

## Civil Aviation Department

### The Government of the Hong Kong Special Administrative Region

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#### **Implementation of Enhanced Control, Surveillance and Inspection Measures for Safe Transport of Dangerous Goods by Air**

#### **Frequently Asked Questions (FAQ)**

##### **Introduction**

The Civil Aviation Department (“CAD”) has promulgated vide the Dangerous Goods Advisory Circular DGAC 3/2018, a new scheme (“the Scheme”) to implement a series of enhanced control, surveillance and inspection measures for the safe transport of dangerous goods (“DG”) by air. DGAC 3/2018 can be obtained from the CAD website <http://www.cad.gov.hk/english/DGAC.html>. With the support from the air cargo industry, the CAD has prepared a list of frequently asked questions related to the Scheme which are provided below.

##### **Frequently Asked Questions**

**1. When will the Scheme on the enhanced control, surveillance and inspection measures for the safe transport of dangerous goods by air become effective?**

The Scheme will become effective as from 1 October 2018.

**2. To whom the Scheme will be applicable?**

The Scheme will be applicable to the shippers and freight forwarders, who have been involved in DG occurrences whereby undeclared or mis-declared DG was found in their cargo consignment, as specified below :-

- (i) the shipper ("**subject shipper**") who tendered the consignment concerned to freight forwarder or airline for air carriage from Hong Kong;
- (ii) the freight forwarder ("**subject freight forwarder**") who received the Shipper's Letter of Instruction or cargo bookings from the subject shipper for the consignment concerned, and the consignment was accepted by the subject freight forwarder for air carriage from Hong Kong.

**3. Will the Scheme be applicable to non-regulated agents?**

The Scheme will be applicable to freight forwarders, be they regulated agents or non-regulated agents, who received the Shipper's Letter of Instruction or cargo bookings from the subject shipper for the consignment concerned, and the consignment was accepted by the subject freight forwarder for air carriage from Hong Kong, whereby undeclared or mis-declared DG was found in their cargo consignment. See also Question 2 above.

- 4. Will the Scheme be applicable to freight forwarders who -**
- (i) accept air cargo bookings of co-load shipments from another freight forwarder, or**
  - (ii) assign master air waybills to another freight forwarder?**

The Scheme will be applicable to freight forwarders having direct business relationship with the subject shipper. The Scheme will not be applicable to freight forwarders that only accepted air cargo bookings of co-load shipments from another freight forwarder, or assigned master air waybill to another freight forwarder.

That said, the CAD is obliged to continue the existing practice to investigate into every DG occurrence that involves the consignment of DG in contravention with the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384A of the Laws of Hong Kong). The implementation of the Scheme and any enhanced control, surveillance and inspection measures on the subject shippers or subject freight forwarders does not preclude all the shippers and freight forwarders involved in the DG consignment concerned from their legal responsibilities / liabilities. It is imperative that the air cargo industry stay vigilant and exercise caution in accepting and handling DG consignments for air carriage.

- 5. Will the Scheme be applicable to subject shippers located outside Hong Kong?**

The Scheme will also be applicable to subject shippers located **outside** Hong Kong who tendered air consignments to a freight forwarder or airline for air carriage from Hong Kong, and undeclared or mis-declared DG was found in their consignment concerned.

- 6. How will the number of DG occurrences within six calendar months be counted under the Scheme?**

An example of counting the total number of occurrences that a subject shipper or subject freight forwarder is involved in is illustrated below:

Occurrence in January: Counted as the first case within six calendar months if no other occurrences were involved previously.

Occurrence in May: Counted as the second case within six calendar months.

Occurrence in October: Counted as the second case within six calendar months as the first case in January is already beyond the rolling six-month period.

**7. When is the deadline that a subject shipper or subject freight forwarder is required to submit a corrective action plan?**

A subject shipper or subject freight forwarder will be required to submit a corrective action plan (“CAP”) to the Dangerous Goods Office of the CAD within 4 working days from the date the CAP submission request was made by the CAD.

**8. What is the requirement for hand search under the Scheme?**

Given the diversity of the contents and types of cargo in a consignment, it will be the subject shippers’ and subject freight forwarders’ responsibility to demonstrate their compliance of having conducted 100% surveillance control on the consignment concerned to the CAD based on the nature of the consignment. Hand search to be conducted on a consignment will be to such extent that the subject shipper or subject freight forwarder is satisfied that there is no undeclared and mis-declared DG item contained in the consignment concerned.

**9. What are the additional regulatory & surveillance actions in stage 4 of the Scheme?**

The additional regulatory & surveillance actions to be imposed on the subject shippers and subject freight forwarders who have been involved in more than three DG occurrences within six calendar months will include but not limited to the extension of the control, surveillance and inspection measures under the Scheme for a prolonged period of time as determined by the CAD.

**10. What kind of records should be kept by the subject shipper or subject freight forwarder for CAD’s inspection?**

The subject shipper and subject freight forwarder are required to demonstrate their compliance of having conducted 100% surveillance control on the consignments specified under the Scheme. The surveillance control records (e.g. the x-ray screening or hand search records on the consignments) shall be kept for not less than six calendar months for inspection by the CAD.

Subject shippers and subject freight forwarders who fail to provide their surveillance control records will be subject to additional regulatory and surveillance as determined by the CAD.

**11. Are there any other means of surveillance control other than X-ray screening or hand search?**

To CAD's understanding, the most prominent means of surveillance control on air cargo are x-ray screening and hand search. CAD welcomes any other practical suggestions from subject shippers and subject freight forwarders to demonstrate their compliance with the Scheme by conducting 100% surveillance control to

their consignments concerned. They must maintain all relevant surveillance control records for not less than six calendar months for inspection by the CAD.

- 12. Shippers or freight forwarders may send their shipments for x-ray screening in a cargo terminal or other screening facilities with a view to ensuring that the shipment does not contain any undeclared or mis-declared DG. In the event that hidden DG is found in a consignment during the shipper's or freight forwarder's initiative of x-ray screening, will this situation be regarded as a DG occurrence under this Scheme?**

In the event that hidden DG is found during x-ray screening in the cargo terminal or other screening facilities **initiated by a shipper or freight forwarder** for the purpose of ensuring that the consignment does not contain undeclared or mis-declared DG before tendering it to a freight forwarder or an aircraft operator for air carriage, under these circumstances, the detection of hidden DG during x-ray screening will not be regarded as a DG occurrence for the purpose of this Scheme. The shipper and freight forwarder who initiated such enhanced safety measures are advised to keep all related records for a period of not less than six calendar months.

- 13. If the subject shipper or subject freight forwarder fails to comply with the requirements specified under the Scheme (including failure to submit/respond with, or implement a CAP acceptable to the CAD, or comply with the applicable enhance control and surveillance measures specified under the Scheme), what will CAD do?**

If a subject shipper or subject freight forwarder fails to submit/respond with, or implement a CAP acceptable to the CAD, or comply with the applicable enhanced control and surveillance measures specified under the Scheme, additional regulatory and surveillance actions will be taken by the CAD on the shipper or freight forwarder concerned, including but not limited to an extension of the control, surveillance and inspection measures for a prolonged period of time as determined by the CAD. The subject shipper or subject freight forwarder will be inspected by the CAD more frequently, either on an announced or unannounced basis. To better manage the potential risks on aviation safety, relevant entities in the air cargo industry would be notified such that they may also consider stepping up their control, surveillance and inspection measures on the consignments tendered by the subject shippers and/or subject freight forwarders in parallel, in accordance with their own risk management approach.

- 14. Are there any circumstances under which the additional regulatory and surveillance actions may be relaxed or revoked?**

In the circumstances that the subject shippers and subject freight forwarders have submitted and implemented an effective CAP and provided relevant surveillance control records acceptable to the CAD, relevant entities in the air cargo industry

will be notified. They may consider resuming normal handling of the consignments that are tendered by the subject shippers and subject freight forwarders in accordance with the relevant entities' own risk management approach.

**15. How does CAD promulgate the Scheme to the air cargo industry?**

Recognising that successful implementation of the Scheme will require the support and concerted efforts of all entities and stakeholders involved in the air cargo industry, since the drafting stage of the Scheme, CAD has taken an out-reaching approach to engage and seek views of the air cargo industry with the aim of fine-tuning the Scheme prior to its launch.

A series of briefings to stakeholders in the air cargo industry have been conducted during the preparation stage to collect feedback. More briefings will be conducted before the launch of the Scheme on 1 October 2018, and during the on-site inspections. The CAD greatly values the support and all the experiences and comments shared by stakeholders in the air cargo industry.

A Dangerous Goods Advisory Circular DGAC 3/2018 was issued to provide details of the Scheme to the air cargo industry. It is published on the CAD website at <http://www.cad.gov.hk/english/DGAC.html>.

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