

立法會參考資料摘要

《民航條例》

(第 448 章)

《危險品(航空托運)(安全)條例》

(第 384 章)

2007 年《1995 年飛航(香港)令》(修訂附表 16)令

2007 年危險品(航空托運)(安全)(修訂)規例

2007 年《2006 年危險品(航空托運)(安全)(修訂)規例》
(修訂)規例

2007 年〈2006 年危險品(航空托運)(安全)規例
(修訂附表)令〉(修訂)令

引言

A-C 在二零零七年十月十六日的會議上，行政會議建議，行政長官指令制訂分別載於附件 A、B 及 C 的 2007 年《1995 年飛航(香港)令》(修訂附表 16) 令、2007 年危險品(航空托運)(安全)(修訂)規例，以及 2007 年《2006 年危險品(航空托運)(安全)(修訂)規例》(修訂)規例，以實施國際民用航空組織(國際民航組織)¹有關安全空運危險品²的最新規定。

¹ 國際民航組織根據《國際民航公約》成立，是全球最重要的民航組織。該組織現有 190 個締約國，中國為其中一員。該組織的宗旨是推動國際間以安全和有秩序的方式發展民航業務，同時確保國際間的航空運輸業務可在機會均等的基礎上，穩健地按經濟原則經營。

² 根據國際民航組織公布的《危險品安全空運技術指令》，空運危險品包括爆炸品、壓縮氣體、易燃液體、易燃固體、氧化物、有毒物質、有傳染性的物質、放射性物料和腐蝕性物質等。

- D 2. 民航處處長(“處長”)在同日制訂載於**附件 D**的 2007 年〈2006 年危險品(航空托運)(安全)規例(修訂附表)令〉(修訂)令以作相應的修訂。

理據

國際民航組織的最新規定

3. 國際民航組織的《危險品安全空運技術指令》(“《技術指令》”)訂明國際民航組織的規定。新版本(即二零零七至零八年版)在二零零六年年底公布,大多涉及技術及措詞的修訂,但強調需要加強防止乘客收藏(蓄意或忘記申報)及不當攜帶危險品。
4. 有關修訂載述如下 –

有關危險品的培訓

- (a) 加入「郵件」及「供應品」的新定義³(相應加入就空運而言「貨物」的定義),以及規定貨運代理人及航空公司負責處理及搬運「郵件」和「供應品」的員工,以及處理「郵件」和「供應品」的保安檢查員,必須接受有關危險品的培訓(這是繼《技術指令》二零零五至零六年版的進一步規定。該版本規定貨運代理人從事處理、搬運、儲存或裝載空運貨物的員工必須接受危險品培訓);
- (b) 引入危險品培訓課程教員須符合的資格規定,以確保世界各地舉辦的危險品培訓課程水平一致;

提供危險品的資料

- (c) 清楚規定除航空公司和機場管理當局外,航空公司服

³ 「郵件」指經郵政服務派遞的信件或其他物品;「供應品」指機上供耗用的物品或飛機運作和維修所需的物品,或機上向乘客和機組人員銷售的物品。

務代理人⁴亦須向乘客提供資料，說明禁止攜帶上機的危險品種類；以及

- (d) 規定航空公司辦理登機手續的人員須要求乘客表明沒有攜帶屬禁止攜帶上機種類的危險品。

命令及規例

5. 2007年《1995年飛航(香港)令》(修訂附表16)令(“飛航命令”)、2007年危險品(航空托運)(安全)(修訂)規例(“第一修訂規例”)、2007年《2006年危險品(航空托運)(安全)(修訂)規例》(修訂)規例(“第二修訂規例”)和2007年《2006年危險品(航空托運)(安全)規例(修訂附表)令》(修訂)令(“危險品命令”)的主要條文載列如下 -

飛航命令

- (a) **第2(1)條**修訂《1995年飛航(香港)令》(第448章，附屬法例C)附表16(“《附表》”)第2(1)條，以指定有關的《技術指令》版本為二零零七至零八年版；
- (b) **第2(2)及2(7)條**修訂《附表》第3(3)條及第10條，以闡明可由飛機載運的危險品的種類及由飛機載運該等危險品須遵從的條件；
- (c) **第2(3)至2(5)條**闡明機場經營人、飛機經營人及飛機經營人的服務代理人在向乘客取得資料及向乘客和飛機經營人的職員提供資料方面的責任；
- (d) **第2(6)條**修訂《附表》第8(3)條，以實施《技術指令》有關培訓課程應由合資格教員提供的新規定；

第一修訂規例

- (e) **第2條**在《危險品(航空托運)(安全)規例》(第384

⁴ 這些公司代航空公司提供乘客處理服務，例如辦理登機手續、登機閘口管理和辦理抵港手續。

章，附屬法例 A) (“《安全規例》”)加入「貨物」、「郵件」及「供應品」的新定義，以確保這些詞語的意思與《技術指令》內的意思相符；

- (f) **第 3 及 4 條**修訂《安全規例》第 7 及 7A 條，規定有關培訓課程須由處長批准，並由合資格教員提供；
- (g) **第 5 條**修訂《安全規例》附表，以反映有關的《技術指令》版本為二零零七至零八年版；

第二修訂規例

- (h) **第 2 條**修訂《2006 年危險品（航空托運）（安全）（修訂）規例》（2006 年第 75 號法律公告）（“《2006 年修訂規例》”）第 7 條⁵，規定執行以下職能的貨運代理人的員工 – (a) 收運沒載有已申報危險品的郵件或供應品；或(b) 搬運、裝載或貯存郵件或供應品，須完成由處長批准及由合資格教員提供的培訓課程；以及

危險品命令

- (i) **第 2 條**修訂《2006 年危險品（航空托運）（安全）規例（修訂附表）令》（2006 年第 76 號法律公告）第 2 條，為《安全規例》的附表作相應修訂⁶。

6. 飛航命令、第一修訂規例、第二修訂規例和危險品命令修訂的相關現行條文載於**附件 E**。飛航命令、第一修訂規例和第二修訂規例的目標生效日期為二零零八年一月一日，而危險品命令將在處長指定的日期起生效。

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⁵ 《2006 年修訂規例》第 7 條計劃在二零零八年年中實施。該條於《安全規例》中加入新增的第 7B 條，規定執行以下職能的貨運代理人的員工：(a) 收運沒載有已申報危險品的空運貨物；或(b) 搬運、裝載或貯存空運貨物，須在執行該職能前完成適當的培訓。

⁶ 《安全規例》附表包含為施行新訂第 7B 條（藉《2006 年修訂規例》第 7 條加入）而指明的《技術指令》條文，有關提述需要相應修訂。

立法程序時間表

7. 飛航命令、第一修訂規例、第二修訂規例和危險品命令會在二零零七年十月二十六日刊登憲報，並在二零零七年十月三十一日提交立法會省覽。

建議的影響

8. 建議對財政、公務員、生產力、可持續發展和環境均沒有影響。遵行國際民航組織的最新規定，預料對航空公司和乘客等持份者不會帶來重大的額外負擔。乘客等待辦理登機手續的時間或會稍為延長，但實施新安排後，航空安全得以加強，也提升香港作為安全航空樞紐的形象，所帶來的整體經濟裨益足以抵消乘客的不便。不過，有關經濟效益難以量化。

9. 建議符合《基本法》，包括有關人權的條文。建議不影響現行法例的約束力。

公眾諮詢

10. 民航處已就《技術指令》新版本諮詢航空發展諮詢委員會屬下的技術小組委員會及本地航空貨運業，包括香港貨運物流業協會有限公司、香港付貨人委員會、香港航空公司代表協會、機場管理局、危險品培訓機構和機場保安有限公司。他們普遍支持立法建議。

11. 二零零七年六月二十五日，我們徵詢立法會經濟事務委員會的意見。委員會對立法建議並無異議。

宣傳安排

12. 我們會在二零零七年十月二十四日發出新聞稿，並安排發言人解答查詢。

背景

13. 爲了確保航空安全，國際民航組織根據《國際民用航空公約》（一般稱爲《芝加哥公約》）公布一套有關空運危險品的規定，規管機上托運危險品的分類、包裝、標記、標籤和裝載等事宜，以及航空公司、空運和保安人員的培訓。根據《芝加哥公約》，這些規定臚列於《技術指令》；國際民航組織通常每兩年更新及公布《技術指令》。

14. 《芝加哥公約》適用於香港。爲使按照《芝加哥公約》制訂的《技術指令》得以生效，行政長官會同行政會議訂立以下兩套本地附屬法例 -

(a) 《航空（危險品）規例》，即《附表》；以及

(b) 《安全規例》。

《附表》一般規管航空公司和機場管理當局有關危險品的操作，《安全規例》規定付運人和貨運代理人空運危險品前必須妥善處理有關危險品。

查詢

15. 如對本摘要有任何查詢，請與運輸及房屋局首席助理秘書長（運輸）鄭港涌先生（電話號碼：2810 2687）聯絡。

運輸及房屋局

二零零七年十月二十四日

《2007 年〈1995 年飛航(香港)令〉(修訂附表 16)令》

(由行政長官會同行政會議根據《民航條例》
(第 448 章)第 2A 條作出)

1. 生效日期

本命令自 2008 年 1 月 1 日起實施。

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

(1) 《1995 年飛航(香港)令》(第 448 章，附屬法例 C)附表 16 第 2(1)條現予修訂，在“Technical Instructions”的定義中，廢除“2005-2006”而代以“2007-2008”。

(2) 附表 16 第 3(3)條現予廢除，代以 —

“(3) These Regulations shall not apply to dangerous goods carried on an aircraft where the dangerous goods are —

(a) articles and equipment which are —

(i) required to be carried on the aircraft by or under this Order; or

(ii) otherwise intended for use on the aircraft for the purpose of the good order of the flight in accordance with normal practice,

whether or not such articles and equipment are required to be carried or intended to be used on that particular flight;

- (b) solely intended for the use of, or for sale to, the passengers, flight crew members or cabin crew members of the aircraft during the flight;
- (c) subject to paragraphs (3A), (3B), (3C) and (3D), placed on board with the approval of the operator of the aircraft to provide medical aid to a patient during the flight;
- (d) subject to paragraphs (3A), (3C) and (3D), to provide veterinary aid or a humane killer for an animal during the flight;
- (e) subject to paragraphs (3A), (3C) and (3D), for dropping in connection with agricultural, horticultural, forestry or pollution control activities;
- (f) subject to paragraphs (3A), (3C) and (3D), to provide aid in connection with search and rescue operations during the flight;
- (g) subject to paragraphs (3A) and (3E), vehicles carried in an aircraft designed or modified for vehicle ferry operations;

(*h*) subject to paragraph (3A), required for the operation of the specialized equipment of the aircraft during the flight;

(*i*) of a type specified in Chapter 2.2.1 of Part 1 of the Technical Instructions;

(*j*) of a type specified in Chapter 1.1.2 of Part 8 of the Technical Instructions.

(3A) Dangerous goods specified in paragraph (3)(*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) shall only be carried if they are under the control of trained personnel when they are in use on the aircraft.

(3B) Dangerous goods specified in paragraph (3)(*c*) –

(*a*) which is in the form of gas contained in a gas cylinder shall only be carried if the gas cylinder has been manufactured specifically for the purpose of containing and transporting that particular gas; or

(*b*) which is an electrolyte in a wet cell battery contained in any equipment shall only be carried if the equipment is kept and, when necessary, secured in an upright position to prevent spillage of the electrolyte.

(3C) Dangerous goods specified in paragraph (3)(c), (d), (e) and (f) shall only be carried if measures have been taken to stow and secure those goods –

(a) during take-off and landing; and

(b) at all times when deemed necessary by the pilot in command of the aircraft.

(3D) Dangerous goods specified in paragraph (3)(c), (d), (e) and (f) may be carried on an aircraft during a flight made by the same aircraft before or after the flight in which they are carried for the purposes identified in paragraph (3)(c), (d), (e) and (f) (“the second mentioned flight”) if –

(a) it is impracticable to load or unload the dangerous goods immediately before or after (as the case may be) the second mentioned flight; and

(b) all the following conditions are met –

(i) the dangerous goods are capable of withstanding the normal conditions of air transport;

(ii) the dangerous goods have been appropriately identified;

- (iii) the dangerous goods are carried with the approval of the operator of the aircraft;
- (iv) the dangerous goods have been inspected for damage or leakage prior to loading;
- (v) loading of the dangerous goods has been supervised by the operator of the aircraft;
- (vi) the dangerous goods have been stowed and secured in the aircraft in a manner that will prevent any movement in flight which would change their orientation;
- (vii) the pilot in command of the aircraft has been notified of the dangerous goods loaded on board the aircraft and the location where the dangerous goods have been placed after loading;

- (viii) in the event of a crew change, the information required to be notified under sub-subparagraph (vii) has been passed to the next flight crew members;
- (ix) all personnel have received training that is commensurate with their responsibilities with regard to the handling of dangerous goods;
- (x) the operator of the aircraft has provided the prescribed information within the meaning of paragraph (3F) in the operations manual and other appropriate manuals as will enable his flight crew members, other employees and, where applicable, handling agents to carry out their responsibilities with regard to the transport of dangerous goods;

- (xi) the operator of the aircraft undertakes to report any accident or incident involving dangerous goods carried on board the aircraft to the appropriate authorities of the State of the operator and the State in which such accident or incident occurred in accordance with the reporting requirements of such authorities.

(3E) Dangerous goods specified in paragraph (3)(g) shall only be carried if all the following conditions are met –

- (a) authorization has been given by the appropriate authorities of the States concerned, and such authorities have prescribed specific terms and conditions for the particular operator's operation;
- (b) the vehicles have been secured in an upright position;
- (c) fuel tanks of the vehicles have been so filled as to prevent spillage of fuel during loading, unloading and transit; and

(d) adequate ventilation rates have been maintained in the aircraft compartment in which the vehicles are carried.

(3F) For the purposes of paragraph (3D)(b) (x), “prescribed information” includes –

(a) instructions as to the action to be taken in the event of emergencies involving dangerous goods;

(b) details of the location and numbering system of cargo compartments;

(c) information on the maximum quantity of dry ice permitted in each cargo compartment; and

(d) if radioactive material is to be carried, instructions as to the loading of such dangerous goods in accordance with the provisions of Chapter 2.9 of Part 7 of the Technical Instructions.”。

(3) 附表 16 第 8(2)條現予修訂，在 “to be carried” 之後加入 “or his handling agent” 。

(4) 附表 16 第 8(2A)條現予廢除，代以 —

“(2A) The information shall be provided in notices, sufficient in number and prominence for the purposes of paragraph (2), displayed at –

(a) each of the places at the airport where –

(i) tickets are issued;

(ii) passengers are checked in;
or

(iii) passengers assemble to board the aircraft; and

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

(5) 附表 16 第 8 條現予修訂，加入 —

“(2B) The operator of an aircraft shall ensure that information required to be provided under paragraph (2) shall be –

(a) provided with the passenger tickets issued to the passengers;
or

(b) made available to the passengers in another manner prior to the check-in process.

(2C) The operator of an aircraft and his handling agent shall, during the check-in process –

(a) seek confirmation from the passengers that they are not carrying dangerous goods that may not be taken on board the aircraft; and

(b) where there are suspicions that any item which is in the possession or control of any such passenger may contain dangerous goods that may not be taken on board the aircraft, seek confirmation about the contents of the item from the passenger.

(2D) The operator of an aircraft and his handling agent shall ensure that –

(a) cargo acceptance staff and passenger check-in staff, as may be appropriate, are provided with information as to –

(i) which types of items in cargo or in passengers' baggage may contain dangerous goods as listed in Chapter 6.1 of Part 7 of the Technical Instructions;

(ii) the indications that suggest that there may be dangerous goods in cargo or in passengers' baggage; and

(iii) which categories of dangerous goods may be carried by passengers as listed in Chapter 1.1.2 of Part 8 of the Technical Instructions; and

(b) the information specified in subparagraph (a) is readily available to such staff.”。

(6) 附表 16 第 8(3)條現予廢除，代以 —

“(3) The operator of an aircraft, his handling agent and security agent shall —

(a) inform any of their respective employees whose duties include a function connected with the carriage of passengers, cargo, stores or baggage by air of the provisions of the Technical Instructions;

(b) establish and undertake training programmes required by Chapter 4 of Part 1 of the Technical Instructions which shall be —

(i) submitted to the Chief Executive for approval and review on such occasions as the Chief Executive may require;

(ii) amended as the Chief Executive may require; and

(iii) delivered by instructors who satisfy the requirements set out in Chapter 4.3 of Part 1 of the Technical Instructions; and

(c) ensure that each of their respective employees whose duties include a function specified in subparagraph (a) shall complete the training programmes specified in subparagraph (b).”。

(7) 附表 16 第 10 條現予廢除。

行政會議秘書

行政會議廳

2007 年 月 日

註釋

本命令修訂《1995 年飛航(香港)令》(第 448 章，附屬法例 C)附表 16，以實施若干新規定，該等新規定是由按照國際民航組織理事會所作的決定而批准和發布的 2007-2008 年版《危險品安全空運技術指令》所引入的。

2. 該等新規定闡明 —

- (a) 可由飛機載運的危險品的種類；
- (b) 由飛機載運該等危險品須遵從的條件；
- (c) 機場經營人、飛機經營人及飛機經營人的服務代理人在 —
 - (i) 向飛機乘客取得資料方面的責任；及
 - (ii) 向飛機乘客及飛機經營人的職員提供資料方面的責任；及
- (d) 飛機經營人、其服務代理人及保安代理人在為其各自的職員設立及承辦某些培訓課程方面的責任。

《2007 年危險品(航空托運)(安全)(修訂)規例》

(由行政長官會同行政會議根據《危險品(航空托運)(安全)條例》
(第 384 章)第 3 條訂立)

1. 生效日期

本規例自 2008 年 1 月 1 日起實施。

2. 釋義

《危險品(航空托運)(安全)規例》(第 384 章，附屬法例 A)第 2 條現予修訂，加入 —

““供應品”(stores)指 —

(a) 符合下述說明的貨品 —

(i) (無論有否售出)擬供飛機上的乘客和機組人員耗用；或

(ii) 對飛機的運作及保養屬必要；或

(b) 向飛機上的乘客和機組人員出售，並擬被帶離該飛機的貨品；

“郵件”(mail)指按照萬國郵政聯盟的規則以郵遞服務交付的信件及其他物品，或擬按照該等規則以郵遞服務交付的信件及其他物品；

“貨物”(cargo)指飛機上載運的任何物品，但不包括 —

(a) 郵件；

(b) 供應品；及

(c) 隨行行李或錯運行李；”。

3. 簽署運輸文件的人須經培訓

第 7(1)條現予廢除，代以 —

“(1) 任何人除非已完成符合下述所有說明的培訓課程，否則不得簽署危險品運輸文件內的第 6(3)(b)條所提述的聲明 —

(a) 對其職能屬適當 ；

(b) 在附表第 II 部內為施行本段而指明的技術指令條文所描述 ；

(c) 已獲處長批准 ；及

(d) 由符合在附表第 II 部內為施行本段而指明的技術指令條文所列明的規定的教員提供
。”。

4. 收運載有已申報危險品的空運貨物 之貨運代理人員工的培訓要求

(1) 第 7A 條的標題現予修訂，廢除“**空運貨物**”而代以“**貨物**”。

(2) 第 7A(1)條現予廢除，代以 —

“(1) 貨運代理人的任何員工除非已完成符合下述所有說明的培訓課程，否則不得執行收運載有已申報危險品的貨物的職能 —

(a) 對其職能屬適當 ；

- (b) 在附表第 II 部內為施行本段而指明的技術指令條文所描述 ；
- (c) 已獲處長批准 ；及
- (d) 由符合在附表第 II 部內為施行本段而指明的技術指令條文所列明的規定的教員提供 。” 。

5. 修訂附表

(1) 附表第 I 部現予修訂，廢除“2005-2006”而代以“2007-2008”。

(2) 附表第 II 部現予修訂，在與對第 4(1)(e)條的提述相對之處，廢除“4.1.5.7.3”而代以“4.1.5.7.4”。

(3) 附表第 II 部現予修訂，廢除“第 7(1)條”而代以“第 7(1)(b)條”。

(4) 附表第 II 部現予修訂，加入 一

“第 7(1)(d)條 第 1 部第 4.3 章。”。

(5) 附表第 II 部現予修訂，廢除“第 7A(1)條”而代以“第 7A(1)(b)條”。

(6) 附表第 II 部現予修訂，加入 一

“第 7A(1)(d)條 第 1 部第 4.3 章。”。

行政會議秘書

行政會議廳

2007年 月 日

註釋

本規例修訂《危險品(航空托運)(安全)規例》(第 384 章，附屬法例 A)(“《主體規例》”)，以實施 2007-2008 年版《危險品安全空運技術指令》(“《技術指令》”)所引入的若干新規定。《技術指令》是按照國際民航組織理事會的決定而批准和發布的。

2. 本規例在《主體規例》中加入“供應品”、“郵件”及“貨物”等新定義，使該等詞語的意思與其在《技術指令》內的意思相符。

3. 本規例亦修訂《主體規例》第 7 及 7A 條，以規定簽署危險品運輸文件的人及收運載有已申報危險品的貨物之貨運代理人員工須完成符合下述說明的培訓課程 —

(a) 已獲民航處處長批准；及

(b) 由符合《技術指令》第 1 部第 4.3 章所列明的規定的教員提供。

4. 本規例進一步修訂《主體規例》的附表，以反映 —

(a) 引入《技術指令》新版本；

(b) 《技術指令》第 5 部的重新編號；及

(c) 第 3 段所提述的修訂。

《2007 年〈2006 年危險品(航空托運)(安全)(修訂)規例〉
(修訂)規例》

(由行政長官會同行政會議根據《危險品(航空托運)(安全)條例》
(第 384 章)第 3 條訂立)

1. 生效日期

本規例自 2008 年 1 月 1 日起實施。

2. 加入條文

《2006 年危險品(航空托運)(安全)(修訂)規例》(2006 年第 75 號法律公告)第 7 條現予修訂，廢除有待藉該條加入的新的第 7B(1)條而代以 —

“(1) 貨運代理人須確保他的每一名執行 —

- (a) 收運沒載有已申報危險品的貨物、郵件或供應品的職能；或
- (b) 搬運、裝載或貯存貨物、郵件或供應品的職能，

的員工均已完成符合下述所有說明的培訓課程 —

- (c) 對其職能屬適當 ；
- (d) 在附表第 II 部內為施行本段而指明的技術指令條文所描述 ；
- (e) 已獲處長批准 ；及

- (f) 由符合在附表第 II 部內為施行本段而指明的技術指令條文所列明的規定的教員提供
。”。

行政會議秘書

行政會議廳

2007 年 月 日

註釋

本規例修訂《2006 年危險品(航空托運)(安全)(修訂)規例》(2006 年第 75 號法律公告)(“《修訂規例》”),以實施 2007-2008 年版《危險品安全空運技術指令》(“《技術指令》”)所引入的若干新規定。《技術指令》是按照國際民航組織理事會的決定而批准和發布的。

2. 《修訂規例》第 7 條在《危險品(航空托運)(安全)規例》(第 384 章,附屬法例 A)中加入第 7B 條。新增的第 7B 條規定,執行下述職能的貨運代理人的員工 —

(a) 收運沒載有已申報危險品的空運貨物;或

(b) 搬運、裝載或貯存空運貨物,

須在執行該職能前完成適當的培訓課程。

3. 本規例修訂《修訂規例》第 7 條,因為根據《技術指令》,執行下述職能的貨運代理人的員工 —

(a) 收運沒載有已申報危險品的郵件或供應品；或

(b) 搬運、裝載或貯存郵件或供應品，

亦須在執行該職能前完成適當的培訓課程。

4. 本規例亦修訂《修訂規例》第 7 條，以規定第 3 段所提述的貨運代理人的員工須完成符合下述說明的培訓課程 —

(a) 已獲民航處處長批准；及

(b) 由符合《技術指令》第 1 部第 4.3 章所列明的規定的教員提供。

《2007 年〈2006 年危險品(航空托運)(安全)規例
(修訂附表)令〉(修訂)令》

(由民航處處長根據《危險品(航空托運)(安全)規例》
(第 384 章，附屬法例 A)第 9 條作出)

1. 生效日期

本命令自民航處處長以憲報公告指定的日期起實施。

2. 修訂附表

(1) 《2006 年危險品(航空托運)(安全)規例(修訂附表)令》
(2006 年第 76 號法律公告)第 2(7)條現予修訂，廢除“第 7B(1)條”而代
以“第 7B(1)(d)條”。

(2) 第 2 條現予修訂，加入 —

“(8) 附表第 II 部現予修訂，加入 —

“第 7B(1)(f)條 第 1 部第 4.3 章。”。

民航處處長

2007 年 月 日

註釋

本命令修訂《2006年危險品(航空托運)(安全)規例(修訂附表)令》(2006年第76號法律公告)(“《修訂令》”),以實施2007-2008年版《危險品安全空運技術指令》(“《技術指令》”)所引入的若干新規定。《技術指令》是按照國際民航組織理事會的決定而批准和發布的。

2. 該等新規定要求貨運代理人的員工須完成符合下述說明的培訓課程 —

(a) 已獲民航處處長批准 ; 及

(b) 由符合《技術指令》第1部第4.3章所列明的規定的教員提供 。

Chapter:	448C	AIR NAVIGATION (HONG KONG) ORDER 1995	Gazette Number	Version Date
Schedule:	16	THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS	L.N. 137 of 2006	01/11/2006

(本令沒有中文版本)

Article 44

1. Citation

These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations.

2. Interpretation

(1) In these Regulations:-

"appropriate authority" means any authority designated, or otherwise recognized by a State concerned to perform specific functions related to provisions contained in the Technical Instructions; (L.N. 179 of 1999)

"consignment" means one or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address receipted for in one lot and moving to one consignee at one destination address;

"dangerous goods" means any article or substance which-

(a) is capable of posing a risk to health, safety, property or the environment; and

(b) is-

(i) classified as dangerous goods according to Part 2 of the Technical Instructions; or

(ii) shown in the list of dangerous goods in Part 3 of the Technical Instructions; (L.N. 214 of 2003)

"dangerous goods transport document" means a document, not being an air waybill, which is required by Regulation 4 of these Regulations to accompany a consignment of dangerous goods;

"package" means the packaging and the articles and substances contained therein including one or more packages which have been consolidated by one shipper into one container or enclosure for convenience in handling;

"packing" means the art and operation whereby articles and substances are wrapped up, enclosed in containers or otherwise secured, and "packed" shall be construed accordingly;

"States concerned" has the same meaning as it has in Chapter 1.1.2 of Part 1 of the Technical Instructions; (L.N. 179 of 1999; L.N. 234 of 2001)

"Technical Instructions" means the 2005-2006 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organization; (L.N. 150 of 1997; L.N. 179 of 1999; L.N. 234 of 2001; L.N. 214 of 2003; L.N. 74 of 2006)

"unit load device" means any type of freight container including any container designed for loading on an aircraft.

(2) For the avoidance of doubt, any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of these Regulations be interpreted as applying also to the carriage of such goods beneath passenger or cargo aircraft respectively.

3. Carriage of dangerous goods

(1) An aircraft shall not carry or have loaded therein or suspended thereunder any dangerous goods, unless such goods are carried, loaded or suspended;

- (a) with the written permission of the Chief Executive and in accordance with any conditions to which such permission may be subject; and (36 of 1999 s. 3)
- (b) in accordance with the Technical Instructions and any conditions specified therein.

(2) A person shall not-

- (a) take or cause to be taken on board,
- (b) suspend or cause to be suspended beneath, or
- (c) deliver or cause to be delivered for loading on or suspension beneath (L.N. 179 of 1999)

an aircraft any goods which he knows or ought to know or suspect to be dangerous goods, unless the provisions of these Regulations are complied with. (L.N. 214 of 2003)

(3) These Regulations shall not apply to dangerous goods of a type specified in Chapter 1.1.3(a), 1.1.3(b), 1.1.3(d), 1.1.3(e), 1.1.3(f) or 2.2 of Part 1 or Chapter 1.1.2 of Part 8 of the Technical Instructions which are carried, loaded or suspended in accordance with the provisions of such Chapters, and which are- (L.N. 179 of 1999; L.N. 234 of 2001)

- (a) articles and equipment which are required to be carried on an aircraft by or under the Order or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with normal practice whether or not, in either case, such articles and equipment are required to be carried or intended to be used on that particular flight;
- (b) solely intended for the use of passengers or crew members or for sale to the passengers or crew members of the aircraft during the flight in question;
- (c) to provide during the flight veterinary aid or a humane killer for an animal; (L.N. 179 of 1999)
- (d) placed on board with the approval of the operator of an aircraft to provide during the flight medical aid to a patient; (L.N. 214 of 2003)
- (e) to provide, during flight, aid in connection with search and rescue operations; (L.N. 179 of 1999; L.N. 234 of 2001)
- (ea) required for the airworthiness, safe operation or propulsion of the aircraft or the operation of its specialized equipment during flight; or (L.N. 234 of 2001)
- (f) vehicles which are carried in aircraft designed or modified for vehicle ferry operations: (L.N. 179 of 1999)

Provided that goods specified in sub-paragraph (c), (d), (e) or (ea) shall only be carried if- (L.N. 179 of 1999; L.N. 234 of 2001)

- (i) they are or may be required for use during the flight;
- (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods on the aircraft in the intervening period before the commencement of that subsequent flight; or
- (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight: (L.N. 179 of 1999)

Provided that goods specified in sub-paragraph (f) shall only be carried if all the following requirements are met-

- (i) authorizations have been given by the appropriate authorities of the States concerned, and the appropriate authorities of the States concerned have prescribed specific terms and conditions for the particular operator's operation;
- (ii) vehicles are secured in an upright position;
- (iii) fuel tanks are so filled as to prevent spillage of fuel during loading, unloading and transit; and
- (iv) adequate ventilation rates are maintained in the aircraft compartment in which the vehicle is carried. (L.N. 234 of 2001)

(4) Save for Regulations 3(1)(a), 7(1) but only to the extent that it refers to the provisions in Chapter 2.1 of Part 7 of the Technical Instructions and 7(2) and 8(3) of these Regulations, these Regulations shall not apply to dangerous goods of the classifications specified in Chapter 2.4 of Part 1 of the Technical Instructions provided that: (L.N. 234 of 2001)

- (a) the dangerous goods do not exceed the appropriate quantity limitations specified therein; and
- (b) such other conditions as are specified therein are complied with.

4. Documentation

(1) An aircraft shall not carry dangerous goods as cargo unless the shipper of the goods has furnished the operator of the aircraft with a dangerous goods transport document, except that such a document shall not be required in respect of such categories of dangerous goods as may be specified in the Technical Instructions as being goods in respect of which a dangerous goods transport document is not required.

(2)-(3) (Repealed L.N. 234 of 2001)

(4) The operator of an aircraft shall preserve for not less than six months any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him in accordance with this Regulation.

5. (Repealed L.N. 234 of 2001)

6. Operator's responsibilities

(1) The operator of an aircraft in which any package or unit load device containing dangerous goods is to be carried shall satisfy himself by making an inspection:

- (a) that the package is marked and labelled in accordance with the provisions of these Regulations, such provisions of Part 4 and Chapters 2 and 4 of Part 3 as relate to marking and labelling, and Chapters 1.5, 1.6, 1.7, 2 and 3 of Part 5 of the Technical Instructions before accepting the package; (L.N. 150 of 1997; L.N. 234 of 2001; L.N. 74 of 2006)
 - (b) that the package is not leaking or damaged so that the contents may escape-
 - (i) before accepting the package;
 - (ii) before loading or causing the package to be loaded on board the aircraft or before suspending or causing the package to be suspended beneath the aircraft, as the case may be;
 - (iii) upon loading the package from or from beneath the aircraft;
 - (c) that the unit load device is free from any evidence of leakage from or damage to any dangerous goods contained therein before loading or causing the unit load device to be loaded on board the aircraft or before suspending or causing the unit load device to be suspended beneath the aircraft, as the case may be.
- (2) (a) For the purpose of each of the inspections required by paragraph (1)(a) and (1)(b)(i) of this Regulation, an acceptance check list shall be used and the results of that inspection shall be recorded in accordance with the form thereof.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to and completion of that list.
- (c) The operator of an aircraft shall preserve for not less than six months a record of any acceptance check list completed in accordance with this Regulation. The record shall be in a legible or a non-legible form so long as the recording is capable of being reproduced in legible form.

(3) The operator shall not load or cause to be loaded on an aircraft or suspend or cause to be suspended beneath an aircraft any package or unit load device containing dangerous goods which on inspection is found to be leaking or damaged so that the contents or the dangerous goods therein may escape or be damaged.

(4) The operator shall unload or cause to be unloaded any package containing dangerous goods which appears to be leaking or damaged on board or beneath an aircraft and shall ensure other cargo or baggage loaded or suspended beneath that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator shall after unloading inspect for signs of damage or contamination in any part of the aircraft, or any sling or other apparatus which has been used to suspend goods beneath the aircraft, in which:

- (a) a unit load device containing dangerous goods was stowed, or
- (b) any damaged or leaking package containing dangerous goods was loaded,

and the operator shall remove or repair any contamination or damage.

(6) The operator of an aircraft shall not permit it to fly for the purpose of carrying passengers or cargo if he knows or suspects radioactive materials to have leaked in or contaminated the aircraft or any sling or other apparatus attached to the aircraft unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in Chapter 3.2 of Part 7 of the Technical Instructions. (L.N. 234 of 2001)

7. Method of loading by operator

(1) The operator shall ensure that any package containing dangerous goods is loaded, stowed and unloaded from or from beneath an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions which apply to that category of dangerous goods.

(2) An aircraft shall not carry any dangerous goods either in any compartment occupied by passengers or in the flight crew compartment, except in circumstances permitted by the provisions of Chapter 2.1 of Part 7 of the Technical Instructions.

(L.N. 234 of 2001)

8. Provisions of information and training programmes by operators

(1) The operator of an aircraft in which dangerous goods are to be carried shall-

- (a) as early as practicable before departure of the aircraft, provide the commander of the aircraft with accurate and legible written or printed information in respect of the dangerous goods in accordance with the provisions of Chapters 4.1.1, 4.1.2, 4.1.4, 4.1.7 and 4.1.8 of Part 7 of the Technical Instructions;
- (b) ensure that the information is readily available to the commander during the flight; and
- (c) preserve a copy of the information for not less than six months. (L.N. 214 of 2003)

(1A) The commander shall indicate on a copy of the information provided to him under paragraph (1)(a), or in some other way, that he has received the information. (L.N. 214 of 2003)

(1B) The operator shall ensure that-

- (a) a legible copy of the information which has an indication on it, or with it, that the commander has received the information is retained on the ground; and
- (b) the copy, or the information contained in it, is readily accessible to the aerodromes of last departure and next scheduled arrival point until after the flight to which the information refers. (L.N. 214 of 2003)

(2) The operator of an aerodrome and the operator of an aircraft in which passengers are to be carried shall ensure that passengers of the aircraft are provided with information, in accordance with paragraph (2A), as to which categories of dangerous goods may not be taken on board the aircraft (whether as checked baggage or baggage accompanying passengers). (L.N. 74 of 2006)

(2A) The information shall-

- (a) be provided, sufficient in prominence for the purposes of paragraph (2), in or with the tickets issued to passengers of the aircraft; and
- (b) be provided in notices, sufficient in number and prominence for the purposes of

paragraph (2), displayed 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. (L.N. 74 of 2006)

(3) The operator of an aircraft and his agent shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for this purpose shall establish and undertake training programmes, as required by Chapter 4 of Part 1 of the Technical Instructions, which shall be submitted to the Chief Executive for approval on such occasions as the Chief Executive may require and which shall be amended as the Chief Executive may require. (36 of 1999 s. 3; L.N. 234 of 2001)

9. Production of documents and records

The operator of an aircraft shall, within a reasonable time after being requested so to do by an authorized person, cause to be produced to that person such of the following documents as may have been requested by that person-

- (a) the written permission referred to in Regulation 3(1) of these Regulations;
- (b) the dangerous goods transport document or other document in respect of any dangerous goods referred to in Regulation 4 of these Regulations;
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in Regulation 6(2) of these Regulations;
- (d) a copy of the written or printed information provided to the commander of the aircraft in respect of any dangerous goods, referred to in Regulation 8(1) of these Regulations. (L.N. 214 of 2003)

10. Dropping articles for agricultural, horticultural, forestry or pollution control purposes

Subject to the provisions of Regulation 3(1)(a) of these Regulations, nothing in these Regulations shall apply to any aircraft flying in order to drop articles for the purpose of agriculture, horticulture, forestry or pollution control.

章：	384A	危險品(航空托運)(安全)規例	憲報編號	版本日期
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條：	2	釋義	L.N. 135 of 2006	01/11/2006
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在本規例中，除文意另有所指外—

“已申報危險品” (declared dangerous goods) 指附有第6(1)條規定的文件的危險品；
(2006年第75號法律公告)

“付運人” (shipper) 指提供危險品以予空運的人，但貨運代理人除外； (2006年第75號法律公告)

“托運人” (consignor) 指以空運方式托運危險品的人；

“技術指令” (Technical Instructions) 指附表第I部所指明的技術指令版本；

“貨運代理人” (freight forwarder) 指提供安排貨品空運服務的人； (2006年第75號法律公告)

“經營人” (operator) 指飛機的經營人。

條：	7	簽署運輸文件的人須經培訓	L.N. 135 of 2006	01/11/2006
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(1) 任何人除非已完成附表第II部內為施行本款而指明的技術指令條文所述的對其職能屬適當的培訓，否則不得在危險品運輸文件上簽署第6(3)(b)條所提述的聲明。 (2006年第75號法律公告)

(2) 凡第(1)款遭違反，則填寫文件的付運人及代其簽署聲明的人均屬犯罪，可各處罰款\$20000及監禁6個月。

條：	7A	收運載有已申報危險品的空運貨物之貨運代理人員工的培訓要求	L.N. 135 of 2006	01/11/2006
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(1) 貨運代理人的任何員工除非已完成附表第II部內為施行本款而指明的技術指令條文所述的對收運載有已申報危險品的空運貨物的職能屬適當的培訓，否則不得執行該職能。

(2) 凡第(1)款遭違反，有關的貨運代理人及員工均屬犯罪，可各處罰款\$20000及監禁6個月。

(2006年第75號法律公告)

條：	7B	貨運代理人員工的其他培訓要求		
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附註：
尚未實施

- (1) 貨運代理人須確保他的每一位執行以下職能的員工—
- (a) 收運沒載有已申報危險品的空運貨物；或
 - (b) 搬運、裝載或貯存空運貨物，
- 已完成附表第II部內為施行本款而指明的技術指令條文所述的對該職能屬適當的培訓。
- (2) 貨運代理人沒有遵守第(1)款，即屬犯罪，可處罰款\$20000及監禁6個月。
(2006年第75號法律公告)

附表：		附表	L.N. 136 of 2006	01/11/2006
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[第2、4、5、6、
7及7A條]
(2006年第76號法律公告)

第I部
技術指令的指明版本

2005-2006年版

(2006年第76號法律公告)

第II部
指明的技術指令條文

本規例條文	為施行該條文而指明的技術指令條文
第4(1)(a)條	第1部第2.1章。
第4(1)(b)條	第1部第2.4章，以及第2、3及4部。
第4(1)(c)條	第1部第2.4章，第3部第4章，以及第4及6部。
第4(1)(d)條	第1部第2.4章，第3部第2及4章，以及第5部第1.5、1.6、1.7、2及3章。
第4(1)(e)條	第1部第2.4.7章，第2部第7.9章，第4部，以及第5部第1.1((e)至(k)段)、1.2、1.5、1.6、1.7、4.1.5.7.3、4.2及4.3章。
第4(2)(b)條	第1部第1.1.3及2.2章，以及第8部第1章。
第5(1)條	第6部。
第6(3)(a)條	第5部第4.1章。
第6(3)(b)條	第5部第4.1.6.1及4.1.6.2章。
第7(1)條	第1部第4.2章。
第7A(1)條	第1部第4.2章。

2006 年第 76 號法律公告

《2006 年危險品 (航空托運) (安全) 規例
(修訂附表) 令》

(由民航處處長根據《危險品 (航空托運) (安全) 規例》
(第 384 章，附屬法例 A) 第 9 條作出)

1. 生效日期

本命令自民航處處長以憲報公告指定的日期起實施。

2. 修訂附表

(1) 《危險品 (航空托運) (安全) 規例》(第 384 章，附屬法例 A) 的附表現予修訂，在開首處的方括號內，廢除“及 7”而代以“、 7 及 7A”。

(2) 經第 (1) 款修訂的附表現予修訂，在開首處的方括號內，廢除“及 7A”而代以“、 7A 及 7B”。

(3) 附表第 I 部現予修訂，廢除“2003–2004”而代以“2005–2006”。

(4) 附表第 II 部現予修訂，在與對第 4(1)(d) 條的提述相對之處，廢除“1.6、1.7、1.8、”而代以“1.5、1.6、1.7、”。

(5) 附表第 II 部現予修訂，在與對第 4(1)(e) 條的提述相對之處，廢除“((d) 至 (j) 段)、1.2、1.3、1.6、1.7、1.8、4.1.5.7.3、4.3 及 4.4 章。”而代以“((e) 至 (k) 段)、1.2、1.5、1.6、1.7、4.1.5.7.3、4.2 及 4.3 章。”。

(6) 附表第 II 部現予修訂，加入——
“第 7A(1) 條 第 1 部第 4.2 章。”。

(7) 附表第 II 部現予修訂，加入——
“第 7B(1) 條 第 1 部第 4.2 章。”。

民航處處長
羅崇文

2006 年 4 月 25 日

註 釋

本命令修訂《危險品(航空托運)(安全)規例》(第 384 章，附屬法例 A) 的附表，以實施按照國際民航組織理事會所作的決定而批准和發布的 2005-2006 年版《危險品安全空運技術指令》所引入的若干新規定。該等新規定關乎對若干危險品加上標記及標籤、若干危險品的包裝用品及文件安排，以及對貨運代理人的員工的培訓要求。