

Gas Safety (Miscellaneous) Regulations

(Cap. 51 sub. leg. F)

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Gas Safety (Miscellaneous) Regulations

(Cap. 51, section 8)

(Enacting provision omitted—E.R. 2 of 2019)

[1 April 1991]

(Format changes—E.R. 2 of 2019)

1. Citation

These regulations may be cited as the Gas Safety (Miscellaneous) Regulations.

2. Interpretation

In these regulations, unless the context otherwise requires—

flexible gas tubing (氣體接駁軟喉) means tubing which is—

- (a) not rigid; and
- (b) used for connecting a gas fitting directly to a supply of gas;

gas supply company (氣體供應公司) means gas supply company within the meaning of the Gas Safety (Registration of Gas Supply Companies) Regulations (Cap. 51 sub. leg. E).

3. Restriction on import and manufacture of flexible gas tubing

(1) No person shall—

- (a) import; or
- (b) manufacture in Hong Kong,

for use in Hong Kong, any flexible gas tubing other than such tubing which the Authority has approved, by notice in the Gazette, for such use.

- (2) No person shall knowingly—
- (a) sell or offer or expose for sale; or
 - (b) supply or offer to supply,
- for use in Hong Kong, any flexible gas tubing which has been imported, or manufactured in Hong Kong, in contravention of subregulation (1).
- (3) Any person who contravenes subregulation (1) or (2) commits an offence and is liable on conviction to a fine at level 3 and, in the case of a continuing offence, to a daily penalty of \$1,000. (*E.R. 2 of 2019*)

3A. Restriction on sale, etc. of flueless gas water heaters

- (1) No person shall knowingly—
- (a) sell or offer or expose for sale; or
 - (b) supply or offer to supply,
- for use in Hong Kong, any flueless gas water heater.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable—
- (a) on first conviction to a fine at level 6 and to imprisonment for 12 months;
 - (b) on any subsequent conviction to a fine of \$200,000 and to imprisonment for 12 months; and
 - (c) in the case of a continuing offence, to a daily penalty of \$10,000. (*L.N. 43 of 2002*)

(L.N. 222 of 1999)

3B. Requirements relating to importation, etc. of domestic gas appliance

- (1) No person shall, on or after 1 January 2003—

- (a) import; or
 - (b) manufacture in Hong Kong,
for use in Hong Kong, any domestic gas appliance which burns gas to provide lighting, heating or cooling unless the appliance—
 - (c) is of a type or model in respect of which the person has the approval in writing of the Authority to import or manufacture; and
 - (d) bears the mark specified in the Schedule prominently displayed on the appliance in accordance with the colour codes, proportion and minimum dimensions specified in the Schedule.
- (2) No person shall, on or after 1 January 2003, knowingly—
- (a) sell, offer or expose for sale; or
 - (b) supply or offer to supply,
for use in Hong Kong, any domestic gas appliance—
 - (c) which has been imported, or manufactured in Hong Kong, in contravention of subregulation (1); or
 - (d) which is the subject of an approval mentioned in subregulation (1)(c) which has been withdrawn under regulation 3C on the ground mentioned in regulation 3C(a)(i)(A).
- (3) Any person who contravenes subregulation (1) or (2) commits an offence and is liable—
- (a) on first conviction to a fine at level 6 and to imprisonment for 12 months;
 - (b) on any subsequent conviction to a fine of \$200,000 and to imprisonment for 12 months; and
 - (c) in the case of a continuing offence, to a daily penalty of \$10,000.

- (4) For the avoidance of doubt, it is hereby declared that an approval mentioned in subregulation (1)(c) may be subject to such reasonable conditions as the Authority thinks fit specified in the approval.

(L.N. 43 of 2002)

3C. Withdrawal of approval

The Authority may, by notice in writing served on a person who has an approval mentioned in regulation 3B(1)(c), withdraw the approval—

- (a) where the Authority is satisfied that—
 - (i) the type or model of domestic gas appliance the subject of the approval has—
 - (A) shown to be prejudicial to the safety of the members of the public; or
 - (B) ceased to be of a standard of safety acceptable to the Authority; or
 - (ii) the person has contravened regulation 3B(1) in relation to that type or model of appliance (including contravened any conditions to which the approval is subject) in such circumstances that the approval ought to be withdrawn, and whether or not the person is prosecuted for the contravention; and
- (b) from a date specified in the notice, being a date reasonable in all the circumstances of the case.

(L.N. 43 of 2002)

3D. Measures to take upon withdrawal of approval on ground mentioned in regulation 3C(a)(i)(A)

- (1) Where the Authority has withdrawn under regulation 3C an

approval mentioned in regulation 3B(1)(c) on the ground mentioned in regulation 3C(a)(i)(A), then the person who had the approval shall—

- (a) expeditiously take reasonable measures to ensure that the safety of the members of the public is not prejudiced, or is no longer prejudiced, by the type or model of domestic gas appliance which was the subject of the approval; and
 - (b) provide to the Authority such information as the Authority may, by notice in writing served on the person, require—
 - (i) in relation to the person's operations in respect of that type or model of appliance; and
 - (ii) within such period as is specified in the notice, being a period reasonable in all the circumstances of the case.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable—
- (a) on first conviction to a fine at level 6 and to imprisonment for 12 months;
 - (b) on any subsequent conviction to a fine of \$200,000 and to imprisonment for 12 months; and
 - (c) in the case of a continuing offence, to a daily penalty of \$10,000.

(L.N. 43 of 2002)

3E. Appeals to appeal board

- (1) Any person aggrieved by a decision of the Authority under regulation 3C may appeal to an appeal board against that decision.
- (2) An appeal under this regulation shall—

- (a) be in writing;
 - (b) set out the details of or be accompanied by the notice of withdrawal under regulation 3C concerned served on the person;
 - (c) be commenced within 30 days after the notice was served on the person; and
 - (d) be delivered to the Secretary.
- (3) A person who appeals under this regulation shall deliver to the Authority notice of, and the grounds for, the appeal.
- (4) A decision referred to in subregulation (1) shall take effect immediately, notwithstanding that an appeal has been or may be made under this regulation against that decision.

(L.N. 43 of 2002)

3F. Unauthorized use of mark

- (1) Subject to subregulation (2), no person shall, without the approval in writing of the Authority—
- (a) attach to;
 - (b) display on; or
 - (c) use in any other manner in connection with, a domestic gas appliance, a mark—
 - (d) that is identical to the mark specified in the Schedule; or
 - (e) that closely resembles the mark specified in the Schedule, so as to be capable of misleading any person into believing that the appliance is a type or model of domestic gas appliance the subject of an approval mentioned in regulation 3B(1)(c).
- (2) Subregulation (1) shall not apply to or in relation to a domestic gas appliance—

- (a) the subject of an approval mentioned in regulation 3B(1)(c) which has been withdrawn under regulation 3C; and
 - (b) on which is displayed the mark specified in the Schedule if, and only if, the mark was so displayed before the approval was so withdrawn.
- (3) Any person who contravenes subregulation (1) commits an offence and is liable—
- (a) on first conviction to a fine at level 6 and to imprisonment for 12 months;
 - (b) on any subsequent conviction to a fine of \$200,000 and to imprisonment for 12 months; and
 - (c) in the case of a continuing offence, to a daily penalty of \$10,000.

(L.N. 43 of 2002)

4. Alteration in composition of gas supplied

- (1) Where there is a change in the composition of town gas or natural gas supplied to consumers, the gas supply company concerned shall take such steps as are necessary to—
- (a) alter, adjust or replace the burners in the gas appliances of such consumers in such manner as to ensure that such gas can be burned in those appliances without danger to any person or property; or
 - (b) discontinue the supply of such gas to such appliances.
- (2) Any person who contravenes subregulation (1) commits an offence and is liable on conviction to a fine at level 3. *(E.R. 2 of 2019)*

5. Specification of rank below which public officer shall not be appointed as inspector

No public officer below the rank of mechanical inspector shall be appointed as an inspector.

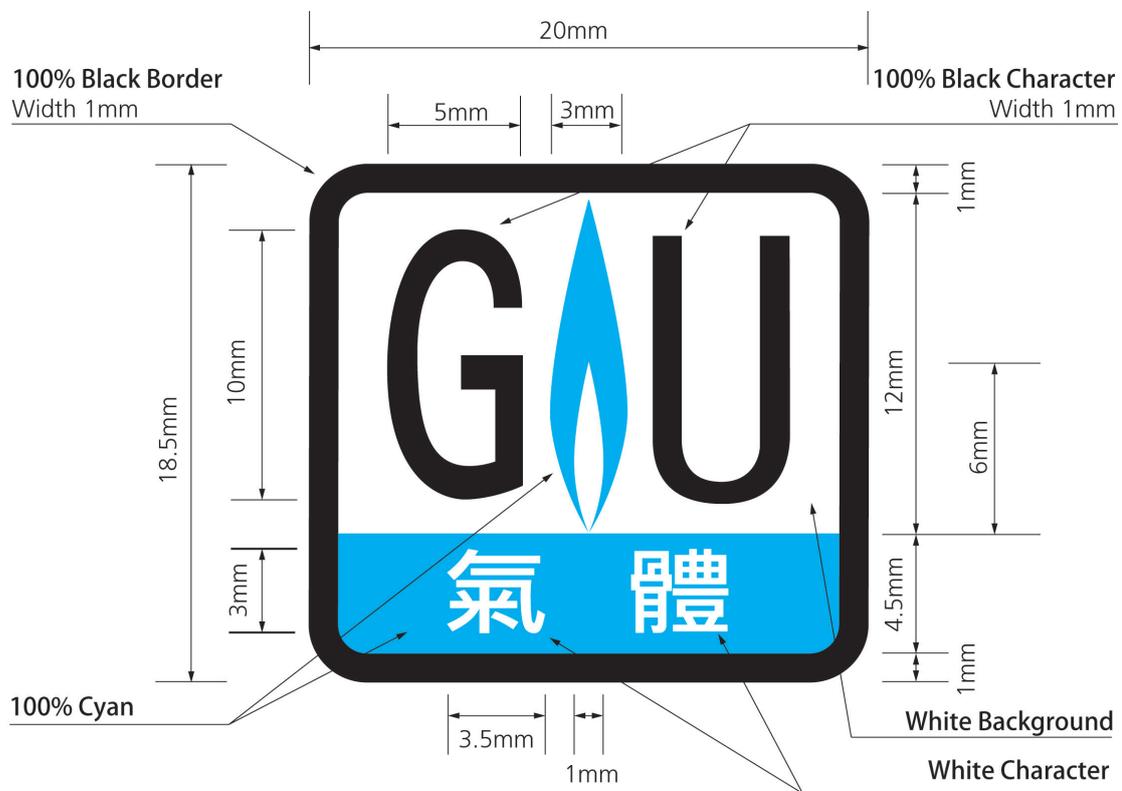
6. Exemptions

- (1) The Authority may exempt in writing any person from any of the provisions of these regulations (except regulation 5) specified in such exemption—
 - (a) where the Authority is of the opinion that the safety of members of the public will not be prejudiced by such exemption; and
 - (b) subject to such reasonable conditions as the Authority thinks fit specified in such exemption.
- (2) The Authority may by notice in the Gazette exempt any class of persons from any of the provisions of these regulations (except regulation 5) specified in such exemption—
 - (a) where the Authority is of the opinion that the safety of members of the public will not be prejudiced by such exemption; and
 - (b) subject to such reasonable conditions as the Authority thinks fit specified in such exemption.

Schedule

[regs. 3B & 3F]

Specification of Mark



This mark shall be displayed prominently on the domestic gas appliance in accordance with the colour codes, proportion and minimum dimensions as specified above.

(Schedule added L.N. 43 of 2002)