



Notice to Regulated Agents 3/2020

Common Issues Observed in Phase 2 of Transition Period for ICAO New Policy Direction and the Latest Developments

This notice serves to advise all Regulated Agents (RAs) about the common issues observed in Phase 2 of the Transitional Arrangement for the International Civil Aviation Organisation's (ICAO) New Policy Direction on Air Cargo Security, and the alternative screening methods for air cargo which are difficult or cannot be screened by x-ray equipment. RAs are also reminded about the arrangement for submitting security screening summary reports to the CAD during Phase 3 of the Transition Period.

Non-compliance of Secure Transportation during Phase 2 of the Transition Period

Background

2. As required by the CAD, cargo screened by a Regulated Air Cargo Screening Facility (RACSF) shall be protected from unlawful interference using one of the Secure Transportation (ST) means accepted by the CAD until it is accepted by a Cargo Terminal Operator (CTO). When applying the ST means, RAs and RACSFs shall strictly follow the application procedures of ST means accepted by the CAD. The following paragraphs set out some non-compliances in the application of ST means as observed during Transition Phase 2.

Use of components not accepted by the CAD on tamper-evident wrapping nets

3. The CAD observed that a small number of RAs or RACSFs have used components (e.g. security seals) not accepted by the CAD on tamper-evident wrapping nets used to protect screened cargo before tendering them to CTOs. **RAs and RACSFs are strongly reminded to use only the components provided by respective ST vendors on the tamper-evident wrapping nets, as these components are part of the ST means which have been assessed and accepted by the CAD. Using components not accepted by the CAD, including counterfeit components, is strictly prohibited and would be considered as non-compliance by the CAD, which could lead to suspension or de-registration of the company's RA or RACSF status.**

Use of mended tamper-evident wrapping nets

4. In *Notice to RAs 1/2020* and *Notice to RACSFs 1/2020*, RAs and RACSFs were reminded that the act of using **mended tamper-evident wrapping nets** is strictly prohibited by the CAD. Since the issuance of the notices, the CAD still observed that a small number of RAs and RACSFs, despite our reminders, have tendered their screened cargo to CTOs using mended tamper-evident wrapping nets. **RAs and RACSFs are, again, strongly reminded** that such act is **strictly prohibited and would be considered as non-compliance by the CAD, which could lead to suspension or de-registration of the company's RA or RACSF status.**

Screening of air cargo which are difficult or cannot be screened by x-ray equipment

Background

5. Noting the industry has reflected that some cargo items are difficult or cannot be screened by x-ray equipment, the CAD has issued guidelines to CTOs and RACSFs on the alternative methods for screening such cargo. The key points of which are extracted below:

Alternative Screening Methods for "Difficult-to-Screen" Cargo

6. Under the CAD's air cargo security regime, **x-ray screening shall be conducted at CTOs / RACSFs as the primary screening method for air cargo.** Yet, **for cargo which are difficult or cannot be screened by x-ray equipment**, CTOs / RACSFs may, taking into consideration the nature and content of the cargo, apply one of the following alternatives:

- (i) **Search by hand or physical check at piece level;**
- (ii) **Explosive trace detection (ETD);**
- (iii) **Other screening methods proposed by CTOs / RACSFs and accepted by the CAD.**

7. CTOs / RACSFs would only allow the use of the above alternative screening methods **if the cargo is genuinely not practicable to be screened using x-ray equipment.** Their use would be restricted, and would not be allowed simply for the sake of convenience or due to the value of the cargo. In particular, it should be stressed that **cargo which can be further broken down for x-ray screening, such as skid cargo, are not eligible for applying the above alternative screening methods.** Eligible examples for applying alternative screening method(s) may include oversized, overweight and odd size cargo which cannot be further broken down into smaller pieces for placing into x-ray equipment (e.g. aircraft parts, machineries / large equipment, vehicles, artwork without packaging which exceeded the size of an x-ray tunnel), cargo which is not pragmatic to apply x-ray screening (e.g. garment-on-hanger) and cargo which may be damaged if exposed to x-ray.

Points to Note

8. If RAs encounter cargo which they believe may be difficult to screen by x-ray equipment, they should check with CTOs / RACSFs on the most appropriate screening method, in order to ensure that the cargo is adequately screened and is clear of any explosives or incendiary devices. If ETD screening is to be applied, they can be arranged at the 3 CTOs on request, or may be arranged at some RACSFs which operate / plan to operate ETD screening equipment. For details, please check with CTOs and respective RACSFs. **Where a cargo consignment cannot be effectively screened using one of the above screening methods, or even a combination of such, the consignment shall be rejected for carriage onto aircraft.**

9. Please be reminded that **hand search / physical check of cargo by staff members of RAs under the Regulated Agent Regime is no longer allowed. All air cargo security screening should be conducted only by CTOs / RACSFs.**

10. RAs are also reminded that **certain categories of cargo are exempted from security screening.** They are listed in *Part B Section 4 of the Handling Procedures for RAR*. These exempted cargo can be tendered to CTOs for acceptance without security screening, but shall be clearly declared on shipping documents as such and be accompanied with, if any, necessary supporting documents for verification purpose by CTOs / aircraft operators.

11. That said, **RAs are reminded to check with respective aircraft operators for additional / specific requirements, if any, of other jurisdictions / countries / aircraft operators to which the export air cargo are tendered.**

Screening Records

12. Same as the screening records for x-ray screening, RACSFs and CTOs would issue receipts (i.e. screening receipts or reception checklists) to RAs as proof of security screening. Such receipts would clearly indicate the screening method(s) adopted (e.g. “x-ray”, “hand search”, “ETD”) in addition to the wordings “SECURITY CHECKED”. **These receipts are valid screening records for RAs for the purpose of meeting CAD’s screening requirements.** RAs shall maintain such receipts, together with the corresponding Master / House Air Waybills, for at least 3 years for the CAD’s inspections.

Monthly Submission of Screening Summary Report to the CAD in Phase 3

13. Same as the arrangement in Phases 1 and 2, RAs are required to submit screening summary reports on a monthly basis to the CAD, using a proforma (in MS Excel format) uploaded onto the CAD's website (https://www.cad.gov.hk/english/newrar_xray.html). **Please note that the proforma for Phase 3 requires RAs to provide the volume of known cargo which are difficult or cannot be screened by x-ray equipment, and therefore applied alternative screening methods by CTOs / RACSFs.**

14. The **required screening percentage** in Phase 3 is **70%**, calculated based on a **bi-monthly basis** (e.g. the 2-month average shall meet the 70% requirement from September to October 2020). RAs shall submit the summary report to rar_qcp@cad.gov.hk on or before the 10th calendar day of each month for the x-ray screening conducted in the previous month. RAs are requested to submit the summary report to the CAD in a timely manner.

15. You are reminded that **RAs which fail to meet the required percentage of screening or fail to submit screening summary reports on time may be suspended or de-registered by the CAD.** For details, please refer to *Notice to RAs 2/2020* on the suspension and de-registration mechanism.

Enquiries

16. For enquiries, please contact the CAD at 2910 6880, 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.

28 August 2020
Aviation Security Section
Airport Standards Division
Civil Aviation Department