

Revision of limits of liability in Montreal Convention to be gazetted on Friday

The Carriage by Air (Revision of Limits of Liability) (Montreal Convention) Notice 2019 will be gazetted on Friday (December 13) to announce the revision made to the limits of liability in respect of the carriage of passengers, baggage and cargo specified in the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) which will become effective on December 28.

Details of the revision are as follows:

(a) the limit of liability for each passenger for damage sustained in case of death or bodily injury of a passenger is increased from 113,100 Special Drawing Rights as defined by the International Monetary Fund (SDRs) to 128,821 SDRs;

(b) the limit of liability for each passenger in relation to damage caused by delay in the carriage of persons is increased from 4,694 SDRs to 5,346 SDRs;

(c) the limit of liability for each passenger in case of destruction, loss, damage or delay in relation to the carriage of baggage is increased from 1,131 SDRs to 1,288 SDRs; and

(d) the limit of liability in case of destruction, loss, damage or delay in relation to the carriage of cargo is increased from 19 SDRs per kilogram to 22 SDRs per kilogram.

The limits of liability in respect of the carriage of passengers, baggage and cargo stipulated in the Montreal Convention are subject to regular review by the International Civil Aviation Organization (ICAO) every five years based on a built-in mechanism. The liability limits will be revised if an inflation factor exceeds 10 per cent to enable timely updating of the liability limits to reflect changing prices.

A spokesman for the Transport and Housing Bureau today (December 11) said, "As advised by the ICAO recently, the latest review has been completed and concluded that the inflation factor is 13.9 per cent and the limits of liability will be revised with effect from December 28."

Airlines operating scheduled services to and from Hong Kong, including all Air Operator's Certificate holders and the Board of Airline Representatives in Hong Kong, have been notified of the review of limits of liability conducted by the ICAO and the revisions to the limits of liability.

The Montreal Convention is an international instrument governing carriers' liability for injury or death of passengers, damage or loss of baggage and cargo and losses caused by delays. Hong Kong has implemented it

through the Carriage by Air Ordinance (Cap 500). The limits of liability specified in Schedule 1A and 3 are revised pursuant to Article 21 of the Ordinance.