

HONG KONG SPECIAL ADMINISTRATIVE REGION**ORDINANCE NO. 2 OF 2006**

Donald TSANG
Chief Executive
19 January 2006

An Ordinance to amend the Civil Aviation Ordinance to exempt certain persons from the strict liability imposed by the Ordinance for loss or damage caused by an aircraft to any person or property on land or water.

[20 January 2006]

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Civil Aviation (Amendment) Ordinance 2006.

2. Liability in respect of trespass, nuisance or surface damage in certain circumstances

Section 8 of the Civil Aviation Ordinance (Cap. 448) is amended—

(a) by repealing subsection (4) and substituting—

“(4) Subject to subsection (5), in this section—

(a) “owner” (機主), in relation to an aircraft, includes the operator of the aircraft; and

(b) “operator” (經營人) means the person having the management of an aircraft for the time being or, in relation to a time, at that time.”;

(b) by adding—

“(5) A person is not the owner of an aircraft within the meaning of this section if, at the time the material loss or damage mentioned in subsection (2) was caused—

- (a) the aircraft had been bona fide demised, let or hired out by such person (“the lessor”) to any other person (“the lessee”) under a lease or other arrangement for a term exceeding 14 days;
- (b) under the lease or arrangement, the lessee was responsible for ensuring the airworthiness of the aircraft; and
- (c) no member of the crew of the aircraft was in the employment of the lessor.”.

3. Savings

Where a material loss or damage mentioned in subsection (2) of section 8 of the Civil Aviation Ordinance (Cap. 448) was caused by an incident occurring before the commencement date of this Ordinance, that section as in force immediately before that date shall continue to apply in relation to the loss or damage as if this Ordinance had not been enacted.