

**For discussion
on 25 June 2007**

Legislative Council Panel on Economic Services

Proposed Legislative Amendments Relating to the Carriage of Dangerous Goods by Air

Introduction

This Paper seeks Members' views on the Government's proposal to amend two sets of subsidiary legislation to give effect to the latest standards promulgated by the International Civil Aviation Organisation (ICAO)¹ for the safe transport of dangerous goods (DG)² by air.

Background

ICAO Standards

2. To ensure aviation safety, ICAO promulgates, under the Convention on International Civil Aviation (the "Chicago Convention"), a set of requirements regarding the carriage of DG by air. These requirements regulate matters such as the classification, packing, marking, labelling and loading of DG consignments on board aircraft as well as training requirements for airlines, air cargo and security personnel. Under the Chicago Convention, such requirements are set out in the Technical Instructions for the Safe Transport of Dangerous Goods by Air ("TIs"). This document is normally updated and published by ICAO biennially.

Local Legislation

3. The Chicago Convention applies to Hong Kong. The TIs made under the Convention are given effect through two pieces of local subsidiary legislation made by the Chief Executive in Council ("CE in Council"), viz –

¹ ICAO was established by the Convention on International Civil Aviation and is the world's most important organization in the field of civil aviation. At present, it has 190 Contracting States and China is one of them. Its objectives are to promote the development of international civil aviation in a safe and orderly manner, and to ensure that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically.

² According to the Technical Instructions issued by ICAO, DG in the context of air transport include explosives, compressed gas, flammable liquids, flammable solids, oxidizing substances, toxic substances, infectious substances, radioactive material and corrosives, etc.

- (a) Air Navigation (Dangerous Goods) Regulations, as Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap 448C); and
- (b) Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap 384A).

The former generally regulates the DG operations of airlines and airport authorities whereas the latter regulates the shippers and freight forwarders in the proper handling of DG before taking them for air transport.

The New Edition of the TIs

4. The new edition of the TIs (i.e. the 2007-2008 edition) was published in late 2006 by ICAO. Most of the changes covered by the new TIs are technical and textual in nature. Apart from these technical and textual changes, an emphasis of the new TIs is to strengthen the prevention of hidden DG (deliberately or inadvertently not declared) and the improper carriage of DG by passengers. The relevant changes are -

- (a) DG Training:
 - (i) further to the requirements introduced in the previous TIs (2005-2006 edition) where freight forwarders' staff involved in processing, handling, storage or loading of air cargo must receive DG training, the new TIs introduce new definitions on "mail" and "stores" and require the staff of the freight forwarders and airlines who are responsible for processing and handling "mail" and "stores" as well as security screeners who deal with them to undergo DG training; and
 - (ii) for the purpose of ensuring consistent standards of different DG training courses organized worldwide, the new TIs introduce a qualification requirement for instructors of DG training courses.
- (b) Provision of DG Information:
 - (i) the new TIs have been amended to make it clear that apart from airlines and airport authorities, airlines' handling

agents³ are also required to provide information to passengers about the types of DG that are not allowed to be carried by them during air travel; and

- (ii) the new TIs require check-in staff to seek confirmation from air passengers that they have not carried the types of DG that are not allowed to be carried by them during air travel.

Amendments to Local Legislation

5. The two sets of Regulations referred to in paragraph 3 above will need to be amended to give the new requirements legal effect and to align the DG standards of Hong Kong with specifications given under the new TIs.

6. Since the new TIs have not introduced any substantially new requirements, there will be no major change in workload of the DG Office in Civil Aviation Department (CAD) which is responsible for the enforcement of the two sets of Regulations. Hence, the proposed legislative amendments will have no financial or staffing implications.

Consultation

7. CAD has consulted the Technical Sub-Committee of the Aviation Development Advisory Committee and the local air cargo stakeholders including the Hongkong Association of Freight Forwarding and Logistics Limited, the Hong Kong Shippers' Council, the Board of Airlines Representatives, the Airport Authority, DG training institutes and the Aviation Security Company Limited on the new TIs. They generally support the proposed amendments.

Legislative Timetable

8. Subject to Members' views and the approval of CE in Council, we will formally submit the relevant legislative amendments to the Legislative Council for approval through the normal negative vetting process in the fourth quarter of 2007.

³ Refer to companies which provide passenger handling services, such as check-in handling, departure gate management and arrival handling, on behalf of airlines.

Views Sought

9. Members' views are invited on our legislative amendment proposal to implement the new TIs.

**Economic Development and Labour Bureau
15 June 2007**