

**立法會**  
**Legislative Council**

LC Paper No. LS15/13-14

**Paper for the House Committee Meeting  
on 22 November 2013**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 15 November 2013**

**Tabling in LegCo** : Council meeting of 20 November 2013

**Amendment to be made by** : Council meeting of 18 December 2013 (or that of 8 January 2014 if extended by resolution)

**Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013** (L.N. 182)

**Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013** (L.N. 183)

The International Civil Aviation Organization (ICAO) promulgates under the Convention on International Civil Aviation (the Chicago Convention) a set of requirements for carriage of dangerous goods by air. These requirements regulate matters such as the classification, packing, marking, labelling and loading of dangerous goods 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 Goods by Air (TI). The TI is given effect locally through two pieces of subsidiary legislation -

- (a) the Air Navigation (Dangerous Goods) Regulations (the AN Regulations) provided in Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448C); and
- (b) the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384A) (the DG Regulations).

2. The AN Regulations generally regulate the transportation of dangerous goods by operators of aircrafts and aerodromes whereas the DG Regulations regulate the shippers and freight forwarders in the proper handling of dangerous goods before offering them for air transport.

L.N. 182

3. L.N. 182 is made under section 2A of the Civil Aviation Ordinance (Cap. 448) by the Chief Executive in Council to amend Schedule 16 to Cap. 448C to give effect to amendments introduced by the 2013-2014 edition of the TI published by ICAO. The amendments made by L.N. 182 include -

- (a) specifying the time before which the operator of an aircraft has to provide the commander of the aircraft with the required information of the dangerous goods to be carried by the aircraft;
- (b) requiring the operator to -
  - (i) also provide the information to the ground personnel for flight operations responsible for the operational control of the aircraft; and
  - (ii) ensure that a copy of it (on or with which there is an indication that it has been received by the commander), or the information contained in the copy, is readily accessible to the ground personnel for flight operations until after the landing of the aircraft at the aerodrome of intended destination;
- (c) requiring the operator to preserve a copy of -
  - (i) the dangerous goods transport document and any other document; and
  - (ii) any acceptance check list,

in respect of any dangerous goods not accepted by the operator for not less than 6 months; and
- (d) requiring the operator to ensure that when any dangerous goods are carried or loaded for carriage by, or suspended from, a helicopter, certain matters are taken into consideration in relation to the helicopter and the goods.

L.N. 183

4. L.N. 183 is made under regulation 9 of the DG Regulations by the Director-General of Civil Aviation to amend the Schedule to the DG Regulations to give effect to amendments introduced by the 2013-2014 edition of the TI published by ICAO.

5. The amendments made by L.N. 183 are to update the applicable edition of the TI and the list of provisions of the TI that is specified in the Schedule for the purposes of regulation 4(1)(b), (c), (d) and (e) and (2)(b) of the DG Regulations.

6. The Clerk to the Panel on Economic Development has advised that at the meeting on 24 June 2013, the Panel was consulted on the proposals to amend two sets of subsidiary legislation, namely the AN Regulations as Schedule 16 to Cap. 448C and the DG Regulations, to give effect to the latest standards promulgated by ICAO for the safe transport of dangerous goods by air. Members raised no concern about the proposed amendments except enquiries in respect of matters such as the present classification of certain dangerous goods and practices of airlines in handling dangerous goods on passenger airplanes. The Panel in general supported the Administration's legislative proposals.

7. Members may refer to the LegCo Brief (File Ref: THB CR 1/15/951/49) issued by the Transport and Housing Bureau on 13 November 2013 for background information about L.N. 182 and L.N. 183.

8. L.N. 182 and L.N. 183 come into operation on a day to be appointed by the Director-General of Civil Aviation by notice published in the Gazette. The Administration has indicated in paragraph 6 of the LegCo Brief that the target commencement date is 1 January 2014.

### **Statutes of the University of Hong Kong (Amendment) Statute 2013 (L.N. 184)**

9. L.N. 184 is made by the Chancellor of the University of Hong Kong (HKU) under section 13(2) of the University of Hong Kong Ordinance (Cap. 1053) on the recommendation of the Court of HKU. It amends the Statutes of the University of Hong Kong in the Schedule to Cap. 1053 -

- (a) to add certain degrees and academic distinctions, which may be conferred and awarded by HKU; and
- (b) to change, and to provide for the specification of disciplines of studies in, the titles of certain degrees and academic distinctions.

10. The Clerk to the Panel on Education has advised that the Panel has not been consulted on L.N. 184.

11. Members may refer to the LegCo Brief (no file reference) issued by HKU in November 2013 for background information.

12. L.N. 184 comes into operation on 10 January 2014.

## **Concluding Observations**

13. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

TSO Chi-yuen, Timothy  
Assistant Legal Adviser  
Legislative Council Secretariat  
18 November 2013

LS/S/6/13-14