

Regulated Agents Operations Matters

Q1:

Are the requirements on training and background check of the Regulated Agent Regime applicable to all staff members of a Regulated Agent?

A1:

The requirements on training and background check are applicable only to the staff members (including those of the RA and its contractors) with access to consignment designated as air cargo and/or related shipping documents.

[\[Regulated Agent Security Programme \(RASP\)/ Part II/ Section 11\]](#)

Q2:

When cargo consignment is co-loaded between two Regulated Agents, with which Regulated Agent a warehouse contractor shall sign a Warehouse Contractor Declaration?

A2:

After receiving cargo consignment from a tendering Regulated Agent, the receiving Regulated Agent may arrange for cargo consignment to be stored in its warehouse contractor's premises. Under the circumstances, the warehouse contractor is a contractor of the receiving Regulated Agent, rather than the tendering Regulated Agent. Therefore, the warehouse contractor shall have signed a Warehouse Contractor Declaration with the receiving Regulated Agent, but not the tendering Regulated Agent.

Q3:

What should be annotated on the co-loading documents when a Regulated Agent co-loads a consignment with another Regulated Agent?

A3:

If the consignment concerned is an unknown cargo (UNK cargo), the tendering Regulated Agent **only** needs to **annotate its RA code** on the co-loading documents. If the consignment concerned is a known cargo (SPX cargo) (i.e. consignment originated from a known consignor validated by the CAD or consignment which has been security screened), the tendering RA should **annotate both its RA code and the security status "SPX"** on the co-loading documents.

[\[Handling Procedures of RAR/ Part A/ Paragraph 3.1\]](#)

Q4:

Which box should a Regulated Agent tick when completing Section II of the Form of Undertaking for Inter-RA AWB Handling (FoU)?

A4:

The Regulated Agent should tick the appropriate box with reference to the status of the cargo at the time when it is tendered to a cargo terminal operator (CTO). If the consignment concerned is tendered to a CTO as known cargo (SPX cargo) (i.e. consignment originated from a known consignor validated by the CAD or consignment which has been security screened), the first box “known cargo” should be ticked. If the consignment concerned is not originated from a known consignor validated by the CAD or security screened prior to being tendered to a CTO, it should be tendered as unknown cargo. The second box “unknown cargo” should be ticked.

[\[Handling Procedures of RAR/ Part A/ Paragraph 3.2\]](#)

Q5:

Does my company need to maintain a Regulated Agent status if my company does not involve in handling SPX cargo anymore?

A5:

Under the Regulated Agent Regime, only the entities handling SPX Cargo (i.e. consignment originated from a known consignor validated by the CAD or consignment which has been security screened) are required to be Regulated Agents in order to annotate the security status “SPX” of the consignment in applicable shipping document and ensure the “SPX” status along the cargo supply chain. For RA only involving in handling unknown cargo (i.e. consignment not yet subjected to screening), they are not required to register as a Regulated Agent. If this entity chooses to maintain its RA status, it is required to maintain compliance with all RAR requirements.

Q6:

Are training required for my contractors?

A6:

All staff members of RA and their contractors with access to consignment designated as air cargo and/or related shipping documents shall be required to complete both initial and recurrent security awareness training to understand the principles of the air cargo security regime in Hong Kong (including Regulated Agent Regime (RAR)) and requirements for RA.

Q7:

Who is qualified to be the personnel conducting the Internal Security Awareness Training?

A7:

Internal Security Awareness Training shall be conducted by one of the RA's Nominated Persons or other trainers stipulated in RASP/ Part II/ Section 5(b). Other trainer should also hold a valid RAR Training Certificates after the completion of an RAR training programme and/or has successfully passed the Revalidation Test.

[\[Regulated Agent Security Programme \(RASP\)/ Part II/ Section 5\]](#)

Security Screening

Q8:

Which party should be responsible for arranging for the security screening of air cargo, maintaining and submitting relevant screening records of an air cargo consignment?

A8:

The RA which is the first entity to receive the consignment along the cargo supply chain shall arrange to conduct security screening for the consignments, which had been recorded on valid Master Air Waybills with flight numbers assigned for carriage onboard commercial aircraft. The RA mentioned should maintain the security screening record and submit it to CAD for inspection when requested.

Q9:

What documents are accepted by the CAD as proof of screening?

A9:

Security screening receipts issued by Regulated Air Cargo Screening Facilities (RACSFs) or Reception Checklists (RCLs) issued by CTOs can be regarded as proof of screening. RA should ensure that the security screening receipts provided by the RACSF observe the requirements stipulated at RACSF Security Programme/ Part II/ Section 8.3(e). The CAD also accepts security screening log of RACSF as proof of screening of self-screened air cargo if the RACSF is also an RA. For security screening arranged after cargo acceptance at CTO, RA should liaise with the respective airline or CTO for the proof of screening on these consignments.

[\[Regulated Air Cargo Screening Facilities \(RASP\)/ Part II/ Section 8.3\]](#)

Secure Transportation (ST)

Q10:

What were the enhanced transportation security requirements implemented after 1 Jan 2020?

A10:

Enhanced transportation security requirements have been announced in December 2019 to tie in with International Civil Aviation Organisation's (ICAO) Policy Direction on Air Cargo Security. RAs and RACSFs are required to arrange for the application of Secure Transportation (ST) means to protect known cargo against unlawful interference.

For details on transportation security, the list of methodologies of secure transportation (ST) that are accepted in principle, and the assessment process on new methodologies proposed, please refer to the following section of CAD website:

https://www.cad.gov.hk/english/icao2021_ts.html

Q11:

Can secure transportation (ST) of screened cargo from RACSF to CTO be performed by RA?

A11:

After the conduct of cargo screening at the RACSF, the RACSF operator may either (i) apply ST means and directly deliver the screened cargo to a CTO at airport; or (ii) apply ST means and pass back the custody of the screened cargo to the RA for delivery to a CTO at airport. The choice between the options (i) and (ii) above is a business arrangement to be agreed between the RACSF operator and the RA involved.

If an RA would receive cargo screened at RACSFs or tendered by validated KCs for transport to CTOs, ST means accepted by CAD shall be applied to protect such cargo during transportation. The standard of ST means to be applied shall not be lower than that applied by RACSFs or KCs. RAs shall ensure that their staff members or transportation contractor(s) are familiar with these requirements and methodologies.

Further details are provided in the Handling Procedures for RAR downloadable at:

<https://www.cad.gov.hk/english/newrarform.html>

Q12:

It is noted that the Secure Transportation (ST) means accepted in principle include – “Box trucks equipped with numbered tamper-evident seals and locks” and “ULD container with metal door and equipped with numbered tamper-evident seals and locks”. Is it a must to apply padlock(s) if my seal(s) can lock the door securely without allowing anyone to tamper the cargo?

A12:

Application of a padlock would not be necessary if the numbered tamper-evident seal(s) are strong enough to serve also the function of a lock, to adequately protect and secure the known cargo.