



香港特別行政區政府

民航處

Civil Aviation Department

The Government of the Hong Kong Special Administrative Region

Dangerous Goods Advisory Circular DGAC 1/2019

Permission to carry Dangerous Goods and Munitions of War by Air

Recently, this Department (“the CAD”) noted that an aircraft operator had carried shipments of Section II of PI967 / PI970 lithium batteries from Hong Kong without the permission of the Director-General of Civil Aviation (“DGCA”) to carry dangerous goods by air. According to the International Civil Aviation Organisation’s Technical Instructions for the Safe Transport of Dangerous Goods by Air, shipments of Section II of PI965 to PI970 lithium batteries are classified as dangerous goods, and they shall only be carried by an aircraft operator who holds a valid permission issued by the DGCA in accordance with Regulation 3(1) of Schedule 16 to the Air Navigation (Hong Kong) Order 1995 [AN(HK)O, Cap. 448C of the Laws of Hong Kong]. This occurrence is being investigated by the CAD.

2. Separately, according to Article 43 of the AN(HK)O, an aircraft shall not carry any Munitions of War (“MUW”) unless such MUW is carried with the written permission of the DGCA and in accordance with any conditions relating thereto.

Exercise Vigilance and Ensure Compliance

3. The CAD takes the above occurrence seriously and hereby reminds aircraft operators and their ground handling agents of the need to exercise vigilance and to ensure that the necessary permissions are in place before accepting any consignments involving dangerous goods and MUW for air carriage to/from Hong Kong. The relevant provisions of the AN(HK)O are extracted in Appendix I for easy reference. The full version of the AN(HK)O can be downloaded from the Hong Kong e-Legislation website at <https://www.elegislation.gov.hk/>.

4. Contravention of the provisions of the AN(HK)O is subject to prosecution.

Application Procedures and List of Permission Holders

5. The application procedures for the permission for air carriage of dangerous goods and MUW can be found in the relevant Aeronautical Information Circulars (AICs) issued by the CAD at <https://www.ais.gov.hk/#AIC1>.
6. The list of aircraft operators holding permission for carriage of dangerous goods can be found at <https://www.cad.gov.hk/english/pdf/dgpermissionlist.pdf>.
7. The list of aircraft operators holding permission for carriage of MUW can be found at <https://www.cad.gov.hk/english/pdf/MUW%20Permission%20List.pdf>.
8. Should there be any query regarding this circular, please contact the Dangerous Goods Office at 2910 6856 or 2910 6857.

– END –

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An electronic version of this circular can be downloaded at
<http://www.cad.gov.hk/english/DGAC.html>

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Section 3

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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— (*L.N. 193 of 2009*)
 - (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; L.N. 140 of 2011*)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) Subject to Regulation 8A of these Regulations, these Regulations shall not apply to dangerous goods carried on an aircraft where the dangerous goods are— (*L.N. 193 of 2009*)
 - (a) articles and equipment which are—
 - (i) required to be carried on the aircraft by or under this Order; or

that that person is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1) of this Article. The certificate may be granted subject to such conditions as the Chief Executive thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere, and shall, subject to the provisions of Article 62 of this Order, remain in force for the period specified in the certificate.

- (3) Every applicant for and the holder of an aerial application certificate shall make available to the Chief Executive upon application and to every member of his operating staff upon the certificate being granted an aerial application manual which shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such. The holder of a certificate shall make such amendments of or additions to the manual as the Chief Executive may require.
- (4) For the purposes of this Article “operating staff” has the meaning ascribed to it in Article 25(4) of this Order.

(36 of 1999 s. 3)

43. Carriage of weapons and of munitions of war

- (1) An aircraft shall not carry any munition of war unless:
 - (a) such munition of war is carried with the written permission of the Chief Executive and in accordance with any conditions relating thereto; and

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- (b) the pilot in command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Chief Executive. *(36 of 1999 s. 3; L.N. 77 of 2008)*
- (2) Notwithstanding paragraph (1) of this Article it shall be unlawful for an aircraft to carry any weapon or munition of war in any compartment or apparatus to which passengers have access.
- (3) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any weapon or munition of war unless—
 - (a) the weapon or munition of war:
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in case of a firearm, is unloaded;
 - (b) particulars of the weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
 - (c) without prejudice to paragraph (1) of this Article the operator consents to the carriage of such weapon or munition of war by the aircraft.
- (4) Nothing in this Article shall apply to any weapon or munition of war taken or carried on board an aircraft registered outside Hong Kong, if the weapon or munition of war, as the case

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may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board. (*L.N. 77 of 2008*)

- (5) For the purposes of this Article a “munition of war” means any weapon, ammunition or article containing an explosive or any noxious liquid, gas or other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article.

44. Carriage of dangerous goods

(Adaptation amendments retroactively made - see 36 of 1999 s. 3)

- (1) It shall be an offence to contravene or permit the contravention of or fail to comply with any of the regulations set out in Schedule 16 to this Order:

Provided that the Chief Executive may make regulations which supplement, amend or replace the regulations set out in the said Schedule 16, and which prescribe— (*36 of 1999 s. 3*)

- (a) the classification of certain articles and substances as dangerous goods;
- (b) the categories of dangerous goods which an aircraft may not carry;
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the