

**L.N. 195 of 2007****AIR NAVIGATION (HONG KONG) ORDER 1995 (AMENDMENT OF SCHEDULE 16) ORDER 2007**

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

**1. Commencement**

This Order shall come into operation on 1 January 2008.

**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 “2005–2006” and substituting “2007–2008”.

(2) Regulation 3(3) of Schedule 16 is repealed and the following substituted—

“(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) Regulation 8(2) of Schedule 16 is amended by adding "or his handling agent" after "to be carried".

(4) Regulation 8(2A) of Schedule 16 is repealed and the following substituted—

"(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) Regulation 8 of Schedule 16 is amended by adding—

"(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) Regulation 8(3) of Schedule 16 is repealed and the following substituted—

“(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) Regulation 10 of Schedule 16 is repealed.

LAM Chik-ting, Tony  
Clerk to the Executive Council

COUNCIL CHAMBER  
16 October 2007

### **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 new requirements introduced by the 2007–2008 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by a decision of the Council of the International Civil Aviation Organization.

2. The new requirements clarify—
- (a) the types of dangerous goods that may be carried on an aircraft;
  - (b) the conditions on which such dangerous goods may be carried on an aircraft;
  - (c) the obligations of the aerodrome operators, aircraft operators and handling agents of aircraft operators with respect to—
    - (i) the obtaining of information from passengers of aircraft; and
    - (ii) the provision of information to passengers of aircraft and staff of aircraft operators; and
  - (d) the obligations of the aircraft operators, their handling agents and security agents with respect to the establishment and undertaking of certain training programmes for their respective employees.