

GEN 1.2 ENTRY, TRANSIT AND DEPARTURE OF AIRCRAFT**1 General**

1.1 All flights to or from Hong Kong and through Hong Kong airspace shall comply with the requirements of any law or instrument having the force of law, for the time being in force, relating to air navigation and air transport.

1.2 Fixed wing aircraft landing in or departing from Hong Kong must first land at or depart from Hong Kong International Airport.

1.3 Under Section 3 of the Civil Aviation (Aircraft Noise) Ordinance (Cap.312), a subsonic jet aircraft must not land or take off in Hong Kong unless there is in force in respect of that aircraft a noise certificate issued by the aeronautical authority of a country which is a party to the Convention on International Civil Aviation or other documentary proof of compliance by the aircraft with the Chapter 3 standards of noise.

(Note: "Chapter 3 standards of noise" means the standards of noise specified in Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation.)

1.4 The noise certificate or documentary proof of compliance must be carried on the aircraft and must be produced by the commander of the aircraft for inspection if he is requested to do so by any authorized officer.

1.5 The regulations governing the licensing of air services are contained in the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A). An air service means any service performed by any aircraft for hire or reward.

1.6 The Air Transport (Licensing of Air Services) Regulations and the Civil Aviation (Aircraft Noise) Ordinance can be viewed online:

<http://www.legislation.gov.hk/eng/home.htm>

1.7 Operators and their handling agents should direct all applications and enquiries concerning the operation of scheduled, non-scheduled and general aviation flights to and from Hong Kong, including additional flights and schedule changes, to the Air Services and Safety Management Division at telephone number (852) 2910 6648 or fax number (852) 2877 8542. Please note that enquiries and applications will be processed during normal office hours.

2 Insurance Requirements for Civil Aircraft

2.1 Under the Civil Aviation (Insurance) Order (Cap. 448 sub. leg. F), all civil aircraft, whether operating commercial or non-revenue flights, are required to have a Combined Single Limit (CSL) insurance meeting the following requirements:

- a) Subject to para c) below, the CSL should cover the operators' liabilities in respect of third party, passenger, baggage, cargo and mail.
- b) It may include other liability items except the liability in respect of damage to the hull of the operators' aircraft.
- c) If an operator declares in writing that the aircraft does not carry any passenger, baggage, cargo or mail, as the case may be, they will be allowed not to include those items in the CSL.
- d) The insurance cover must be on a per occurrence basis. The minimum CSLs required are as follows:

| Aircraft maximum ramp or taxi weight, whichever is greater (if not applicable, maximum take-off weight or maximum weight, whichever is the greater), as stipulated in its Manufacturer's Flight Manual or Operations Manual | Applicable amount (equivalent to) |
|---|--------------------------------------|
| Not exceeding 5 700 kg | US\$ 15 000 000 |
| Exceeding 5 700 kg but not exceeding 10 000 kg | US\$ 25 000 000 |
| Exceeding 10 000 kg but not exceeding 28 000 kg | US\$ 60 000 000 |
| Exceeding 28 000 kg but not exceeding 100 000 kg | US\$ 200 000 000 |
| Exceeding 100 000 kg but not exceeding 170 000 kg | US\$ 500 000 000 |
| Exceeding 170 000 kg | US\$ 1 000 000 000 |

2.2 Any aircraft not complying with these insurance requirements will not be allowed to land or take off in Hong Kong. However, this does not apply to an aircraft in emergency.

2.3 Operators are reminded that documentary proof is required from the insurance company concerned. It is incumbent on the operator that material available to the Civil Aviation Department is current. Further, operators are to provide evidence of continued insurance cover prior to the expiry of the original policy.

2.4 The Civil Aviation (Insurance) Order can be viewed online:

<http://www.legislation.gov.hk/eng/home.htm>

3 Scheduled Air Services

3.1 GENERAL

3.1.1 The Air Transport (Licensing of Air Services) Regulations require that scheduled air services to and from Hong Kong by aircraft registered in a country or place other than Hong Kong may not be operated except under and in accordance with the provisions of an operating permit which has been granted by the Director-General of Civil Aviation.

3.1.2 The information and documents required for the application of an operating permit are available online at http://www.cad.gov.hk/application/checklist_scheduled_service.zip

3.1.3 The application together with the required documents should be submitted via the online E-filing system. Information regarding the E-filing System and how to open a user account is at http://www.cad.gov.hk/english/efiling_home.html

3.1.4 An application for the operating permit must be submitted to the Director-General of Civil Aviation at least one month before the anticipated commencement date of the scheduled air services.

3.2 SUMMARY OF DOCUMENTS TO BE PRESENTED BY AIRCRAFT CAPTAINS OR OTHER AUTHORISED AGENTS

3.2.1 It is necessary that the undermentioned principal documents (standard ICAO format) be submitted by Airline Operators to cover entry and departure of their aircraft to and from Hong Kong. Responsibility for their correct presentation and submission is vested in the Captain of the aircraft.

3.2.2 Aircraft Arrival Documents:-

| <u>Required by</u> | <u>General Declaration</u> | <u>Cargo Manifest</u> |
|-----------------------------|----------------------------|-----------------------|
| Customs & Excise Department | - | 3 |
| Immigration Department | 1 | - |

3.2.3 Aircraft Departure Documents:-

| <u>Required by</u> | <u>General Declaration</u> | <u>Cargo Manifest</u> |
|-----------------------------|----------------------------|-----------------------|
| Customs & Excise Department | - | 3 |
| Immigration Department | 1 | - |

3.2.4 In addition to the requirements listed in para 3.2.2 and 3.2.3 above, relevant documents covering freight and unaccompanied baggage (e.g. consular invoices, licences, permits etc.) must be submitted to the Customs Authorities for necessary checking and clearance.

4 Non-Scheduled Flights

4.1 GENERAL

4.1.1 The Air Transport (Licensing of Air Services) Regulations require that any person wishing to use aircraft in Hong Kong for the provision of non-scheduled air services for hire or reward must obtain a permit from the Director-General of Civil Aviation.

4.1.2 The information and documents required for the application of a permit are available online at http://www.cad.gov.hk/application/checklist_charter_service.zip

4.1.3 The application together with the required documents should be submitted via the online E-filing system. Information regarding the E-filing System and how to open a user account is at http://www.cad.gov.hk/english/efiling_home.html

4.2 APPLICATIONS

4.2.1 An application for the operation of non-scheduled air services to and from Hong Kong must be submitted to the Director-General of Civil Aviation at least 3 working days before the anticipated arrival/departure date of the aircraft in Hong Kong. For services operated by new or infrequent operators, it is advisable that an application be submitted at least two weeks prior to the date of operation. Partially or incorrectly completed applications will incur delay in processing.

- 4.2.2 Applications for non-scheduled air services for the carriage of both passengers and cargo will not normally be considered.
- 4.2.3 Operators who propose to operate a series of flights are advised to discuss their proposals with the Director-General of Civil Aviation well in advance of the flights taking place to secure approval in principle.
- 4.2.4 The Director-General of Civil Aviation reserves the right to approve or disapprove any application he sees fit.
- 4.3 DOCUMENTS REQUIRED FOR CLEARANCE OF AIRCRAFT
- 4.3.1 The requirements are the same as for scheduled flights (see para 3.2).
- 4.4 CONDITIONS GOVERNING THE OPERATION OF NON-SCHEDULED AIR SERVICES
- 4.4.1 In conformity with Article 5 of the Chicago Convention, applications for non-scheduled air services for the carriage of passengers or cargo will normally be approved if the Director-General of Civil Aviation is satisfied that the applicant has reasonably demonstrated that corresponding scheduled services cannot satisfy a genuine demand by providing the service or capacity required, that such non-scheduled services do not affect the development of scheduled services and, in the case of applications made by airlines based outside Hong Kong, that the aviation authorities of the country or place in which the airline is based would afford no less favourable treatment to a Hong Kong based airline making a similar application.
- 4.4.2 Notwithstanding para 4.2.2 above, the following passengers or cargo may be carried without charge on non-scheduled air services for which a permit has been issued by Director-General of Civil Aviation:
- a) Infants under 2 years of age;
 - b) directors, or employees of the permit-holder, charterers or any travel organiser to whom the charterer has resold accommodation on the aircraft travelling on business;
 - c) tour conductors in charge of and conducting a group of not less than 15 persons travelling together, provided that not more than one such person may be carried pursuant to this condition for every 15 members of the groups;
 - d) cargo for the sole use of the permit-holder in connection with the services to which the permit relates, or for the sole use of the charterer or of any travel organiser to whom the charterer has resold accommodation on the aircraft, in connection with facilities offered to passengers carried in accordance with the terms of the permit;
 - e) authorized representatives of an appropriate national aeronautical authority travelling in the course of their duties;
 - f) (for cargo charter flights only) persons with special skills or knowledge, including security guards, who may be required by the charterer or consignor to accompany the cargo in order to take charge of it or protect it during loading, in-flight, transit, or on arrival at its destination. This category includes such persons being carried on any outward flight for the purpose of accompanying cargo on their return flight or being carried on a return flight after having accompanied cargo on their outward flight;
- 4.4.3 Permits may contain such conditions as the Director-General of Civil Aviation thinks fit having regard to the nature and circumstances of the applications. Failure to comply with these conditions may result in prosecution under the Air Transport (Licensing of Air Services) Regulations.
- 4.4.4 Permits for non-scheduled services are granted on condition that the holder does not advertise such services for sale direct to the general public except for domestic services.

5 Flights Not Operated for Hire or Reward

- 5.1 Prior clearance from the Director-General of Civil Aviation is required for the operation of flights to and from Hong Kong for purposes other than the carriage of passengers, cargo or mail for hire or reward. Details of such flights (see para 5.2 below), should be submitted to the Director-General of Civil Aviation during office hours before the anticipated arrival/departure date of the flight in Hong Kong via the E-filing System. Information regarding the E-filing System and how to open a user account is at [http:// www.cad.gov.hk/english/efiling_home.html](http://www.cad.gov.hk/english/efiling_home.html)
- 5.2 The following information and documents should be provided:
- a) type of aircraft;
 - b) nationality and registration marks;
 - c) name of operator;
 - d) name of handling agent;
 - e) proposed dates and times of arrival and departure;

- f) confirmation that there are no fare-paying passengers or commercial cargo on board;
- g) completed Declaration of Compliance with the Civil Aviation (Insurance) Order (CAP 448F) form (DCA 41), which is available online at http://www.cad.gov.hk/application/insurance_declaration.doc;
- h) documentary evidence from the operator's insurance company to show that the aircraft carries appropriate insurance cover for any accident, incident or occurrence (see para 2); and
- i) confirmation that the aircraft meets the requirements for the carriage of radio navigation aids as specified in para 3 in GEN 1.5.

5.3 To avoid delay, it is advisable that the above information/documents be submitted at least 3 working days before the arrival/departure date of the flight.

6 Documentary Requirements for the Clearance of General Aviation Aircraft and Helicopters

6.1 The requirements are the same as for scheduled flights (see para 3.2).

7 Health Requirements

7.1 Strict compliance with the provisions of the International Health Regulations of the World Health Organisation is maintained.

7.2 Disinfection of an aircraft, when required, should be carried out using methods approved by the World Health Organisation.

8 Overflights

8.1 For all flights intending to transit Hong Kong airspace, but not landing in Hong Kong, prior permission is **not** required except for a flight in one or more of the following categories:

- a) a flight by a state aircraft including military aircraft overflying the airspace above the territory of the Hong Kong Special Administrative Region (i.e. flights that will overfly Hong Kong territory, including the outlying islands and territorial waters);
- b) a flight by an aircraft carrying munitions of war;
- c) a flight by an aircraft carrying dangerous goods;
- d) a flight notified as such by the Director-General of Civil Aviation.

8.2 Overflight Permission Procedure

- a) A request for overflight permission for an aircraft under para 8.1 a) above must be made via the appropriate diplomatic channels.
- b) A request for overflight permission for an aircraft under para 8.1 b) and c) above must be received at least 11 clear working days prior to the first flight of which the permission is required. Application should be submitted to:

Dangerous Goods Office
Civil Aviation Department Headquarters
1 Tung Fai Road
Hong Kong International Airport
Lantau
Hong Kong

Tel: +852 2910 6856 / 2910 6857 / 2910 6855
Fax: +852 2795 8469

- c) Please refer to the relevant AICs of "*Permission for Carriage of Dangerous Goods in Aircraft*" and "*Permission for Carriage of Munitions of War in Aircraft*" for further details.