

LCQ1: Regulation of paragliding activities

Following is a question by the Hon Chan Pui-leung and a reply by the Secretary for Transport and Logistics, Mr Lam Sai-hung, in the Legislative Council today (October 18):

Question:

There are views pointing out that while paragliding activities have become increasingly popular in Hong Kong in recent years, such activities entail a certain level of risk as improper operation will impact on other users of airspace and the public on the ground, and will even lead to casualties in severe cases. Regarding the regulation of paragliding activities, will the Government inform this Council:

(1) given that currently only persons offering air service performed by paragliders for hire or reward are required to apply for a permit from the Civil Aviation Department (CAD), and other paraglider users are not required to make the relevant applications, whether the authorities will consider also requiring all paraglider users to apply for a permit; if so, of the details; if not, the reasons for that;

(2) given that currently paragliding activities in Hong Kong are usually carried out in eight sites, yet it is learnt that such sites are not under the direct management of the CAD which is responsible for regulating aviation safety, how the authorities will enhance the CAD's regulatory role on paragliding activities in a comprehensive manner from the aspects of law enforcement, inspection, investigation and publicity, etc.; and

(3) whether the authorities will, in collaboration with the two major local paragliding organisations, consider formulating a central registration scheme for local paraglider pilots and paragliding equipment in the future, so as to administer and develop local paragliding activities in a systematic manner, as well as enhance aviation safety; if so, of the details and timetable; if not, the reasons for that?

Reply:

President,

Paragliding is a sport and recreational activity which involves a certain level of safety risk. In view of its potential impact on the use of airspace, the Civil Aviation Department (CAD), as the regulator of Hong Kong's civil aviation affairs, reviewed the relevant regulatory regime in 2018. After consulting local paragliding associations and making reference to the practices in other regions, the CAD published the Safety Guidance on Paragliding Activities to enhance aviation safety.

In consultation with bureaux and departments including the Culture,

Sports and Tourism Bureau, the CAD, the Leisure and Cultural Services Department (LCSD) and the Agriculture, Fisheries and Conservation Department, my reply to the question raised by the Hon Chan Pui-leung is as follows:

(1) Hong Kong's civil aviation legislation is designed specifically to regulate civil aircraft, and the provisions therein generally do not apply to the regulation of paragliding activities. However, paraglider is by definition considered as a type of aircraft, and its operation is therefore regulated by the Air Navigation (Hong Kong) Order 1995 (Cap. 448C) which stipulates that no person shall recklessly or negligently cause or permit an aircraft to endanger any person or property. On the other hand, the Air Transport (Licensing of Air Services) Regulations (Cap. 448A) stipulates that anyone who uses aircraft to provide hire or reward services in Hong Kong airspace shall apply to the CAD for a permit before operation. The purpose is to regulate the relevant licensing requirements for operating hire or reward civil aviation services, implementation of air services agreements and financial capabilities of operators, etc. For paragliding activities for hire or reward, the persons providing the relevant activities must also apply to the CAD for a permit.

The CAD has made reference to the regulatory regimes in regions where paragliding activities are more popular, including Mainland China, the United Kingdom, the United States of America, Australia and New Zealand. The regulatory regimes in these regions vary, including the development of a qualification and rating system for paraglider pilots by non-governmental organisations. Therefore, the CAD currently has no plan to expand the scope of the Air Transport (Licensing of Air Services) Regulations (Cap. 448A) to cover paragliding activities which are not for hire or reward.

(2) To ensure aviation safety of airspace users, the CAD has listed eight airspace areas which could be used by paraglider pilots in the Hong Kong Aeronautical Information Publication since the 1990s, including the site boundaries, operating altitudes and related guidance for the reference of relevant parties. Paragliding activities may also be associated with the regulatory areas of other government departments. In view of this, the CAD has been proactively liaising with relevant departments to discuss and co-ordinate arrangements for strengthening patrols within the areas under the departments' purview (e.g. country parks and public beaches).

Furthermore, there are currently two major paragliding organisations in Hong Kong, namely the Hong Kong China Paragliding Association and the International Paragliding Association (hereinafter referred to as Paragliding Organisations), which are responsible for the promotion and development of paragliding activities. The Paragliding Organisations also collaborate with the Government in formulating measures to enhance the safety level of paragliding activities.

On law enforcement, for any reported paragliding occurrences allegedly involving incompliances, the CAD and the department involved in the occurrences will co-ordinate with the Police in accordance with the established mechanism so as to take appropriate follow-up actions. If the department concerned finds any breach of the relevant legislation, the

department may instigate prosecution.

On investigation, in order to strengthen the investigation of occurrences, the Paragliding Organisations will conduct investigation on paragliding occurrences involving their members and/or reported to them by third parties in accordance with their operations manuals. Upon completion of investigation, the Paragliding Organisations will provide the CAD with the investigation results, which would facilitate the CAD to record and analyse the occurrences concerned, and to recommend improvement measures. The CAD will also assist the Paragliding Organisations in refining their operations and safety management system manuals, and providing these organisations with recommendations related to aviation safety, including areas such as report of occurrences, risk assessment, and safety promotion.

On publicity, the CAD has produced a promotional video based on the highlights of the Safety Guidance on Paragliding Activities as well as the permit system, which has been uploaded on the CAD's website for public reference since July last year. At the same time, the CAD has also produced a promotional leaflet for distribution during site inspection, and posted the leaflet inside relevant country parks, with a view to reminding the public and the paragliding community of the importance of aviation safety for paragliding.

(3) In May this year, LCSD has approved the 2023-24 funding to the Hong Kong China Paragliding Association under the Pilot Scheme on Subvention for New Sports, with a view to supporting the association in promoting paragliding, including enhancing the safety awareness of participants and introducing the relevant equipment of paragliding activities.

At the same time, the Paragliding Organisations will implement the Real-name Registration for Paragliding Activities system starting from October 31 this year, and will be responsible for maintaining and updating the register as well as providing registered pilots with labels containing registration numbers which can be affixed to their paragliding equipment for display. The implementation of the Real-name Registration for Paragliding Activities and the labelling arrangement would facilitate the identification of paraglider pilots during rescue missions, investigations and law enforcement actions, and enable the Government and the Paragliding Organisations to carry out more effective publicity and education campaigns.

Thank you, President.