

L.N. 193 of 2009**AIR NAVIGATION (HONG KONG) ORDER 1995 (AMENDMENT
OF SCHEDULE 16) ORDER 2009**

(Made by the Chief Executive in Council under section 2A of the
Civil Aviation Ordinance (Cap. 448))

1. Commencement

This Order comes into operation on 1 January 2010.

**2. The Air Navigation (Dangerous Goods)
Regulations**

(1) Regulation 2(1) of Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) is amended, in the definition of “Technical Instructions”, by repealing “2007–2008” and substituting “2009–2010”.

(2) Regulation 3(1) of Schedule 16 is amended by repealing “suspended;” and substituting “suspended—”.

(3) Regulation 3(3) of Schedule 16 is amended by repealing “These” and substituting “Subject to Regulation 8A of these Regulations, these”.

(4) Regulation 3(3)(c) of Schedule 16 is amended by repealing everything after “and (3D),” and substituting—

“to provide medical aid to a patient during the flight and the dangerous goods—

(i) are placed on board with the approval of the operator of the aircraft; or

(ii) form part of the permanent equipment of the aircraft when the aircraft has been adapted for specialized use;”.

(5) Regulation 3(3D)(b)(x) of Schedule 16 is amended by repealing the semicolon and substituting a full stop.

(6) Regulation 3(3D)(b)(xi) of Schedule 16 is repealed.

(7) Regulation 3(4) of Schedule 16 is amended by repealing “Chapter 2.4 of Part 1” and substituting “Chapter 5 of Part 3”.

(8) Regulation 6 of Schedule 16 is amended by adding immediately before paragraph (1)—

“(1A) The operator of an aircraft shall not accept for transport aboard the aircraft any package or unit load device containing dangerous goods unless the operator has verified the matters set out in Chapter 1.3.1 of Part 7 of the Technical Instructions by an acceptance check list.”.

(9) Regulation 6(1)(a) and (b)(i) of Schedule 16 is repealed.

(10) Regulation 6(2)(a) and (b) of Schedule 16 is repealed.

(11) Regulation 6(2)(c) of Schedule 16 is amended by repealing “in accordance with this Regulation” and substituting “under paragraph (1A)”.

(12) Regulation 8(1)(a) of Schedule 16 is amended by repealing “4.1.4, 4.1.7 and 4.1.8” and substituting “4.1.3, 4.1.5, 4.1.8 and 4.1.9”.

(13) Regulation 8(2A) of Schedule 16 is repealed and the following substituted—

“(2A) The information shall be provided in notices that—

(a) include visual examples of the dangerous goods; and

(b) are prominently displayed, in sufficient number, at—

(i) each of the places at the airport where—

(A) tickets are issued;

(B) passengers are checked in; or

(C) passengers assemble to board the aircraft;

and

(ii) any other location where passengers are checked in.”.

(14) Schedule 16 is amended by adding—

“8A. Reporting of dangerous goods accidents and incidents

(1) The operator of an aircraft registered in Hong Kong or, if the operator’s principal place of business or permanent residence is in Hong Kong, any other aircraft, shall report an accident or incident (wherever occurring) involving dangerous goods carried on board the aircraft to the Director-General of Civil Aviation in accordance with the reporting requirements of the Director-General of Civil Aviation.

(2) The operator of an aircraft other than an aircraft referred to in paragraph (1) shall report an accident or incident involving dangerous goods carried on board the aircraft that occurred in Hong Kong to the Director-General of Civil Aviation in accordance with the reporting requirements of the Director-General of Civil Aviation.”.

(15) Regulation 9(c) of Schedule 16 is amended by repealing “6(2)” and substituting “6(1A)”.

Manda CHAN

Clerk to the Executive Council

COUNCIL CHAMBER
6 October 2009

Explanatory Note

This Order amends Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) to give effect to certain amendments introduced by the 2009–2010 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by the decision of the Council of the International Civil Aviation Organization.

2. The amendments include—

- (a) extending the general exception to dangerous goods carried for medical use on air ambulances;
- (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 to passengers of aircraft; and
- (d) requiring the operator of an aircraft to report an accident or incident involving dangerous goods carried on board the aircraft.