

立法會
Legislative Council

LC Paper No. LS7/09-10

**Paper for the House Committee Meeting
on 6 November 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 October 2009**

Date of tabling in LegCo : 28 October 2009

Amendment to be made by : 25 November 2009 (or 16 December 2009 if extended by resolution)

PART I CARRIAGE OF DANGEROUS GOODS BY AIR

Civil Aviation Ordinance (Cap. 448)

Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2009 (L.N. 193)

Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A)
Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2009 (L.N. 194)

The International Civil Aviation Organization (ICAO) promulgates under the Convention on International Civil Aviation (the Chicago Convention) a set of requirements for carriage of dangerous goods by air. These requirements regulate matters such as the classification, packing, marking, labelling and loading of dangerous goods on board aircraft as well as training requirements for airlines, air cargo and security personnel. Under the Chicago Convention, such requirements are to be set out in the Technical Instructions for the Safe Transport of Dangerous Goods by Air (TIs).

2. The TIs are implemented in Hong Kong through the following subsidiary legislation -

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

3. L.N. 193 amends the Air Navigation Regulations to give effect to the changes introduced by the 2009-2010 edition (latest edition) of the TIs. The main amendments are -

- (a) extending the general exception to dangerous goods carried for medical use on air ambulances so that the Air Navigation Regulations do not apply to such dangerous goods;
- (b) clarifying the obligation of the operator of an aircraft before accepting for transport aboard the aircraft any package or unit load device containing dangerous goods;
- (c) revising the requirement on notices of dangerous goods information provided by the operator of an aerodrome and the operator of an aircraft to passengers of the aircraft; and
- (d) requiring the operator of an aircraft to report an accident or incident involving dangerous goods carried on board the aircraft.

4. L.N. 194 amends the Schedule to the Consignment by Air Regulations to give effect to the changes introduced by the latest edition of the TIs. The amendments in L.N. 194 mainly reflect the renumbering of the relevant parts of the new TIs.

5. Members may refer to the LegCo Brief (ref: THB(T) CR 1/15/951/49) issued by the Transport and Housing Bureau dated 21 October 2009 for background information about these two items of subsidiary legislation.

6. The Panel on Economic Development was consulted on the above legislative amendments at the meeting held on 25 May 2009. Members generally expressed support for the proposal to give effect to the latest standards promulgated by the ICAO for the safe transport of dangerous goods by air. As all staff working in the logistics industry would be required to receive relevant training in identifying dangerous goods, some members enquired about who should be responsible for meeting the training course fees. In response to the subsequent enquiries made by the Clerk to the Panel, the Administration said that the training requirements for staff members of freight forwarders, which came into operation on 1 July 2009 (L.N. 23 of 2009), were first introduced by the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2006 (L.N. 74 of 2006) and the Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (L.N. 75 of 2006). The Administration understands that these training course fees are mostly paid by employers and the responsibility of who should pay those fees would be a matter to be agreed between employers and employees.

7. L.N. 193 and 194 shall come into operation on 1 January 2010.

**PART II VESSEL HEIGHT RESTRICTED AREA IN THE VICINITY OF
THE STONECUTTERS BRIDGE**

**Shipping and Port Control (Amendment) Regulation 2008 (L.N. 148 of 2008)
Shipping and Port Control (Amendment) Regulation 2008 (Commencement) Notice
(L.N. 195)**

**Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2008 (L.N.
150 of 2008)**

**Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2008
(Commencement) Notice (L.N. 196)**

8. The Shipping and Port Control (Amendment) Regulation 2008 (L.N. 148 of 2008) and the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2008 (L.N. 150 of 2008), which were published in the Gazette on 30 May 2008, respectively provide that except with the permission of the Director of Marine, no vessel or local vessel exceeding 68.5 metres in height shall enter any area in the waters adjacent to the Stonecutters Bridge. These two Notices respectively appoint 20 December 2009 as the day on which L.N. 148 and L.N. 150 of 2008 shall come into operation.

9. The drafting of the above subsidiary legislation presents no difficulty.

Prepared by

Kitty CHENG
Assistant Legal Adviser
Legislative Council Secretariat
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