unloaded and delivered into a depot in accordance with paragraph (1), the Commissioner may cause the explosive to be unloaded and delivered into the depot and the expenses of the unloading and delivery shall be a debt owed to the Government, jointly and severally, by the person in command of the vessel and by the person at whose request the explosive is to be stored in the depot.

Regulation:	5	Applicant to attend depot while explosives are received or removed		30/06/1997
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The person at whose request any explosive is stored in a depot shall, while the explosive is being received into or removed from the depot-

- (a) himself attend at the depot; or
- (b) arrange for another person to attend at the depot as his agent.

Regulation:	6	Notice of storage		30/06/1997
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The Commissioner may refuse to receive any explosive into a depot for storage if the person at whose request the explosive is to be stored has not given at least 8 weeks prior notice of his intention to bring the explosive to a depot for storage.

Regulation:	7	Commissioner to refuse to store explosives if unsafe or if depot overstocked		30/06/1997
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The Commissioner may refuse to receive any explosive into a depot for storage if-

- (a) he is not satisfied that the explosive is in a safe condition for storage in the depot; or
- (b) in his opinion, the receipt of the explosive into the depot would result in the overstocking of the depot.

Regulation:	8	Packages not to be opened without permission		30/06/1997
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No person, except a public officer in the performance of his duties, shall open any package containing explosive in a depot without the permission in writing of the Commissioner.

Regulation:	9	Prohibition of other work during reception and removal of explosives		30/06/1997
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No person shall, while any explosive is being received into or removed from any part of a depot or transhipped to or from any part of a depot, carry on or near that part of the depot or any vessel unloading, loading or transhipping the explosive any work which is not necessary for the receipt, removal or transhipment of the explosive.

Regulation:	10	Prohibition of combustible materials in or near depots		30/06/1997
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No person shall, while any explosive is being received into or removed from a depot, or is being transhipped to or from a depot-

- (a) have in his possession any combustible material;
- (b) light any fire;
- (c) expose any naked light; or
- (d) smoke,

in or near the depot or any vessel unloading, loading or transhipping the explosive.

Regulation:	11	Custody of smoking requisites		30/06/1997
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The manager or a deputy manager of a depot may give such directions as he thinks fit as to the custody of any tobacco, matches, lighters and other smoking requisites in the possession of persons-

- (a) who are in or near a depot while any explosive is being received into or removed from the depot, or is being transhipped to or from the depot; or
- (b) who are in or near any vessel which is unloading, loading or transhipping the explosive.

Regulation:	12	Storage fees		30/06/1997
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(1) The person at whose request any explosive is stored in a depot shall pay to the Government the fee

specified in Part I of the Schedule for the storage of the explosive.

(2) Any fee which is payable under paragraph (1) shall be paid within 21 days after the last day of the period of storage for which it is payable.

(3) If any fee is not paid within the time specified in paragraph (2), the Commissioner may cause the explosive in respect of which such fee is payable to be sold, and may deduct the fee and any other expenses incurred by the Government in the sale of the explosive from the proceeds of sale, and shall refund the balance of the proceeds of sale to the person by whom the fee was payable.

Regulation:	13	Delivery fees		30/06/1997
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The person at whose request any explosive is delivered by the Government from a depot to any other place shall pay to the Government the fee specified in Part II of the Schedule for such delivery.

Regulation:	14	Destruction of explosives		30/06/1997
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The Commissioner may cause any explosive which is stored in a depot to be destroyed-

- (a) if in his opinion the condition of the explosive is such as to threaten the safety of a depot or of any persons therein; or
- (b) if any fee payable under regulation 12 for the storage of the explosive has not been paid and the Commissioner is unable to sell the explosive under paragraph (3) of that regulation within 6 months after the fee becomes due.

Regulation:	15	Offences		30/06/1997
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(1) Any person who contravenes regulation 3(1) or (2), 4(1), 5, 8, 9 or 10 shall be guilty of an offence.

(2) Any person who contravenes a direction given under regulation 11 by the manager or a deputy manager of a depot shall be guilty of an offence.

Regulation:	16	Penalty		30/06/1997
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Any person who is guilty of an offence under these regulations shall be liable upon conviction to a fine of \$5000 and to imprisonment for 6 months.

Schedule:		SCHEDULE	L.N. 476 of 1997	28/11/1997
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[regulations 12(1) & 13]

FEES

PART I

1. Subject to paragraph 2, the fees per consignment for the storage in a depot of explosives and explosive accessories shall be-

(a) where the amount of the explosives or explosive accessories (including the weight of any inner and outer packages) does not exceed 50 kg \$220 per month or part of a month; (L.N. 64 of 1995; L.N. 476 of 1997)

(b) where the amount of the explosives or explosive accessories (including the weight of any inner and outer packages) exceeds 50 kg \$110 per month or part of a month for every 25 kg or fractional part of 25 kg.

(L.N. 284 of 1985; L.N. 375 of 1987; L.N. 321 of 1989; L.N. 343 of 1992; L.N. 66 of 1994; L.N. 64 of 1995; L.N. 476 of 1997)

2. Where a consignment of explosives or explosive accessories is delivered to a depot for storage after the fifteenth day of any month the fees calculated in accordance with paragraph 1 shall be reduced by 50% for that month only in relation to those explosives or explosive accessories (including the weight of any inner and outer packages).

PART II

1. Subject to paragraph 2, the fees for delivery from a depot to any other place by the Government-
 - (a) of-
 - (i) explosives contained in inner packages only; or
 - (ii) explosives contained in inner and outer packages;
 - (b) of-
 - (i) explosives contained in inner packages only; or
 - (ii) explosives contained in inner and outer packages, together with, in either case, the accompanying explosive accessories contained in inner packages or not contained in any packages;
 - (c) of-
 - (i) explosives; and
 - (ii) the accompanying explosive accessories, contained in inner and outer packages;
 - (d) of explosive accessories only contained in inner and outer packages, shall be in accordance with the following table.

TABLE

Item	Quantity (explosives/explosives and explosive accessories/explosive accessories/packaging)	Fee per delivery \$
1.	Not exceeding 50 kg	3490
2.	Exceeding 50 kg but not exceeding 100 kg	5520
3.	Exceeding 100 kg but not exceeding 250 kg	7060
4.	Exceeding 250 kg but not exceeding 500 kg	9430
5.	Exceeding 500 kg but not exceeding 1000 kg	14200
6.	Exceeding 1000 kg but not exceeding 1500 kg	21300
7.	Exceeding 1500 kg but not exceeding 2000 kg	26600
8.	Exceeding 2000 kg but not exceeding 2500 kg	33300
9.	Exceeding 2500 kg	39900

(L.N. 343 of 1992; L.N. 66 of 1994; L.N. 64 of 1995; L.N. 270 of 1996; L.N. 476 of 1997)

2. The weight in the case of-
 - (a) paragraph 1(a)(ii), of any outer packages;
 - (b) paragraph 1(b)
 - (i) of any outer packages; and
 - (ii) of the accompanying explosive accessories (including the weight of any inner packages);
 - (c) paragraph 1(c)(i), of any outer packages, shall be disregarded.

(L.N. 271 of 1983)