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Panel on Economic Development
Meeting on 23 May 2011

Updated background brief on
the carriage of dangerous goods by air

Purpose

This paper provides background information on the carriage of dangerous goods (DGs) by air and summarizes views expressed by Members during previous discussions.

Background

International Civil Aviation Organization (ICAO)¹ Standards

2. To ensure aviation safety, ICAO promulgates, under the Convention on International Civil Aviation (generally referred to as the "Chicago Convention"), a set of requirements regarding the carriage of dangerous goods (DG)² 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

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.

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, viz –

- (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.

Previous editions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air

The 2005-2006 edition

4. The 2005-2006 edition of TIs was valid from 1 January 2005 to 31 December 2006. It introduced over 200 technical and textual changes. The more substantive changes aimed to introduce a definition for "freight forwarders"; amend the classification of infectious substances; introduce more stringent and detailed requirements for the transport of refrigerated liquefied gases; align the labelling requirement for radioactive material; and impose a new requirement that all freight forwarders handling any cargo should have received proper DG handling or awareness training upon employment.

The 2007-2008 edition

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

changes aimed to define "mail and stores" and require freight forwarders handling "mail and stores" and security screeners concerned to undergo DG training; introduce a qualification requirement for instructors of DG training courses; provide information to passengers about the types of DG disallowed during air travel; and require check-in staff to seek confirmation from air passengers that they have not carried disallowed DG(s).

The 2009-2010 edition

6. The 2009-2010 edition of TIs was published in December 2008 by ICAO. Most of the changes covered by TIs were technical and textual in nature. The more significant changes aimed to revise airlines' cargo acceptance requirements to clarify the requirements for the checking of DG by the airlines; centralize the provisions for DG shipped under excepted quantities³ in the same chapter; require the airlines to report incidents involving DG shipped as general cargo in accordance with the special provisions of TIs; clarify that DG for medical use can be carried by air ambulances⁴ without complying with the requirements on such DG; and clarify the requirement of DG information provided to passengers.

Past deliberations

7. The Administration briefed the Panel on Economic Services (ES Panel)⁵ on the 2005-2006 edition of TIs on 29 November 2005. Panel members expressed concern that staff in airlines, shipping and freight forwarding companies had to receive DG training every two years when TIs were updated. There was also concern about frequent staff movements in these establishments and new staff would have to be trained upon employment.

8. On 25 June 2007, the Administration briefed the ES Panel on the 2007-2008 edition of TIs. Panel members expressed concern that the safety and security requirements imposed by different places regarding the carriage of DG should be aligned to avoid causing inconvenience to air passengers. They also urged the Administration to step up publicity on items disallowed during air travel by providing the information via travel agents/airlines or during the issuance of e-tickets.

³ DG shipped and packed in excepted quantities are DG packed in very small quantities which do not have to comply with the normal requirements in the TIs.

⁴ Air ambulances are flights for the specific carriage of sick or injured persons.

⁵ The Panel on Economic Services has been renamed as the Panel on Economic Development with effect from the 2007-2008 session.

9. On 25 May 2009, the Administration briefed the EDEV Panel on the 2009-2010 edition of TIs. Panel members urged the Administration to step up publicity of the new requirements to facilitate the industry's compliance. Separately, they suggested the Administration to explore the feasibility of returning certain confiscated DG to air passengers returning Hong Kong. In addition, Panel members expressed concern about the financial burden, brought about by the DG training requirement for all staff, on the industry in particular the small establishments and employees. They requested the Administration to provide subsidy for the staff to attend the training courses, and specify the party responsible for paying the course fees in the relevant legislative amendments.

Latest developments

10. The Administration will brief the Panel at the meeting on 23 May 2011 on the proposed legislative amendments to give legal effect to the 2011-2012 edition of TIs promulgated by ICAO in November 2010. The Administration plans to table the relevant subsidiary legislation at the Council meeting in the fourth quarter of 2011.

References

11. A list of the relevant papers is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
17 May 2011

Background brief on the carriage of dangerous goods by air
List of relevant papers

Panel/Committee	Date	Paper
Panel on Economic Services (ES Panel)	29 November 2005	<p>Administration paper on "Proposed legislative amendments to implement relevant standards of the International Civil Aviation Organization regarding the carriage of dangerous goods by air" (LC Paper No. CB(1)352/05-06(02)) http://www.legco.gov.hk/yr05-06/english/panels/es/papers/es1129cb1-352-2e.pdf</p> <p>Minutes of the Meeting http://www.legco.gov.hk/yr05-06/english/panels/es/minutes/es051129.pdf</p>
ES Panel	25 June 2007	<p>Administration's paper on "Proposed legislative amendments relating to the carriage of dangerous goods by air" (LC Paper No. CB(1)1924/06-07(03)) http://www.legco.gov.hk/yr06-07/english/panels/es/papers/es0625cb1-1924-3-e.pdf</p> <p>Minutes of the Meeting http://www.legco.gov.hk/yr06-07/english/panels/es/minutes/es070625.pdf</p>
Panel on Economic Development	25 May 2009	<p>Administration's paper on "Proposed legislative amendments relating to the carriage of dangerous goods by air" (LC Paper No. CB(1)1624/08-09(05)) http://www.legco.gov.hk/yr08-09/english/panels/edev/papers/edev0525cb1-1624-5-e.pdf</p> <p>Paper on the carriage of dangerous goods by air prepared by the Legislative Council Secretariat (Background brief) (LC Paper No. CB(1)1624/08-09(06)) http://www.legco.gov.hk/yr08-09/english/panels/edev/papers/edev0525cb1-1624-6-e.pdf</p> <p>Minutes of the Meeting http://www.legco.gov.hk/yr08-09/english/panels/edev/minutes/edev20090525.pdf</p>