

**L.N. 75 of 2006****DANGEROUS GOODS (CONSIGNMENT BY AIR) (SAFETY)  
(AMENDMENT) REGULATION 2006**

(Made by the Chief Executive in Council under section 3 of the Dangerous Goods (Consignment by Air) (Safety) Ordinance (Cap. 384))

**1. Commencement**

This Regulation shall come into operation on a day to be appointed by the Director-General of Civil Aviation by notice published in the Gazette.

**2. Interpretation**

(1) Regulation 2 of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A) is amended, in the definition of “freight forwarder”—

- (a) by repealing “發運” and substituting “貨運代理”;
- (b) by repealing “a service to the public to arrange” and substituting “the service of arranging”.

(2) Regulation 2 is amended, in the Chinese text, in the definition of “付運人”, by repealing “發運” and substituting “貨運代理”.

(3) Regulation 2 is amended by adding—

““declared dangerous goods” (已申報危險品) means dangerous goods accompanied by the documents required by regulation 6(1);”.

**3. Meaning of consign, etc.**

Regulation 3 is amended, in the Chinese text, by repealing “發運” wherever it appears and substituting “貨運代理”.

**4. Dangerous goods to comply with Technical Instructions**

Regulation 4(1)(g) is repealed and the following substituted—

“(g) the goods are declared dangerous goods.”.

**5. Person signing transport document to be trained**

Regulation 7(1) is amended, in the Chinese text, by repealing “與其職能相符” and substituting “的對其職能屬適當”.

**6. Regulation added**

The following is added—

**“7A. Training requirements for staff members of freight forwarders processing air cargo containing declared dangerous goods**

(1) A member of the staff of a freight forwarder shall not perform the function of processing air cargo containing declared dangerous goods unless he has completed the training appropriate to that function as described in the provisions of the Technical Instructions specified for the purposes of this paragraph in Part II of the Schedule.

(2) Where paragraph (1) is contravened the freight forwarder and the staff member each commits an offence and is liable to a fine of \$20,000 and to imprisonment for 6 months.”.

**7. Regulation added**

The following is added—

**“7B. Other training requirements for staff members of freight forwarders**

(1) A freight forwarder shall ensure that each member of his staff who performs the function of—

- (a) processing air cargo without declared dangerous goods; or
- (b) handling, loading or storing air cargo,

has completed the training appropriate to that function as described in the provisions of the Technical Instructions specified for the purposes of this paragraph in Part II of the Schedule.

(2) A freight forwarder who fails to comply with paragraph (1) commits an offence and is liable to a fine of \$20,000 and to imprisonment for 6 months.”.

LAM Chik-ting, Tony  
Clerk to the Executive Council

COUNCIL CHAMBER  
25 April 2006

### **Explanatory Note**

This Regulation amends the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A) to implement certain new requirements introduced by the 2005–2006 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (“TIs”). The TIs are approved and published by decision of the Council of the International Civil Aviation Organization.

2. Under the new requirements, staff members of freight forwarders who perform the functions of processing air cargo containing declared dangerous goods, processing air cargo without declared dangerous goods or handling, loading or storing air cargo must complete the appropriate training described in the TIs before performing those functions (see new regulations 7A and 7B added by sections 6 and 7).

3. The Regulation also amends the definition of “freight forwarder” to bring it in line with the definition of the term under the TIs (see section 2).