



## Notice to Regulated Air Cargo Screening Facilities 2/2021

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### Mechanisms of Handling Deficiencies Committed by Regulated Air Cargo Screening Facilities

This notice serves to announce to all Regulated Air Cargo Screening Facilities (RACSFs) the mechanisms of **handling deficiencies committed by RACSFs** as regards non-compliance with the *Regulated Air Cargo Screening Facilities Security Programme (RACSF SP)*, the *Handling Procedures for Regulated Air Cargo Screening Facilities (Handling Procedures)* and other requirements stipulated in *Notices to RACSFs* with effect from 1 March 2021.

#### Background

2. With effect from **1 March 2021** (i.e. the commencement date of Phase 4 of the Transitional Arrangement for the International Civil Aviation Organisation's (ICAO) New Policy Direction on Air Cargo Security), all air cargo consignments will be subject to security screening prior to loading onto a commercial aircraft, unless they are originated from Known Consignors validated by the CAD. **To enhance the regulatory oversight on RACSFs**, the CAD establishes the following **mechanisms of handling RACSFs' deficiencies**, which will become effective on the same day.

3. RACSFs' deficiencies will be broadly classified into **three categories according to their nature**: (A) Suspected Frauds, Falsifications or Forgery; (B) Major Deficiencies; and (C) General Deficiencies. Details and relevant handling mechanisms are included in the following paragraphs.

#### (A) Suspected Frauds, Falsifications or Forgery

4. Cases with elements of frauds, such as **presenting counterfeit documents and performing RACSF functions** (e.g. screening) **without a valid RACSF status**, would fall into this category. If the RACSFs concerned cannot provide an explanation to the satisfaction of the CAD, they will be **deregistered from CAD's RACSF register** and their requests for **reinstatement and / or re-registration** will **not** normally be considered. Such cases will also be **referred to the Hong Kong Police Force for investigations and follow-up**.

**(B) Major Deficiencies**

5. Major deficiencies refer to those **which have significant aviation security implications and / or which impair screening facility’s capability as an RACSF**. Listed below are some non-exhaustive examples:-

- (i) Tendering unscreened cargo as screened cargo;
- (ii) Failing to implement effective security measures to prevent unlawful interference or ensure tamper-evident of screened cargo, including not using Secure Transportation (ST) means accepted by CAD when transporting screened cargo;
- (iii) Using unqualified security screeners or screening equipment for screening;
- (iv) Not having any qualified persons to take up the position of Nominated Persons; and
- (v) Failing to implement a previous corrective action plan (CAP).

***Handling Mechanism on Repeated Occurrence of Major Deficiencies***

6. CAD would notify RACSFs when a major deficiency is identified in their operations. For each occurrence of major deficiency, the RACSFs concerned are required to submit a CAP to the satisfaction of CAD and implement the CAP accordingly. RACSFs **repeatedly committing major deficiencies** will be suspended or deregistered in accordance with the mechanism below:

<b><u>Cumulative no. of major deficiencies in the preceding <u>one</u> year (See <u>Note</u>)</u></b>	<b><u>Action by CAD</u></b>
1 <sup>st</sup> time	<b><u>Written warning</u></b>
2 <sup>nd</sup> time	<b><u>One-week suspension</u></b> of RACSF status
3 <sup>rd</sup> time	<b><u>Two-week suspension</u></b> of RACSF status
4 <sup>th</sup> time	<b><u>De-registration</u></b> of RACSF status

Note: All major deficiencies (even if they are different types of major deficiencies) committed by an RACSF in the preceding one year (i.e. on a one year rolling basis) would be counted under the above accumulation mechanism.

**(C) General Deficiencies**

7. General deficiencies refer to other deficiencies which **do not have significant aviation security implications and do not impair the screening facility’s capability as an RACSF, yet showing discrepancies with the RACSF SP, Handling Procedures and Notices to RACSFs**. CAD will provide feedback to RACSFs for rectification and improvements. CAD may also require RACSFs to submit and implement a CAP to the satisfaction of the CAD subject to the seriousness and circumstances of the general deficiencies.

### **Corrective Action Plan**

8. Whenever an RACSF is required by the CAD to submit a CAP, the RACSF should identify the root cause(s) leading to the deficiencies, and develop feasible and effective measures to rectify the deficiencies and avoid reoccurrences. **Failure to submit** a CAP to the satisfaction of CAD may result in **suspension or de-registration of the RASCF status**. Subsequent to the acceptance of a CAP, the CAD will conduct inspections to verify the RACSF's implementation of the accepted CAP. RACSFs found failing to implement an accepted CAP will be regarded as committing a major deficiency as mentioned in paragraph 5(v) above.

### **Reinstatement of RACSF status**

9. RACSFs deregistered by the CAD will have **one** chance for applying for reinstatement and such request must be made within **6 months** after deregistration. They would need to submit all outstanding documents / CAP, if any, and be subjected to inspections(s) by the CAD for reviewing its suitability to resume operations. The Nominated Persons of the RACSF would also need to reattend and complete an RASCF training programme acceptable to the CAD before the RACSFs could be considered for reinstatement.

### **Enquiries**

10. For enquiries, please contact the CAD at 2910 8695, 2910 8696 and 2910 8697 during office hours (09:00 – 12:00; 14:00 – 17:00) daily, except Saturday, Sunday and public holidays.

26 February 2021

Aviation Security Section

Airport Standards Division

Civil Aviation Department