

Carriage of Dangerous Goods by Air Prosecution Case Sharing



Civil Aviation Department
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1. Summary of Prosecution Cases Concluded in 2025

With some prosecution cases related to breach of **Dangerous Goods (Consignment by Air)(Safety) Regulations (Cap. 384A)*** concluded in 2025, **eight freight forwarding companies either pleaded guilty or were convicted of breaching Cap. 384A**, and were fined by court accordingly.

Nature of offence included **non-compliance** with the **classification, packing, marking and labelling, documentation, declaration** for dangerous goods and **training** requirements in accordance with the Technical Instructions for the Safe Transport of Dangerous Goods by Air (TI) published by ICAO as stipulated in Cap. 384A.

**Note:*

Cap. 384A Dangerous Goods (Consignment by Air) (Safety) Regulations: <https://www.elegislation.gov.hk/hk/cap384A>

2. Consolidated Prosecution Case Sharing

A. Non-compliance with the requirements for classification, packing, marking and labelling, documentation, declaration for dangerous goods

Background of the Cases

- Consignment declared as “Lithium ion batteries in compliance with section II of PI967” / described as “phone case flashlight plug essential oil not restricted lithium ion batteries in compliance with Section II of PI967”
- Articles suspected to be **DG other than declared** were **found during open box inspections at Cargo Terminal**
- Packaging **without** any markings indicating the **UN specification packaging level**
- **Missing marks and labels** related to the declared / undeclared / mis-declared DG

Investigation Findings

- Consignment consisted of **undeclared & mis-declared DG**
- Including **Division 4.1 DG “UN1944 Matches, safety” / Class 9 DG “UN3481 Lithium ion batteries packed with equipment” / Class 9 DG “UN3480 Lithium ion batteries”**
- Did not respectively follow PI455 / PI966 / PI965 for air carriage

2. Consolidated Prosecution Case Sharing

A. Non-compliance with the requirements for classification, packing, marking and labelling, documentation, declaration for dangerous goods

Defendants' Roles and Non-compliance Behaviour

2 defendants:

- Responsible for physical handling of the cargo & transport documents

3 defendants:

- Responsible for securing cargo space from airlines for another freight forwarding company
- No physical cargo handling

1 defendant:

- Responsible for preparing transport documents
- No physical cargo handling

➤ **All defendants did not comply with Regulation 4(1)(b), (c), (d), (e) and (g) of Cap. 384A for classifying, packing, marking and labelling, documentation and declaring the dangerous goods in the consignment in accordance with the requirements of ICAO TI.**

Verdicts

- All defendants were fined by the Court.



2. Consolidated Prosecution Case Sharing

B. Non-compliance with the training requirements

Background of the Cases

- AWB/manifest indicated the consignments as general cargo / not containing battery
- **Undeclared DG** were found at the **transit stop / destination**
- Including **Class 3 DG “UN3528 Machinery, Internal Combustion, Flammable Liquid Powered” / Class 9 DG “UN3480 Lithium ion batteries”**
- Consigned respectively by two freight forwarding companies in Hong Kong (i.e. the defendants)

Investigation Findings and Defendant’s Non-compliance Behaviour

- The staff concerned **did not possess any valid DG training certificates** when handling the subject consignments
- **The defendants did not comply with Regulation 7B(1) of Cap. 384A for ensuring its staff had completed training programmes in accordance with the requirements of ICAO TI.**



Verdicts

- Both defendants were fined by the Court.

3. Responsibilities of Shippers and Freight Forwarders

Shippers and freight forwarders, must ensure all dangerous goods are **properly classified, packed, marked, labelled and documented** in accordance with the requirements of **ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air** before they are offered for **air transportation**.

Shippers and freight forwarders shall also ensure that their staff, whether they are in-house or sub-contracted office or warehouse staff, have **completed DG training programmes that are appropriate to their functions and approved by the CAD**, prior to carrying out relevant job functions and responsibilities.