

## 2008 年第 77 號法律公告

## 《2008 年〈1995 年飛航(香港)令〉(修訂) 令》

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**《2008 年〈1995 年飛航(香港)令〉(修訂)令》**

(由行政長官會同行政會議根據《民航條例》  
(第 448 章)第 2A 條作出)

**1. 生效日期**

本命令自民航處處長以憲報公告指定的日期起實施。

**2. Aircraft to be registered**

《1995 年飛航(香港)令》(第 448 章，附屬法例 C)第 3(1)條現予修訂，在但書第 (i)(b) 段中，在““B Conditions””之後加入“(except paragraph (1)(a))”。

**3. Certificate of airworthiness to be in force**

(1) 第 7(1)條現予修訂，廢除在“Provided that”之前的所有字句而代以——

“(1) An aircraft shall not fly unless—

(a) there is in force in respect of the aircraft a certificate of airworthiness duly issued or rendered valid under the law of—

(i) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or

(ii) if there is such a transfer, the state of the operator of the aircraft; and

(b) the conditions subject to which the certificate was issued or rendered valid are complied with.”。

(2) 第 7(1)條現予修訂，廢除——

“Provided that the foregoing prohibition”

而代以——

“(1A) Paragraph (1) of this Article”。

(3) 第 7(1A)(b)條現予修訂，廢除“， if it is not being used for the public transport of passengers”而代以“flying on a private flight”。

#### 4. 加入條文

現加入——

##### “7A. **Damage to aircraft**

An aircraft shall not fly if the aircraft has sustained damage of a nature such that the aircraft is no longer considered airworthy by—

- (a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or
- (b) if there is such a transfer, the state of the operator of the aircraft.”。

#### 5. **Issue, renewal, etc., of certificates of airworthiness**

(1) 第 8(7)(b) 條現予廢除，代以——

“(b) until the completion of:

- (i) the inspection of the aircraft or of the equipment referred to in subparagraph (a) of this paragraph made for the purpose of ascertaining whether the aircraft remains airworthy; or
- (ii) the maintenance of the aircraft or of the equipment referred to in subparagraph (a) of this paragraph, being an inspection or maintenance:
- (iii) classified as mandatory by the Chief Executive; or
- (iv) required by a maintenance schedule approved by the Chief Executive in relation to the aircraft;”。

(2) 第 8(7)(c) 條現予修訂——

- (a) 廢除 “or of any such equipment as aforesaid” 而代以 “or of the equipment referred to in subparagraph (a) of this paragraph” ；
- (b) 廢除句號而代以 “; or”。

(3) 第 8(7) 條現予修訂，加入——

“(d) if the aircraft has sustained damage of a nature such that, in the opinion of the Chief Executive, the aircraft is no longer airworthy.”。

#### 6. **Certificate of maintenance review**

(1) 第 9(1) 條現予修訂，廢除 “in either the transport or in the aerial work category”。

(2) 第 9(1)(b) 條現予修訂，在“there is”之前加入“in the case of an aircraft in respect of which a certificate of airworthiness in either the transport or the aerial work category is in force,”。

(3) 第 9(2) 條現予修訂，廢除“The”而代以“In relation to an aircraft in respect of which there has been issued a certificate of airworthiness in either the transport or the aerial work category, the”。

(4) 第 9(3)(a) 條現予修訂，廢除“aircraft maintenance engineer’s licence”而代以“aircraft maintenance licence”。

(5) 第 9(3) 條現予修訂，在但書中，廢除“its”而代以“his”。

(6) 第 9(7) 條現予廢除。

## 7. Technical log

(1) 第 10(1) 條現予修訂，廢除“in the”而代以“the”。

(2) 第 10(2) 條現予修訂，廢除“the commander of the aircraft shall”而代以“the pilot in command of the aircraft shall”。

(3) 第 10(2) 條現予修訂，在但書第 (iii) 段中，廢除“as commander”而代以“as pilot in command”。

(4) 第 10(2) 條現予修訂，在但書中，廢除“the commander of an aircraft”而代以“the pilot in command of an aircraft”。

## 8. Inspection, overhaul, repair, replacement and modification

(1) 第 11 條現予修訂，在第 (1) 款之前加入——

“(1A) This Article shall apply to an aircraft:

(a) that is registered in Hong Kong; and

(b) in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force.”。

(2) 第 11(1) 條現予修訂，廢除“registered in Hong Kong, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force,”。

(3) 第 11(1) 條現予修訂，在但書第 (i) 段中，廢除“commander”而代以“pilot in command”。

(4) 第 11(1) 條現予修訂，在但書中，廢除“commander of the aircraft shall”而代以“pilot in command shall”。

(5) 第 11(3) 條現予修訂，廢除“whether”而代以“either”。



- (6) 第 11(4)(a) 條現予修訂，廢除 “requisment” 而代以 “equipment”。
- (7) 第 11(4) 條現予修訂，廢除 “registered in Hong Kong”。
- (8) 第 11(5)(a) 條現予修訂，廢除 “be” 而代以 “be, ”。
- (9) 第 11(6)(a) 條現予修訂，廢除 “aircraft maintenance engineer’s licence” 而代以 “aircraft maintenance licence”。
- (10) 第 11(6)(b) 條現予修訂，廢除 “aircraft maintenance engineer’s licence or authorisation as such an engineer” 而代以 “aircraft maintenance licence or an authorization as an aircraft maintenance engineer”。
- (11) 第 11(6)(e) 條現予修訂，廢除 “or a Flight Navigator’s Licence”。
- (12) 第 11 條現予修訂，加入——

“(6A) Notwithstanding paragraph (6) of this Article, a certificate of release to service issued under a maintenance arrangement made by the Chief Executive with a civil aviation authority shall be deemed to be a certificate of release to service issued for the purposes of this Article.”。
- (13) 第 11(9) 條現予廢除。

## 9. Licensing of maintenance engineers

- (1) 第 12(1) 條現予修訂，廢除 “aircraft maintenance engineer’s licences” 而代以 “an aircraft maintenance licence”。
- (2) 第 12(2) 條現予修訂，廢除 “aircraft maintenance engineer’s licence” 而代以 “aircraft maintenance licence”。
- (3) 第 12(2) 條現予修訂，廢除 “to issue:” 而代以 “to exercise the following privileges—”。
- (4) 第 12(2)(a) 條現予修訂，廢除 “certificates of a” 而代以 “to issue certificates of”。
- (5) 第 12(2)(b) 條現予修訂，在 “certificates” 之前加入 “to issue”。
- (6) 第 12(2)(c) 條現予修訂，在 “certificates” 之前加入 “to issue”。
- (7) 第 12(5) 條現予廢除，代以——

“(5) An aircraft maintenance licence granted under this Article shall not be valid unless it bears the ordinary signature of the holder of the licence in ink.”。
- (8) 第 12 條現予修訂，加入——

“(7) The holder of an aircraft maintenance licence—

- (a) shall not exercise the privileges of the licence if he knows or reasonably suspects that his physical or mental condition renders him unfit to exercise such privileges; and
  - (b) shall not, when exercising the privileges of the licence, be under the influence of psychoactive substances which may render him unable to safely and properly exercise such privileges.
- (8) The holder of an aircraft maintenance licence shall not engage in the use of psychoactive substances in a way that—
- (a) constitutes a direct hazard to the holder or endangers the lives, health or welfare of others; or
  - (b) causes or worsens an occupational, social, physical or mental problem or disorder of the holder.”。

## 10. Radio equipment of aircraft

第 14(1) 條現予廢除，代以——

“(1) An aircraft shall not fly unless it is so equipped with radio and radio navigation equipment—

- (a) as to comply with the law of—
  - (i) if there is no Article 83 bis transfer of the functions and duties under Article 30 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or
  - (ii) if there is such a transfer, the state of the operator of the aircraft; and
- (b) to enable communications to be made and the aircraft to be navigated in accordance with the provisions of this Order and any regulations made under this Order including, in particular, Schedule 15 to this Order.”。

## 11. 加入條文

現加入——

### “14A. Minimum equipment requirements

(1) The Chief Executive may, in respect of any aircraft or class of aircraft registered in Hong Kong, grant a permission permitting such aircraft to commence a flight in specified circumstances.

(2) An aircraft registered in Hong Kong shall not commence a flight if any of the equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless—

- (a) the aircraft does so under and in accordance with the terms of a permission granted under this Article; and
- (b) in the case of an aircraft to which Article 25 of this Order applies, the operations manual required under that Article contains particulars of the permission.”。

## 12. Composition of crew of aircraft

(1) 第 18(3)(b) 條現予修訂，廢除 “aircraft commander” 而代以 “pilot in command”。

(2) 第 18(4)(a) 條現予廢除。

(3) 第 18(4) 條現予修訂，廢除在 “to this Order.” 之後的所有字句。

(4) 第 18(5) 條現予廢除。

(5) 第 18(7)(b) 條現予修訂，廢除在 “include” 之後的所有字句而代以 “members of the cabin crew.”。

(6) 第 18(7)(c) 條現予修訂，廢除 “cabin attendant” 而代以 “member of the cabin crew”。

(7) 第 18(7) 條現予修訂，在但書中，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

(8) 第 18(8) 條現予修訂，廢除兩度出現的 “cabin attendants” 而代以 “members of the cabin crew”。

## 13. Members of flight crew—requirement of licences

(1) 第 19(1) 條現予修訂，在但書 (d)(iv) 段中，廢除句號而代以分號。

(2) 第 19(1) 條現予修訂，在但書中，加入——

“(e) subject to Article 20(8) of this Order, act as pilot in command of a balloon if—

- (i) he is the holder of an appropriate licence granted or rendered valid under this Order in all respects and he has not within the immediately preceding 13 months carried out as pilot in command in a balloon at least 5 flights each of not less than 5 minutes duration;

- (ii) he so acts in accordance with instructions given by a person authorized by the Chief Executive to supervise flying in the type of balloon being flown;
- (iii) no person other than that specified in sub-paragraph (ii) is carried; and
- (iv) the balloon is not flying for the purpose of public transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.”。

(3) 第 19(2) 條現予修訂，廢除 “in a country other than” 而代以 “outside”。

(4) 第 19(2)(a) 條現予修訂，廢除 “of the country in which the aircraft is registered; or” 而代以——

“of—

- (i) if there is no Article 83 bis transfer of the functions and duties under Article 32 a) of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or
- (ii) if there is such a transfer, the state of the operator of the aircraft; or”。

(5) 第 19(3) 條現予廢除。

(6) 第 19(4)(b)(ii) 條現予修訂，廢除 “, a flight navigator’s”。

(7) 第 19(5) 條現予修訂，廢除 “a flight navigator’s or”。

(8) 第 19(8)(a) 條現予廢除。

(9) 第 19(8)(b) 條現予修訂，廢除 “of the giving of instruction in flying in a glider owned or operated by a flying club of which the person giving and the person receiving instruction are both members.” 而代以——

“of—

- (i) the giving of instruction in flying in a glider owned or operated by a flying club of which the person giving the instruction and the person receiving the instruction are both members; or
- (ii) the conducting of flying tests in a glider owned or operated by a flying club of which the person conducting the test and the person undergoing the test are both members.”。

#### **14. Grant, renewal and effect of Flight Crew Licences**

(1) 第 20(1)(a) 條現予修訂，在 “skill,” 之後加入 “language ability, and”。

(2) 第 20(1) 條現予修訂，廢除但書。

- (3) 第 20(4)(b) 條現予廢除。
- (4) 第 20(7)(a) 條現予修訂，在 “operator’s” 之後加入 “restricted”。
- (5) 第 20(7)(d) 條現予廢除，代以——
  - “(d) Where the medical examination is conducted outside Hong Kong—
    - (i) the person conducting the examination shall make a report to the Chief Executive;
    - (ii) the Chief Executive, or any person in Hong Kong approved by him as competent to do so, may, on the basis of the report and subject to such conditions as he thinks fit, issue a medical certificate to the effect that he has assessed the holder of the licence as fit to perform the functions to which the licence relates; and
    - (iii) the certificate shall, without prejudice to paragraph (8) of this Article, be valid for such period as is specified in the certificate and shall be deemed to form part of the licence.”。
- (6) 第 20(8)(a) 條現予修訂，在 “suspects” 之前加入 “reasonably”。

## 15. 加入條文

現加入——

### **“20A. Endorsement in respect of language proficiency**

(1) The Chief Executive may include in a licence granted under Article 20 of this Order an endorsement in respect of language proficiency, subject to such conditions as he thinks fit, on his being satisfied that the licence holder has demonstrated the ability to speak and understand the language used for radiotelephony communications.

(2) The endorsement shall be valid for the period specified in the licence.

(3) A person shall not act as a member of the flight crew of an aircraft registered in Hong Kong in or over a place outside Hong Kong unless his licence bears a valid language proficiency endorsement and the conditions subject to which the endorsement was made are complied with.”。

## 16. Personal flying log book

- (1) 第 22(1) 條現予修訂，廢除 “Member” 而代以 “member”。

(2) 第 22(2)(d) 條現予修訂，廢除 “night-flying” 而代以 “night flying”。

### **17. Instruction in flying**

第 23(2) 條現予修訂，在但書中，廢除 “if flying” 而代以 “in flying”。

### **18. Training manual**

第 26(3)(a) 條現予修訂，廢除 “applied” 而代以 “applies”。

### **19. Public transport—operator’s responsibilities**

(1) 第 27(1)(a) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 27(3) 條現予修訂，在 “passengers” 之後加入 “or cargo”。

### **20. Loading—public transport aircraft and suspended loads**

(1) 第 28(4) 條現予修訂，廢除 “himself the commander” 而代以 “himself the pilot in command”。

(2) 第 28(4) 條現予修訂，廢除 “by the commander” 而代以 “by the pilot in command”。

(3) 第 28(4) 條現予修訂，在但書 (a) 段中，廢除 “commander” 而代以 “pilot in command”。

### **21. Public transport—operating conditions**

(1) 第 29(2) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 29(5) 條現予修訂，廢除 “so as to be more than 20 seconds flying time from” 而代以 “beyond”。

(3) 第 29(6) 條現予修訂，廢除 “A2 shall not fly over water for the purpose of public transport for more than 15 minutes during any flight” 而代以 “A1 or A2 shall not fly over water for the purpose of public transport beyond a distance from land corresponding to more than 10 minutes at its normal cruise speed”。

## 22. Aircraft registered in Hong Kong— Aerodrome operating minima

(1) 第 30(1)(a) 條現予修訂，在但書中，廢除“commander”而代以“pilot in command”。

(2) 第 30(1)(b) 條現予修訂，廢除“commander”而代以“pilot in command”。

(3) 第 30(4)(b) 條現予修訂，廢除“commander”而代以“pilot in command”。

(4) 第 30(5) 條現予廢除，代以——

“(5) Without prejudice to paragraph (5A) of this Article, an aircraft to which Article 25 of this Order applies, when making an instrument approach to an aerodrome—

(a) if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing, shall not continue the approach below 1 000 feet above the height of the aerodrome; or

(b) if the reported visibility or controlling runway visual range at the aerodrome falls below the specified minimum after the aircraft has descended below 1 000 feet above the height of the aerodrome, may continue the approach to—

(i) the decision altitude or decision height; or

(ii) the minimum descent altitude or minimum descent height.

(5A) Unless the specified visual reference for landing is established and maintained, an aircraft to which Article 25 of this Order applies shall not continue its approach to land at an aerodrome below—

(a) the decision altitude or decision height; or

(b) the minimum descent altitude or minimum descent height.”。

(5) 第 30(6) 條現予修訂，廢除“Air Traffic Control”而代以“air traffic control unit”。

(6) 第 30(6) 條現予修訂，廢除“commander”而代以“pilot in command”。

(7) 第 30(7) 條現予修訂，廢除“commander”而代以“pilot in command”。



### 23. Aircraft not registered in Hong Kong— aerodrome operating minima

(1) 第 31 條的標題現予修訂，廢除 “not registered in” 而代以 “registered outside”。

(2) 第 31(1) 條現予修訂，廢除 “in a country other than” 而代以 “outside”。

(3) 第 31(3) 條現予廢除，代以——

“(3) Without prejudice to paragraph (3A) of this Article, a public transport aircraft registered outside Hong Kong, when making an instrument approach to an aerodrome—

(a) if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing, shall not continue the approach below 1 000 feet above the height of the aerodrome; or

(b) if the reported visibility or controlling runway visual range at the aerodrome falls below the specified minimum after the aircraft has descended below 1 000 feet above the height of the aerodrome, may continue the approach to—

(i) the decision altitude or decision height; or

(ii) the minimum descent altitude or minimum descent height.

(3A) Unless the specified visual reference for landing is established and maintained, a public transport aircraft registered outside Hong Kong shall not continue its approach to land at an aerodrome below—

(a) the decision altitude or decision height; or

(b) the minimum descent altitude or minimum descent height.”。

### 24. Pre-flight action by commander of aircraft

(1) 第 32 條的標題現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 32 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(3) 第 32(b) 條現予廢除，代以——

“(b) either—

(i) that the equipment (including radio apparatus) required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or



- (ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator of the aircraft under Article 14A of this Order;”。

## 25. Pilots to remain at controls

(1) 第 33(1) 條現予修訂，廢除 “The commander” 而代以 “The pilot in command”。

(2) 第 33(1) 條現予修訂，廢除 “commander shall cause” 而代以 “pilot in command shall cause”。

(3) 第 33(1) 條現予修訂，廢除 “the public transport of passengers the commander” 而代以 “public transport, the pilot in command”。

## 26. Public transport of passengers— duties of commander

(1) 第 34 條的標題現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 34(2) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(3) 第 34(2)(b)(ii) 條現予修訂，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

(4) 第 34(2)(e) 條現予修訂，廢除 “before the aircraft takes-off, and before it lands” 而代以 “except as provided in paragraph (a) of the proviso to Article 45 of this Order, from the moment when, after the embarkation of passengers for the purpose of taking off, the aircraft first moves until after it has taken off, and before it lands and until it comes to rest for the purpose of disembarkation of passengers”。

(5) 第 34(2)(e)(ii) 條現予修訂，廢除 “secure” 而代以 “secured”。

(6) 第 34(2)(g) 條現予修訂，廢除 “millibars” 而代以 “hectopascals”。

(7) 第 34(2)(g)(ii) 條現予修訂，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

(8) 第 34(2)(h) 條現予修訂，廢除 “millibars” 而代以 “hectopascals”。

(9) 第 34(2)(h)(ii) 條現予修訂，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

**27. Operation of radio in aircraft**

(1) 第 35(1) 條現予廢除，代以——

“(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except—

(a) in accordance with the conditions of the licence issued in respect of that station under the law of—

(i) if there is no Article 83 bis transfer of the functions and duties under Article 30 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or

(ii) if there is such a transfer, the state of the operator of the aircraft; and

(b) by a person duly licensed or otherwise permitted to operate the radio station under the law of the country in which the aircraft is registered or of the state of that operator, as the case may be.”。

(2) 第 35(5)、(6) 及 (7) 條現予廢除。

**28. Minimum navigation performance**

(1) 第 36 條現予修訂，將該條重編為第 36(1) 條。

(2) 第 36(1) 條現予修訂，廢除在 “unless” 之後的所有字句而代以 “the aircraft is equipped with navigation systems which enable the aircraft to maintain the navigation performance capability prescribed under that Regulation.”。

(3) 第 36 條現予修訂，加入——

“(2) The equipment that forms part of the navigation systems referred to in paragraph (1) of this Article shall—

(a) be approved by the Chief Executive;

(b) be installed, and maintained, in a manner approved by the Chief Executive; and

(c) be operated in accordance with the procedures approved by the Chief Executive while the aircraft is flying in that airspace.

(3) An approval granted by the Chief Executive for the purposes of this Article shall be in writing and may be subject to such conditions as the Chief Executive thinks fit.”。

**29. 加入條文**

現加入——

**“36A. Area navigation and required navigation performance capabilities—aircraft registered in Hong Kong**

(1) An aircraft registered in Hong Kong shall not fly in designated required navigation performance airspace unless the aircraft is equipped with area navigation equipment that complies with paragraph (2) of this Article.

(2) The equipment shall—

- (a) enable the aircraft to maintain the navigation performance capability specified in respect of the airspace in which the aircraft is flying;
- (b) be approved by the Chief Executive;
- (c) be installed, and maintained, in a manner approved by the Chief Executive; and
- (d) be operated in accordance with the procedures approved by the Chief Executive while the aircraft is flying in designated required navigation performance airspace.

(3) An aircraft registered in Hong Kong that is not equipped with area navigation equipment that complies with paragraph (2) of this Article may fly in designated required navigation performance airspace only if the flight has been authorized by the appropriate air traffic control unit and the aircraft complies with the instructions given by the unit.

**36B. Area navigation and required navigation performance capabilities—aircraft registered outside Hong Kong**

(1) An aircraft registered outside Hong Kong shall not, if the law of the country in which the aircraft is registered requires the aircraft to be equipped with area navigation equipment that complies with paragraph (2) of this Article when flying within designated required navigation performance airspace, fly in designated required navigation performance airspace in Hong Kong unless the aircraft is so equipped.

(2) The equipment shall—

- (a) be capable of being operated so as to enable the aircraft to maintain the navigation performance capability specified in respect of the airspace in which the aircraft is flying; and
- (b) be so operated while the aircraft is flying in that airspace.

(3) An aircraft registered outside Hong Kong that is not equipped with area navigation equipment that complies with paragraph (2) of this Article may fly in designated required navigation performance airspace in Hong Kong only if the flight has been authorized by the appropriate air traffic control unit of Hong Kong and the aircraft complies with the instructions given by the unit.

**36C. Height keeping performance capabilities—  
aircraft registered in Hong Kong**

(1) Unless authorized by the appropriate air traffic control unit, an aircraft registered in Hong Kong shall not fly in reduced vertical separation minimum airspace notified for the purposes of this Article unless the aircraft is equipped with height keeping systems that comply with paragraph (2) of this Article and that enable the aircraft to maintain the height keeping performance capability specified in Schedule 15 to this Order.

(2) The equipment that forms part of the height keeping systems referred to in paragraph (1) of this Article shall—

- (a) be approved by the Chief Executive;
- (b) be installed, and maintained, in a manner approved by the Chief Executive; and
- (c) be operated in accordance with the procedures approved by the Chief Executive while the aircraft is flying in that airspace.

**36D. Height keeping performance capabilities—  
aircraft registered outside Hong Kong**

(1) An aircraft registered outside Hong Kong shall not, if the law of the country in which the aircraft is registered requires the aircraft to be equipped with height keeping systems that comply with paragraph (2) of this Article when flying in any specified area, fly in Hong Kong reduced vertical separation minimum airspace unless the aircraft is so equipped.

(2) The equipment that forms part of the height keeping systems referred to in paragraph (1) of this Article shall—

- (a) be capable of being operated so as to enable the aircraft to maintain the height keeping performance capability specified in respect of the airspace in which the aircraft is flying; and
- (b) be so operated while the aircraft is flying in that airspace.

(3) An aircraft registered outside Hong Kong that is not equipped with height keeping systems that comply with paragraph (2) of this Article may fly in Hong Kong reduced vertical separation minimum airspace only if the flight has been authorized by the appropriate air traffic control unit of Hong Kong and the aircraft complies with the instructions given by the unit.” ◦

### 30. Use of flight recording systems and preservation of records

- (1) 第 37(2)(a) 條現予修訂，廢除 “date” 而代以 “data”。
- (2) 第 37(4)(a) 條現予修訂，廢除 “8” 而代以 “10”。
- (3) 第 37(4)(b)(i) 條現予修訂，廢除 “eight” 而代以 “10”。
- (4) 第 37(4)(b)(ii)(bb) 條現予修訂，在 “cases” 之後加入 “or”。
- (5) 第 37(5) 條現予修訂，廢除 “eight” 而代以 “10”。
- (6) 第 37 條現予修訂，加入——

“(7) A flight recorder shall be deactivated on completion of flight time following an accident as defined in regulation 2(1) of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B).

(8) A flight recorder deactivated pursuant to paragraph (7) of this Article shall not be reactivated before its disposition as determined by the investigation authority of the state conducting the investigation of the accident.

(9) If an aircraft becomes involved in an accident as referred to in paragraph (7) of this Article, the operator or pilot in command of the aircraft shall, to the extent possible, ensure that all related flight recorder records and if necessary, the associated flight recorders are preserved and retained in safe custody pending their disposition.

(10) In this Article, “flight recorder” means any of the recorders referred to in paragraphs (1), (2), (3) and (4) of this Article.”。

### 31. 加入條文

現加入——

#### “37A. Use of airborne collision avoidance system

On any flight on which an airborne collision avoidance system is required by Article 14 of, and Schedule 6 to, this Order to be carried in an aeroplane, the system shall be operated—

- (a) in the case of an aeroplane to which Article 25 of this Order applies, in accordance with the procedures contained in the operations manual for the aeroplane;
- (b) in the case of an aeroplane registered in Hong Kong to which Article 25 of this Order does not apply, in accordance with the procedures that are suitable having regard to the purposes of the equipment that forms part of the system; or

- (c) in the case of an aeroplane registered outside Hong Kong, in accordance with the procedures that the aeroplane is required to comply with under the law of the country in which the aeroplane is registered.”。

### 32. Towing of gliders

(1) 第 38(1) 條現予修訂，廢除 “law of the country in which that aircraft is registered includes” 而代以——

“law of—

(a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the towing aircraft, the country in which the towing aircraft is registered; or

(b) if there is such a transfer, the state of the operator of the towing aircraft,

includes”。

(2) 第 38(3) 條現予修訂，廢除 “The commander” 而代以 “The pilot in command”。

(3) 第 38(3)(b) 條現予修訂，在末處加入 “and”。

(4) 第 38(3)(c) 條現予修訂，廢除所有 “commander” 而代以 “pilot in command”。

### 33. Towing, picking up and raising of persons and articles

(1) 第 39(1) 條現予修訂，廢除 “that aircraft under the law of the country in which the aircraft is registered includes” 而代以——

“the aircraft under the law of—

(a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or

(b) if there is such a transfer, the state of the operator of the aircraft,

includes”。

(2) 第 39(7)(b) 條現予修訂，廢除 “of saving life;” 而代以——

“of—

(i) fire fighting or prevention;

(ii) life-saving or law enforcement operation; or

(iii) the training of the personnel engaged in the activities referred to in subparagraph (i) or (ii) of this subparagraph;”。

(3) 第 39(7)(c) 條現予修訂，在末處加入 “or”。

#### 34. Dropping of animals and articles

(1) 第 40(2) 條現予修訂，在但書中，廢除 “commander” 而代以 “pilot in command”。

(2) 第 40(2) 條現予修訂，在但書 (a) 段中，廢除 “of saving life;” 而代以——  
“of—

(i) fire fighting or prevention;

(ii) life-saving or law enforcement operation; or

(iii) the training of the personnel engaged in the activities referred to in subparagraph (i) or (ii) of this subparagraph;”。

(3) 第 40(3) 條現予修訂，廢除 “dropping” 而代以 “, “dropping””。

(4) 第 40(4) 條現予修訂，廢除 “law of the country in which it is registered includes” 而代以——

“law of—

(a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the helicopter, the country in which the helicopter is registered; or

(b) if there is such a transfer, the state of the operator of the helicopter,

includes”。

#### 35. Dropping of persons

(1) 第 41(2) 條現予修訂，廢除 “dropping” 而代以 “, “dropping””。

(2) 第 41(4) 條現予修訂，廢除 “that aircraft under the law of the country in which the aircraft is registered includes” 而代以——

“the aircraft under the law of—

(a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the aircraft, the country in which the aircraft is registered; or

(b) if there is such a transfer, the state of the operator of the aircraft,

includes”。



(3) 第 41(7) 條現予修訂，廢除 “of saving life.” 而代以——  
“of—

- (a) fire fighting or prevention;
- (b) life-saving or law enforcement operation; or
- (c) the training of the personnel engaged in the activities referred to in subparagraph (a) or (b) of this paragraph.”。

(4) 第 41(8) 條現予修訂，廢除 “law of the country in which it is registered includes” 而代以——

“law of—

- (a) if there is no Article 83 bis transfer of the functions and duties under Article 31 of the Chicago Convention in respect of the helicopter, the country in which the helicopter is registered; or
- (b) if there is such a transfer, the state of the operator of the helicopter,

includes”。

### 36. Carriage of weapons and of munitions of war

(1) 第 43(1)(b) 條現予修訂，廢除 “commander or” 而代以 “pilot in command of”。

(2) 第 43(4) 條現予修訂，廢除 “in a country other than” 而代以 “outside”。

### 37. Exits and break-in markings

(1) 第 46(2) 條現予修訂，在但書 (b) 段中，廢除 “commander” 而代以 “pilot in command”。

(2) 第 46(5)(b) 條現予修訂，廢除 “10 centimetres in length along its outer edge and 2.5 centimetres in width” 而代以 “9 cm in length along its outer edge and 3 cm in width, and if the corner markings are more than 2 m apart, intermediate lines of 9 cm by 3 cm shall be inserted so that adjacent markings are less than 2 m apart”。

(3) 第 46(8) 條現予修訂，在但書 (b) 段中，廢除 “No exit” 而代以 “No Exit”。

### 38. Imperilling safety of aircraft

第 47 條的標題現予修訂，廢除 “Imperilling” 而代以 “Endangering”。



### 39. Imperilling safety of any person or property

第 48 條的標題現予修訂，廢除 “**Imperilling**” 而代以 “**Endangering**”。

### 40. Drunkenness in aircraft

(1) 第 49 條的標題現予廢除，代以——

“**Passengers and crew members not to be under influence of psychoactive substances**”。

(2) 第 49(1) 條現予廢除，代以——

“(1) A person shall not embark on an aircraft when under the influence of psychoactive substances, or be under the influence of psychoactive substances on board an aircraft, to such an extent as to jeopardize, or be likely to jeopardize—

(a) the safety of the aircraft or of persons or property on board the aircraft; or

(b) good order and discipline on board the aircraft.”。

(3) 第 49(2) 條現予修訂，廢除 “**drink or a drug**” 而代以 “**psychoactive substances**”。

(4) 第 49 條現予修訂，加入——

“(3) A holder of a licence granted under this Order authorizing the holder to act as a member of the crew of an aircraft shall not engage in the use of psychoactive substances in a way that—

(a) constitutes a direct hazard to the holder or endangers the lives, health or welfare of others; or

(b) causes or worsens an occupational, social, physical or mental problem or disorder of the holder.”。

### 41. Smoking in aircraft

(1) 第 50 條的標題現予廢除，代以——

“**Exhibition of notices indicating prohibition of smoking**”。

(2) 第 50(2) 條現予廢除。

### 42. Authority of commander of aircraft

(1) 第 51 條的標題現予修訂，廢除 “**commander**” 而代以 “**pilot in command**”。

(2) 第 51 條現予修訂，廢除“commander”而代以“pilot in command”。

#### 43. Stowaways

第 52 條現予修訂，廢除“commander thereof”而代以“pilot in command of the aircraft”。

#### 44. Fatigue of crew—responsibilities of crew

第 55(1) 條現予修訂，在“suspects”之前加入“reasonably”。

#### 45. Records to be kept

(1) 第 58 條現予修訂，將該條重編為第 58(1) 條。

(2) 第 58(1) 條現予修訂——

(a) 廢除“in a manner prescribed”；

(b) 廢除“the flight.”而代以“the flight, unless the Chief Executive otherwise directs.”。

(3) 第 58 條現予修訂，加入——

“(2) The operator of a public transport aircraft registered in Hong Kong shall, in respect of any flight by the aircraft during which it may fly at an altitude of more than 26 000 feet, keep a record of the total dose of cosmic radiation to which the members of the crew of the aircraft are exposed during the flight and of the names of such members so that the total cosmic radiation dose received by each member of the crew over a period of 12 consecutive months can be determined, unless the Chief Executive otherwise directs.”。

#### 46. Production of documents and records

第 59(1) 條現予修訂，廢除“commander”而代以“pilot in command”。

#### 47. Preservation of documents, etc.

(1) 第 61 條現予修訂，在但書 (a) 段中，廢除“he”而代以“, the first-mentioned operator”。

(2) 第 61 條現予修訂，在但書 (b) 段中，廢除“he”而代以“, the first-mentioned operator”。

(3) 第 61 條現予修訂，在但書 (c) 段中——

- (a) 廢除 “him” 而代以 “the first-mentioned operator” ；
- (b) 廢除 “registered in Hong Kong and operated by another person he” 而代以 “that is registered in Hong Kong and operated by a person other than the first-mentioned operator, the first-mentioned operator” 。

#### **48. Revocation, suspension and variation of certificates, licences and other documents**

第 62(1) 條現予修訂，廢除 “licence approval” 而代以 “licence, approval” 。

#### **49. Rules of the air**

- (1) 第 64 條的標題現予修訂，廢除 “air” 而代以 “Air” 。
- (2) 第 64(3)(c) 條現予修訂，廢除 “commander” 而代以 “pilot in command” 。
- (3) 第 64(4) 條現予修訂，廢除 “commander” 而代以 “pilot in command” 。

#### **50. Provision of air traffic services**

- (1) 第 64A(2) 條現予修訂，廢除 “radar” 而代以 “air traffic service surveillance system” 。
- (2) 第 64A(3) 條現予修訂，廢除 “aerodrome flight” 而代以 “flight” 。

#### **51. Licensing of air traffic controllers, student air traffic controllers and aerodrome flight information service officers**

- (1) 第 65 條的標題現予修訂，廢除 “, student air traffic controllers and aerodrome flight information service officers” 而代以 “and student air traffic controllers” 。
- (2) 第 65(1) 條現予修訂——
  - (a) 廢除 “, as a student air traffic controller or as an aerodrome flight information service officer” 而代以 “or a student air traffic controller” ；
  - (b) 在 “skill,” 之後加入 “language ability, and” 。

(3) 第 65(1) 條現予修訂，在但書 (a) 段中——

(a) 廢除 “or an aerodrome flight information service officer’s licence” ；

(b) 廢除 “18” 而代以 “21” 。

(4) 第 65(1) 條現予修訂，在但書 (b) 段中，廢除在 “includes” 之後的所有字句而代以 “ratings of classes as set out in Schedule 10 to this Order to a person under the age of 21 years.” 。

(5) 第 65(1) 條現予修訂，廢除但書 (c) 段。

(6) 第 65(2) 條現予修訂，廢除 “radar equipment” 而代以 “air traffic service surveillance system” 。

(7) 第 65(4) 條現予廢除。

(8) 第 65(5) 條現予修訂，廢除在 “an air traffic controller” 之後的所有字句而代以 “or a student air traffic controller shall not be valid unless it bears the ordinary signature of the holder of the licence in ink.” 。

(9) 第 65(6) 條現予修訂，廢除 “, as a student air traffic controller or as an aerodrome flight information service officer” 而代以 “or a student air traffic controller” 。

(10) 第 65(7)(b) 條現予修訂，廢除 “and skill” 而代以 “, skill and language ability” 。

(11) 第 65(8) 條現予廢除。

(12) 第 65 條現予修訂，加入——

“(9A) The Chief Executive may include in a licence granted under this Article an endorsement in respect of language proficiency, subject to such conditions as he thinks fit, on his being satisfied that the licence holder has demonstrated the ability to speak and understand the language used for radiotelephony communications in the provision of air traffic control service or flight information service.

(9B) The endorsement referred to in paragraph (9A) of this Article shall be valid for the period specified in the licence.” 。

(13) 第 65(10) 條現予修訂——

(a) 在 “control service” 之後加入 “or flight information service” ；

(b) 廢除在 “his” 之後的所有字句而代以——

“licence—

(a) includes a valid medical certificate issued under paragraph (9) of this Article; and

(b) bears a valid language proficiency endorsement referred to in paragraph (9A) of this Article and the conditions subject to which the endorsement was made are complied with.” 。

**52. Prohibition of unlicensed air traffic controllers, student air traffic controllers and aerodrome flight information service officers**

(1) 第 66 條的標題現予修訂，廢除“， student air traffic controllers and aerodrome flight information service officers”而代以“and student air traffic controllers”。

(2) 第 66(1) 條現予修訂，廢除兩度出現的“or an aerodrome flight information service”而代以“or flight information service”。

(3) 第 66(1)(b) 條現予修訂——

(a) 廢除“case of an aerodrome”而代以“case of a”；

(b) 廢除“aerodrome flight information service officer’s licence”而代以“air traffic controller’s licence”。

(4) 第 66(2)(a) 條現予修訂，廢除“radar equipment”而代以“air traffic service surveillance system”。

(5) 第 66(3) 條現予修訂，廢除“an aerodrome”。

(6) 第 66(4) 條現予廢除。

(7) 第 66 條現予修訂，加入——

“(6) Nothing in this Article shall prohibit a person approved by an authorized person for the purposes of this paragraph from relaying any air traffic control instruction or flight information when directed to do so by a holder of a valid air traffic controller’s licence with the appropriate rating which entitles the holder to give the instruction or information, as the case may be.”。

**53. 取代條文**

第 67 條現予廢除，代以——

**“67. Manual of Air Traffic Control**

(1) A person who provides an air traffic service in Hong Kong with the approval of the Chief Executive under Article 64A of this Order shall issue and maintain an up-to-date manual of air traffic control.

(2) If the Chief Executive so requires, the manual of air traffic control referred to in paragraph (1) of this Article shall be amended and produced to the Chief Executive.

(3) An air traffic controller and a student air traffic controller shall, when providing an air traffic control service or a flight information service, comply with the standards and procedures specified in the manual of air traffic control referred to in paragraph (1) of this Article.”。

#### 54. Incapacity of air traffic controllers

第 68(3) 條現予廢除，代以——

“(3) The holder of an air traffic controller’s licence who has reason to believe that she is pregnant shall not be entitled to exercise the privileges of her licence and ratings unless—

- (a) obstetrical evaluation and continued medical assessment indicate that her pregnancy is a low-risk uncomplicated pregnancy; and
- (b) she has undergone such medical examination as an authorized person may reasonably require for the purpose of ascertaining whether she is medically fit to exercise those privileges and the result of the examination shows that she is able to safely exercise those privileges.

(4) The holder of an air traffic controller’s licence shall not, after her confinement or the termination of her pregnancy, be entitled to exercise the privileges of her licence and ratings until she has undergone the medical examination referred to in paragraph (3)(b) of this Article and the result of the examination shows that she is able to safely exercise those privileges.”。

#### 55. 加入條文

現加入——

##### “68A. Air traffic controllers not to exercise privileges of licences or use psychoactive substances in certain circumstances

- (1) The holder of an air traffic controller’s licence—
  - (a) shall not exercise the privileges of his licence if he knows or reasonably suspects that his physical or mental condition renders him unfit to exercise such privileges; and
  - (b) shall not, when exercising the privileges of the licence, be under the influence of psychoactive substances which may render him unable to safely and properly exercise such privileges.

(2) The holder of an air traffic controller's licence shall not engage in the use of psychoactive substances in a way that—

- (a) constitutes a direct hazard to the holder or endangers the lives, health or welfare of others; or
- (b) causes or worsens an occupational, social, physical or mental problem or disorder of the holder.

**68B. Fatigue of air traffic controller—air traffic controller's responsibilities**

The holder of an air traffic controller's licence shall not exercise the privileges of his licence if he knows or reasonably suspects that he is suffering from, or having regard to the circumstances of the period of duty to be undertaken is likely to suffer from, such fatigue as may endanger the safety of any aircraft or of the occupants of any aircraft.”。

**56. Power to prohibit or restrict flying**

- (1) 第 69(2) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。
- (2) 第 69(3) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

**57. Balloons, kites, airships, gliders and parascending parachutes**

第 70(1)(f) 條現予修訂，廢除 “which” 而代以 “winch”。

**58. Aerodromes: public transport of passengers and instruction in flying**

第 71(2)(c) 條現予修訂，廢除 “, (ii) ”。

**59. Aeronautical radio stations**

(1) 第 74(2) 條現予修訂，廢除 “radar” 而代以 “air traffic service surveillance system”。

(2) 第 74(2) 條現予修訂，在但書中，廢除 “of an aircraft and the commander thereof” 而代以 “and the pilot in command of an aircraft”。

**60. Aeronautical radio station records**

第 75(1) 條現予修訂，廢除 “radar” 而代以 “air traffic service surveillance system”。

**61. Aeronautical lights**

第 79(1) 條現予修訂，廢除 “of;” 而代以 “of—”。

**62. Flights over any place outside Hong Kong**

(1) 第 85(1) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 85(3) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

**63. Mandatory reporting**

(1) 第 86(1)(a) 條現予廢除，代以——

“(a) is the operator or the pilot in command of—

(i) a turbine-powered aircraft in respect of which there is in force a certificate of airworthiness issued by the Chief Executive; or

(ii) an aircraft, whether registered in Hong Kong or elsewhere, operated by a holder of an air operator’s certificate granted by the Chief Executive; or”。

(2) 第 86(2) 條現予修訂，在但書中，廢除在 “that” 之後的所有字句而代以 “an accident in respect of which notice has been given to the Chief Inspector pursuant to the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B) shall not constitute a reportable occurrence for the purposes of this Article.”。

(3) 第 86 條現予修訂，加入——

“(6) In this Article, “Chief Inspector” has the meaning assigned to it by regulation 2(1) of the Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Cap. 448 sub. leg. B).”。

**64. Power to prevent aircraft flying**

(1) 第 87(1) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。

(2) 第 87(3) 條現予修訂，廢除 “commander” 而代以 “pilot in command”。



## 65. Penalties

第 91(1) 條現予修訂，廢除 “of that aircraft and the commander thereof” 而代以 “and the pilot in command of that aircraft”。

## 66. Application of Order to Chinese controlled aircraft not registered in Hong Kong

第 93 條的標題現予修訂，廢除 “Chinese controlled aircraft not registered in” 而代以 “aircraft registered outside”。

## 67. Appeal to High Court

(1) 第 96(1) 條現予修訂——

(a) 廢除 “a licence to act as an aircraft maintenance engineer,” 而代以 “an aircraft maintenance licence or a licence to act as a”；

(b) 廢除 “, student air traffic controller or aerodrome flight information service officer” 而代以 “or student air traffic controller”。

(2) 第 96(1) 條現予修訂，在但書中，在 “skill,” 之後加入 “language ability or”。

## 68. Interpretation

(1) 第 98(1) 條現予修訂，廢除 “Aerodrome flight information unit” 的定義。

(2) 第 98(1) 條現予修訂，廢除 “Aerodrome traffic zone” 的定義而代以——

““Aerodrome traffic zone”, in relation to an aerodrome, means the airspace—

(a) which is in the vicinity of the aerodrome that is notified for the purposes of Rule 35 of Schedule 14 to this Order; and

(b) which is of defined dimensions established around the aerodrome for the protection of aerodrome traffic;”。

(3) 第 98(1) 條現予修訂，廢除 “Commander” 的定義。

(4) 第 98(1) 條現予修訂，在 “Decision height” 的定義中，廢除 “establish” 而代以 “established”。

(5) 第 98(1) 條現予修訂，在 “Flight level” 的定義中，廢除 “millibars” 而代以 “hectopascals”。

(6) 第 98(1) 條現予修訂，在“Minimum descent height”的定義中，廢除“may”而代以“must”。

(7) 第 98(1) 條現予修訂，廢除“Pilot in command”的定義而代以——

““Pilot in command”, in relation to an aircraft, means the pilot designated by the operator or the owner, as appropriate, as being in charge of the aircraft without being under the direction of any other pilot in the aircraft and charged with the safe conduct of a flight;”。

(8) 第 98(1) 條現予修訂，在“Runway visual range”的定義中，廢除“commander”而代以“pilot in command”。

(9) 第 98(1) 條現予修訂，在“Special VFR flight”的定義中，廢除在“flight””之後的所有字句而代以“has the meaning assigned to it by Rule 23 of the Rules of the Air;”。

(10) 第 98(1) 條現予修訂，加入——

““Aeroplane” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“Air traffic service surveillance system” means automatic dependent surveillance—broadcast, primary surveillance radar, secondary surveillance radar or any comparable ground-based system that enables the identification of aircraft;

“Aircraft” means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“Area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of the equipment or a combination of the two;

“Article 83 bis transfer”, in relation to an aircraft, means a transfer under Article 83 bis of the Chicago Convention of all or part of the functions and duties under Articles 12, 30, 31 and 32 a) of the Convention in respect of the aircraft;

“Cabin crew”, in relation to an aircraft, means those crew members assigned by the operator or pilot in command of the aircraft to perform, in the interests of the safety of passengers, duties on board the aircraft but does not include members of the flight crew;

“Captive balloon” means a balloon which when in flight is attached by a restraining device to the surface;

- “Decision altitude”, in relation to the operation of an aircraft at an aerodrome, means the altitude in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;
- “Designated required navigation performance airspace” means airspace that has been notified, prescribed or otherwise designated by the competent authority for the airspace in respect of which an aircraft is required to meet the specified navigation performance capabilities when flying in or over the airspace;
- “Flight information service” means a service that is provided for the purposes of giving advice and information useful for the safe and efficient conduct of flights;
- “Free balloon” means a balloon which when in flight is not attached by any form of restraining device to the surface;
- “Helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;
- “Microlight aeroplane” means an aeroplane designed to carry not more than 2 persons that has—
- (a) a maximum total weight authorized not exceeding—
    - (i) in the case of a single seat landplane, 300 kg;
    - (ii) in the case of a 2 seats landplane, 450 kg;
    - (iii) in the case of a single seat amphibian or floatplane, 330 kg;or
    - (iv) in the case of a 2 seats amphibian or floatplane, 495 kg;and
  - (b) a stalling speed at the maximum total weight authorized not exceeding 35 knots calibrated airspeed;
- “Minimum descent altitude”, in relation to the operation of an aircraft at an aerodrome, means the altitude in a non-precision approach below which descent must not be made without the required visual reference;
- “Private flight” means a flight which is not used for the purpose of aerial work or public transport;
- “Psychoactive substances” means alcohol, opioids, cannabinoids, sedatives, hypnotics, cocaine or other psychostimulants, hallucinogens or volatile solvents, but does not include coffee and tobacco;
- “State of the operator” means the state in which the operator of an aircraft has—
- (a) his principal place of business; or
  - (b) if he has no such place of business, his permanent residence;” ◦

(11) 第 98(3)(c) 條現予修訂——

(a) 廢除 “or free balloon” ；

(b) 廢除 “thereto or comes to rest thereon” 而代以 “to the surface or comes to rest on the surface” 。

(12) 第 98(3) 條現予修訂，加入——

“(d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment when it next comes to rest on the surface; or

(e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket but excluding the restraining device that attaches the balloon to the surface, becomes separated from the surface until the moment when it next comes to rest on the surface;” 。

(13) 第 98(4) 條現予修訂，廢除 “employed or engaged in an aircraft in flight on the business of the aircraft” 而代以 “assigned by the operator of an aircraft to be involved in the operation of the aircraft during any portion of a flight” 。

(14) 第 98(6)(a)(ii) 條現予修訂，廢除 “aricraft” 而代以 “aircraft” 。

(15) 第 98(6)(a)(iii) 條現予修訂，廢除 “hire-purchase” 而代以 “hire-purchase agreement” 。

## 69. 加入條文

現加入——

### “102. Safety management system

(1) A person, other than a natural person, who—

(a) is the operator of an aircraft registered in Hong Kong that is flown for the purposes of public transport;

(b) issues a certificate of release to service in respect of the aircraft referred to in subparagraph (a) of this paragraph, or of any equipment or part of the aircraft;

(c) provides an air traffic service; or

(d) is an aerodrome licence holder,

shall, in respect of the activities that he is authorized, permitted, approved or required to carry out under this Order, implement a safety management system that—

(e) complies with paragraphs (2) and (3) of this Article; and

(f) is accepted by the Chief Executive.

- (2) The safety management system shall—
- (a) identify safety hazards and manage associated risks;
  - (b) ensure that remedial action necessary to maintain an acceptable level of safety is carried out;
  - (c) provide for continuous monitoring and regular assessment of the safety level achieved;
  - (d) aim to make continuous improvement to the overall level of safety; and
  - (e) be appropriate to the size, nature and complexity of the activities concerned and the safety hazards and risks related to such activities.
- (3) The safety management system shall be a documented system and shall contain the following elements—
- (a) explicit safety policies on which the system is based;
  - (b) safety objectives and performance targets and indicators;
  - (c) clearly defined lines of safety accountabilities and responsibilities of staff at all levels;
  - (d) promotion of safety culture;
  - (e) safety training to ensure competence of staff;
  - (f) monitoring and reviewing of safety performance of staff;
  - (g) safety management and oversight procedures;
  - (h) collection and analysis of safety information and data with the aim of preventing adverse safety trend;
  - (i) maintenance and, where appropriate, sharing of safety information and data;
  - (j) a contingency and emergency response plan;
  - (k) investigation of accidents and occurrences of significant nature with a view to identifying and implementing safety improvement measures;
  - (l) periodic reviews, audits and inspections of the systems and procedures established in relation to the elements referred to in this paragraph.”。

## 70. 修訂附表 1

(1) 附表 1 現予修訂，廢除在開首處的“Article 4(6), 23(2) and 99(8)”而代以“Articles 4(6) and (8), 5(2), 23(2) and 98(8)”。

(2) 附表 1 的 A 部的表的第 2 欄現予修訂——

- (a) 廢除“Lighter than air”而代以“Lighter-than-air”；

(b) 廢除 “Heavier than air” 而代以 “Heavier-than-air”。

(3) 附表 1 的 A 部的表的第 4 欄現予修訂，在——  
“Aeroplane (Self-launching motor glider)”

之後加入——

“Powered Lift (Tilt Rotor)”。

(4) 附表 1 的 B 部第 4(a) 項現予修訂，廢除 “an aeroplane having an empty weight not exceeding 150 kg” 而代以 “a microlight aeroplane,”。

(5) 附表 1 的 B 部第 5 項第 I 條 (a) 段現予修訂，廢除 “Flying Machines and Gliders” 而代以 “Heavier-than-air aircraft”。

(6) 附表 1 的 B 部第 5 項第 I 條 (a)(i)(bb) 段現予修訂，廢除 “15” 而代以 “30”。

(7) 附表 1 的 B 部第 5 項第 I 條 (b) 段現予廢除，代以——

“(b) Lighter-than-air aircraft

(i) Airships: The marks shall appear either on the hull, or on the stabilizer surfaces. Where the marks appear on the hull, they shall be located lengthwise on each side of the hull and also on its upper surface on the line of symmetry. Where the marks appear on the stabilizer surfaces, they shall appear on the horizontal and on the vertical stabilizers; the marks on the horizontal stabilizer shall be located on the right half of the upper surface and on the left half of the lower surface, with the tops of the letters towards the leading edge; the marks on the vertical stabilizer shall be located on each side of the bottom half stabilizer, with the letters placed horizontally.

(ii) Spherical balloons (other than unmanned free balloons): The marks shall appear in 2 places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.

(iii) Non-spherical balloons (other than unmanned free balloons): The marks shall appear on each side. They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) Lighter-than-air aircraft (other than unmanned free balloons): The side marks shall be visible both from the sides and from the ground.

(v) Unmanned free balloons: The marks shall appear on the fireproof metal plate mentioned in item 4 of this Part.”。

(8) 附表 1 的 B 部第 5 項第 II 條 (a) 段現予修訂，廢除 “Flying Machines and Gliders” 而代以 “Heavier-than-air aircraft”。

(9) 附表 1 的 B 部第 5 項第 II 條 (b) 段現予修訂，廢除 “Airships and Free Balloons” 而代以 “Lighter-than-air aircraft”。

(10) 附表 1 的 B 部第 5 項第 III 條 (a) 段現予廢除，代以——

“(a) The width of each letter (except the letters I, M and W) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter. The width of the letter I shall be one-sixth of the height of the letter. The width of the letters M and W shall be neither less than two-thirds of their height nor more than their height.”。

(11) 附表 1 的 B 部第 5 項第 III 條 (c) 段現予修訂，廢除 “by a space equal to half” 而代以 “, by a space of not less than one-quarter of”。

## 71. 取代附表 2

附表 2 現予廢除，代以——

### “SCHEDULE 2

Articles 3(1),  
5(3), 7(1A)  
and 39(7)

### A AND B CONDITIONS

The A and B Conditions referred to in Articles 3(1), 5(3), 7(1A) and 39(7) of this Order are as follows—

#### A Conditions

(1) The aircraft is an aircraft registered in Hong Kong and flies for a purpose set out in paragraph (2) of these Conditions when either—

- (a) it does not have a certificate of airworthiness issued or rendered valid under the law of Hong Kong; or
- (b) the certificate of airworthiness or certificate of validation issued in respect of the aircraft has ceased to be in force by virtue of any of the matters specified in Article 8(7) of this Order.



(2) The purposes referred to in paragraph (1) of these Conditions are as follows—

- (a) in the case of an aircraft falling within paragraph (1)(a) of these Conditions, enabling it to—
  - (i) qualify for the issue or renewal of a certificate of airworthiness or a certificate of validation after an application has been made for such issue or renewal, as the case may be;
  - (ii) carry out a functional check of a modification which has previously been approved by the Chief Executive in respect of that aircraft or another aircraft of the same type (“previously approved modification”);
  - (iii) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in sub-subparagraph (i) or (ii) of this subparagraph after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
  - (iv) proceed to or from a place at which the aircraft is to be or has been stored;
- (b) in the case of an aircraft falling within paragraph (1)(b) of these Conditions, enabling it to—
  - (i) proceed to a place at which any inspection or maintenance as provided in Article 8(7)(b)(iv) of this Order is to take place;
  - (ii) proceed to a place at which any inspection, maintenance or modification as provided in Article 8(7)(b)(iii) or (c) of this Order is to take place and in respect of which flight the Chief Executive has given permission in writing; or
  - (iii) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the Chief Executive of any overhaul, repair, previously approved modification, inspection or maintenance as provided in Article 8(7)(a), (b) or (c) of this Order.

(3) The aircraft, including any modifications, is of a design which has previously been approved by the Chief Executive as being compliant with a standard accepted by the Chief Executive as appropriate for the issue of a certificate of airworthiness.



- (4) The aircraft and its engines are certified as fit for flight—
- (a) by the holder of an aircraft maintenance licence granted under this Order, being a licence which entitles him to issue that certificate; or
  - (b) by a person approved by the Chief Executive for the purpose of issuing certificates under this paragraph and in accordance with that approval.

(5) The aircraft carries the minimum flight crew specified in any certificate of airworthiness or certificate of validation or flight manual which has previously been in force under this Order in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(6) The aircraft does not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose set out in paragraph (2) of these Conditions.

(7) The aircraft does not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off or land.

## B Conditions

(1) The aircraft flies for a purpose set out in paragraph (2) of these Conditions whether or not it is registered as described in Article 3(1) of this Order and when there is not in force in respect of the aircraft—

- (a) in the case of an aircraft which is so registered, a certificate of airworthiness issued or rendered valid under the law of the country in which the aircraft is registered; or
- (b) in the case of an aircraft which is not so registered, either a certificate of airworthiness issued or rendered valid by the Chief Executive or a permit to fly issued by the Chief Executive.

(2) The purposes referred to in paragraph (1) of these Conditions are as follows—

- (a) experimenting with or testing the aircraft (including any engines installed in or on the aircraft) or any equipment installed in or carried in the aircraft;
- (b) enabling it to qualify for—
  - (i) the issue of a certificate of airworthiness or a certificate of validation;
  - (ii) the approval of a modification of the aircraft; or
  - (iii) the issue of a permit to fly;

- (c) demonstrating and displaying the aircraft, any engines installed in or on the aircraft or any equipment installed in or carried in the aircraft with a view to the sale of the aircraft, engines or equipment or of other similar aircraft, engines or equipment;
- (d) demonstrating and displaying the aircraft to employees of the operator;
- (e) giving flying training to or testing flight crew employed by the operator who are carried or are intended to be carried pursuant to paragraph (7)(a) of these Conditions or training or testing other persons employed by the operator who are carried or are intended to be carried pursuant to paragraph (7)(a) of these Conditions; or
- (f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to in subparagraphs (a), (b), (c), (d) or (e) of this paragraph or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken.

(3) The flight is operated by a person approved by the Chief Executive for the purposes of these Conditions and subject to any additional conditions which may be specified in such an approval.

(4) If the aircraft is not registered in Hong Kong—

- (a) it is marked in a manner approved by the Chief Executive for the purposes of these Conditions; and
- (b) Articles 14, 15, 32, 35, 57 and 59 of this Order are complied with in relation to the aircraft as if it were registered in Hong Kong.

(5) If the aircraft is not registered in Hong Kong, it carries such flight crew as may be necessary to ensure the safety of the aircraft.

(6) No person acts as pilot in command of the aircraft except a person approved for the purposes of these Conditions by the Chief Executive.

(7) The aircraft does not carry any cargo or any persons other than the flight crew except the following—

- (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose set out in paragraph (2) of these Conditions;

- (b) persons acting on behalf of a manufacturer of a component part of the aircraft (including its engines) or of equipment installed in or carried in the aircraft who during the flight carry out duties in connection with a purpose of the flight (being a purpose set out in paragraph (2) of these Conditions) that is relevant to the component part or equipment;
- (c) persons approved by the Chief Executive under Article 101 of this Order as qualified to furnish reports for the purposes of Article 8(8) of this Order;
- (d) persons other than those carried under the preceding provisions of this paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
- (e) cargo which comprises equipment carried in connection with the purpose set out in paragraph (2)(f) of these Conditions; or
- (f) persons employed by the operator or a person acting on behalf of a manufacturer of a component part of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with the purpose set out in paragraph (2)(f) of these Conditions who carry out duties in connection with that purpose.

(8) The aircraft does not fly, except in accordance with procedures which have been approved by the Chief Executive in relation to that flight, over any congested area of a city, town or settlement.”。

## 72. Categories of Aircraft

附表 3 現予修訂，廢除在開首處的“Article 3”而代以“Article 8(2)”。

## 73. Aerodrome Manual

附表 4 現予修訂——

- (a) 在第 (xviii) 段中，廢除末處的“and”；
- (b) 在第 (xix) 段中，廢除句號而代以“; and”；
- (c) 加入——

“(xx) the system of managing safety in an organized and orderly approach at the aerodrome.”。

#### 74. Aircraft Equipment

(1) 附表 5 現予修訂，廢除在開首處的“and 13(2)”而代以“，13(2) and (8), 25(5) and 37(1), (3) and (4) and Schedule 11”。

(2) 附表 5 第 3(m) 段現予修訂，廢除“Y1 and Y2”而代以“Y”。

(3) 附表 5 第 4 段現予修訂，在“TABLE”的標題之後加入——

“For the purposes of this paragraph, “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunrise and sunset being determined at surface level.”。

(4) 附表 5 第 4 段的表現予修訂，在第 (2)(a) 段中，在第三欄中，廢除“A(i) and (ii) and B(i)”而代以“A(i), (ii) and (iii)(a) and B(i)”。

(5) 附表 5 第 4 段的表現予修訂，在第 (2)(a)(i) 段中，在第三欄中，廢除“C and D”而代以“C, E, F and G”。

(6) 附表 5 第 4 段的表現予修訂，在第 (2)(a) 段中，加入——

“(iv) when flying under Visual Flight Rules (aa) outside controlled airspace.	E(iv), F(i) and (vi) and FF
(bb) within controlled airspace.	E with E(iv) duplicated and F
(v) on all flights which involve manoeuvres on water.	H and J(iii) and (iv)
(vi) in the case of a single-engined aeroplane, when flying over water beyond gliding distance from land.	H
(vii) when flying over water at a distance of more than 50 nautical miles away from land suitable for making an emergency landing.	H
(viii) when flying over water (aa) in the case of a single-engined aeroplane, when more than 100 nautical miles away from land suitable for making an emergency landing.	K(i)

- |   |      |
|---|------|
| <p>(bb) in the case of a multi-engined aeroplane capable of continuing flight with one engine inoperative, when more than 200 nautical miles away from land suitable for making an emergency landing.</p>   | K(i) |
| <p>(ix) when flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult where, in the event of an emergency landing, tropical conditions are likely to be met.</p>  | U    |
| <p>(x) when flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult where, in the event of an emergency landing, polar conditions are likely to be met.</p>  | V    |
| <p>(xi) when flying at a height of 10 000 ft or more above mean sea level.</p>  | L2”。 |
| <p>(7) 附表 5 第 4 段的表現予修訂，廢除第 (2)(b)(iii) 段而代以——</p>  |      |
| <p>“(iii) (aa) when flying over water at a distance of more than 50 nautical miles away from the shore, in the case of an aeroplane:<br/>(aaa) in the event of the critical power unit becoming inoperative at any point along the route or planned diversions from that point, it shall be able to continue the flight to an aerodrome at which landing can be made, without flying below the minimum flight altitude at any point; or</p> | H    |

(bbb) having 3 or more power units, on any part of a route where the location of en-route alternate aerodrome and the total duration of the flight are such that the probability of a second power unit becoming inoperative must be allowed for if the general level of safety is to be maintained, it shall be able, in the event of any 2 power units becoming inoperative, to continue the flight to an en-route alternate aerodrome and land.	H
(bb) in the case of all other aeroplanes, when flying en-route over water beyond gliding distance from land.	H”。

(8) 附表 5 第 4 段的表現予修訂，在第 (2) 段中，在第二欄中，廢除 (b)(v)(aa)(bbb) 節而代以——

“(bbb) having no performance group classification in its certificate of airworthiness and of such a weight and performance that with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aeroplane issued or rendered valid by the Chief Executive it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5 000 ft in the International Standard Atmosphere specified in or ascertainable by reference to the certificate of airworthiness in force in respect of that aircraft,

when either more than 400 nautical miles or more than 90 minutes flying time\* from the nearest aerodrome at which an emergency landing can be made.”。

(9) 附表 5 第 4 段的表現予修訂，在第 (2)(b)(v)(bb) 段中，在第二欄中，在 “when” 之後加入 “either more than 100 nautical miles or”。

(10) 附表 5 第 4 段的表現予修訂，在第 (2)(b)(xi) 段中，在第三欄中，廢除 “Y2(i)” 而代以 “Y(i)”。

(11) 附表 5 第 4 段的表現予修訂，在第 (2)(b)(xii) 段中，在第三欄中，廢除 “R2” 而代以 “R”。

(12) 附表 5 第 4 段的表現予修訂，在第 (2)(b) 段中，加入——

“(xvi) when flying under Visual Flight Rules: (aa) outside controlled airspace.  (bb) within controlled airspace.	E(iv), F(i) and (vi) and FF E with E(iv) duplicated and F
(xvii) when operated by a single pilot under the Instrument Flight Rules or at night.	ZZ”。

(13) 附表 5 第 4 段的表現予修訂，在第 (6) 段中，在第一欄中，廢除 (c) 節而代以——

“(c) for which an individual certificate of airworthiness was first issued (whether in Hong Kong or elsewhere) on or after 1 June 1990 and which have a maximum total weight authorized exceeding 27 000 kg:  
Provided that this paragraph shall not apply to aeroplanes falling within paragraph (6A).”。

(14) 附表 5 第 4 段的表現予修訂，加入——

“(6A) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Transport Category (Passenger) or Transport Category (Cargo) and for which an individual certificate of airworthiness was first issued (whether in Hong Kong or elsewhere) on or after 1 January 2005 and which have a maximum total weight authorized exceeding 5 700 kg.	when flying on any flight.	S(viii)”。
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(15) 附表 5 第 4 段的表現予修訂，在第 (7) 段中，在第一欄中，廢除 “27 000 kg.” 而代以——

“27 000 kg:  
Provided that this paragraph shall not apply to aeroplanes falling within paragraph (7A).”。



(16) 附表 5 第 4 段的表現予修訂，加入——

<p>(7A) Aeroplanes in respect of which there is in force a certificate of airworthiness in the Aerial Work or Private Category and for which an individual certificate of airworthiness was first issued (whether in Hong Kong or elsewhere) on or after 1 January 2005 and which have a maximum total weight authorized exceeding 5 700 kg.</p>	<p>when flying on any flight.</p>	<p>S(viii)”。</p>
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(17) 附表 5 第 4 段的表現予修訂，廢除第 (9) 段而代以——

<p>“(9) Aeroplanes powered by one or more turbine jets or one or more turbine propeller engines which have a maximum total weight authorized exceeding 5 700 kg or which in accordance with the certificate of airworthiness in force in respect of which may carry more than 9 passengers.</p>	<p>when flying on any flight.</p>	<p>X”。</p>
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(18) 附表 5 第 4 段的表現予修訂，在第 (12)(a) 段中，在第三欄中，廢除 “Y2(iv)” 而代以 “Y(iv)”。

(19) 附表 5 第 4 段的表現予修訂，在第 (12)(b) 段中，在第三欄中，廢除 “Y2(iv)” 而代以 “Y(iv)”。

(20) 附表 5 第 4 段的表現予修訂，在第 (12)(c) 段中，在第三欄中，廢除 “Y2(iv)” 而代以 “Y(iv)”。

(21) 附表 5 第 4 段的表現予修訂，在第 (13)(a) 段中，在第三欄中，廢除 “A(i) and (ii) and B(i)” 而代以 “A(i), (ii) and (iii)(a) and B(i)”。

(22) 附表 5 第 4 段的表現予修訂，在第 (13)(a)(i) 段中，在第三欄中，廢除 “D” 而代以 “D, F(i) and (vi) and FF”。

(23) 附表 5 第 4 段的表現予修訂，在第 (13)(a)(ii)(aa) 段中，在第三欄中，廢除 “E with E(ii) duplicated” 而代以 “E and F”。

(24) 附表 5 第 4 段的表現予修訂，在第 (13)(a)(ii)(bb) 段中，在第三欄中，廢除 “E with E(ii) and E(iv) duplicated” 而代以 “E with E(iv) duplicated”。



(25) 附表 5 第 4 段的表現予修訂，在第 (13)(a)(iii)(bb)(aaa) 段中，在第三欄中，廢除 “C, E, with E(ii) duplicated, G(iii) and G(v)” 而代以 “C, E, F and G(ii), (iii) and (v)”。

(26) 附表 5 第 4 段的表現予修訂，在第 (13)(a)(iii)(bb)(bbb) 段中，在第三欄中，廢除 “C, E, with both E(ii) and E(iv) duplicated, F with F(iv) for all weights, G(iii) and G(v)” 而代以 “C, E with E(iv) duplicated, F and G(ii), (iii) and (v)”。

(27) 附表 5 第 4 段的表現予修訂，在第 (13)(a) 段中，加入——

“(iv) when flying over water	
(aa) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group A which is intended to fly a distance from land corresponding to more than 10 minutes at normal cruise speed.	H, K and KK
(bb) in the case of a helicopter or gyroplane classified in its certificate of airworthiness as being of performance group B when beyond autorotational or safe forced landing distance from land.	H, K and KK
(v) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the helicopter or gyroplane would be forced to land onto water.	H
(vi) when flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult where, in the event of an emergency landing, tropical conditions are likely to be met.	U
(vii) when flying over land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult where, in the event of an emergency landing, polar conditions are likely to be met.	V

(viii) when flying at a height of 10 000 ft or more above mean sea level. | L2”。

(28) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(i) 段中——

(a) 在第三欄中，廢除 “D” ；

(b) 加入——

“(aa) outside controlled airspace.

(bb) within controlled airspace.

D, F(i) and (vi) and  
FF  
E with E(iv)  
duplicated and F”。

(29) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(ii) 段中，在第三欄中，廢除 “E with both E(ii) and E(iv) duplicated, F(ii), F(iii) and F(v)” 而代以 “E with E(iv) duplicated and F”。

(30) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(iii)(bb) 段中，在第三欄中，廢除 “C, E with E(ii) duplicated and either E(iv) duplicated” 而代以 “C, E with either E(iv) duplicated”。

(31) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(iv) 段中，在第三欄中，廢除 “C, E with both E(ii) and E(iv) duplicated” 而代以 “C, E with E(iv) duplicated”。

(32) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(v)(cc) 段中，在第二欄中，在 “group A2” 之後加入 “or B”。

(33) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(v)(ee) 段中，在第二欄中——

(a) 廢除 “on a flight” 而代以 “or which actually flies beyond 10 minutes flying time from land on a flight which is either” ；

(b) 廢除 “commander” 而代以 “pilot in command”。

(34) 附表 5 第 4 段的表現予修訂，在第 (13)(b)(x) 段中，在第三欄中，廢除 “Y2(i)” 而代以 “Y(i)”。

(35) 附表 5 第 4 段的表現予修訂，廢除第 (14)(c) 段。

(36) 附表 5 第 4 段的表現予修訂，在第 (14) 段中，加入——

<p>“(e) which have a certificate of airworthiness issued in the Aerial Work or Private Category and which have a maximum total weight authorized exceeding 7 000 kg: Provided that this paragraph shall not apply to helicopters and gyroplanes falling within paragraph (15).</p>	<p>when flying on any flight.</p>	<p>SS(ii) or (iii)”。</p>
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(37) 附表 5 第 4 段的表現予修訂，加入——

<p>“(15) Helicopters and gyroplanes for which an individual certificate of airworthiness was first issued (whether in Hong Kong or elsewhere) after 1 January 2005 and which have a maximum total weight authorized exceeding 3 175 kg.</p>	<p>when flying on any flight.</p>	<p>SS(iv)”。</p>
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(38) 附表 5 第 5 段的等級 A 的第 (iii) 段現予廢除，代以——

- “(iii) (a) An accessible first-aid kit.  
(b) (aa) In the case of an aeroplane, accessible and adequate medical supplies as appropriate to the number of passengers the aeroplane is authorized to carry.  
(bb) In the case of a helicopter or gyroplane, one or more first-aid kits as appropriate to the number of passengers the helicopter or gyroplane is authorized to carry.”。

(39) 附表 5 第 5 段的等級 B 的第 (i)(b) 段現予修訂，廢除 “, in place of the safety belt with one diagonal should strap referred to under sub-paragraph (a)”。

(40) 附表 5 第 5 段的等級 B 的第 (i)(e) 段現予修訂，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

(41) 附表 5 第 5 段的等級 B 的第 (ii) 段現予修訂，廢除 “commander” 而代以 “pilot in command”。

(42) 附表 5 第 5 段的等級 D 的第 (ii) 段現予修訂——

- (a) 在 “altimeter” 之後加入 “, with counter drum-pointer or equivalent presentation,” ；

(b) 廢除“commander”而代以“pilot in command”。

(43) 附表 5 第 5 段的等級 E 的第 (ii) 及 (iii) 段現予廢除，代以——

“(ii) (a) In the case of an aeroplane, an attitude indicator;

(b) In the case of a helicopter or gyroplane, an attitude indicator for each required pilot and one additional attitude indicator;

(iii) A heading indicator;”。

(44) 附表 5 第 5 段的等級 E 的第 (iv) 段現予修訂——

(a) 在“altimeter”之後加入“， with counter drum-pointer or equivalent presentation,”；

(b) 廢除“commander”而代以“pilot in command”。

(45) 附表 5 第 5 段的等級 E 的但書現予修訂——

(a) 廢除“gyroscopic bank and pitch indicator”而代以“attitude indicator”；

(b) 在“(i) of this Scale”之前加入“paragraph”。

(46) 附表 5 第 5 段的等級 F 的第 (iv) 段現予修訂，廢除“If the maximum total weight authorized of the aircraft exceeds 5 700 kg a means of indicating”而代以“A means of indicating in the flight crew compartment the”。

(47) 附表 5 第 5 段的等級 F 的第 (v) 段現予廢除，代以——

“(v) An airspeed indicating system with a means of preventing malfunction due to either condensation or icing; in the case of an aeroplane with speed limitations expressed in terms of Mach number, a Mach number indicator;”。

(48) 附表 5 第 5 段的等級 F 現予修訂，加入——

“(vi) A magnetic compass.”。

(49) 附表 5 第 5 段現予修訂，加入——

“*Scale FF*

An airspeed indicator.”。

(50) 附表 5 第 5 段的等級 G 的第 (iii)(b)(bb)(aaa) 段現予修訂，廢除“by readily accessible”而代以“be readily accessible”。

(51) 附表 5 第 5 段的等級 G 的第 (iii)(b)(bb)(bbb) 段現予修訂，廢除“cabin attendants”而代以“members of the cabin crew”。

(52) 附表 5 第 5 段的等級 G 的第 (v)(a) 段現予修訂，廢除在“group A,” 之後的所有字句而代以“2 landing lights of which at least one is adjustable in flight so as to illuminate the ground in front of and below the helicopter or gyroplane and the ground on either side of the helicopter or gyroplane;”。

(53) 附表 5 第 5 段的等級 G 的第 (v)(b) 段現予修訂，廢除在“group B,” 之後的所有字句而代以“2 landing lights.”。

(54) 附表 5 第 5 段的等級 J 現予修訂——

(a) 在第 (iii) 段中，廢除句號而代以分號；

(b) 加入——

“(iv) Equipment for making the sound signals for preventing collisions at sea.”。

(55) 附表 5 第 5 段的等級 K 的第 (i) 段的 (h) 項現予修訂，廢除“sub-paragraph (i)” 而代以“item (i)”。

(56) 附表 5 第 5 段的等級 K 的第 (i) 段的 (i) 項的但書現予修訂，廢除“sub-paragraph” 而代以“item”。

(57) 附表 5 第 5 段現予修訂，加入——

“Scale KK

A permanent or rapidly deployable means of floatation so as to ensure a safe ditching of the helicopter or gyroplane.”。

(58) 附表 5 第 5 段的等級 L1 的第 I 部第 (i) 段現予修訂，廢除“millibars” 而代以“hectopascals”。

(59) 附表 5 第 5 段的等級 L1 的第 II 部的註 A 現予修訂，廢除“millibars” 而代以“hectopascals”。

(60) 附表 5 第 5 段的等級 L2 的第 I 部第 (ii)(b) 段現予修訂，廢除“Cabin attendants” 而代以“Members of the cabin crew”。

(61) 附表 5 第 5 段的等級 L2 的第 I 部第 (iii)(b) 段現予修訂，廢除“Cabin attendants” 而代以“Members of the cabin crew”。

(62) 附表 5 第 5 段的等級 L2 的第 II 部第 (ii)(b) 段現予修訂，廢除“Cabin attendants” 而代以“Members of the cabin crew”。

(63) 附表 5 第 5 段的等級 L2 的第 II 部第 (ii)(c) 段現予修訂，廢除“Cabin attendants” 而代以“Members of the cabin crew”。

(64) 附表 5 第 5 段的等級 L2 的第 II 部第 (iii)(b) 段現予修訂，廢除“Cabin attendants” 而代以“Members of the cabin crew”。

(65) 附表 5 第 5 段的等級 L2 的第 II 部的註 A 現予修訂——

(a) 在 “occurs” 之後加入逗號；

(b) 廢除 “flight level 120 within 5 minutes” 而代以 “flight level 130 within 4 minutes”。

(66) 附表 5 第 5 段的等級 O 的但書 (b) 段現予修訂，廢除兩度出現的 “commander” 而代以 “pilot in command”。

(67) 附表 5 第 5 段的等級 P 現予修訂，在 “, by reference to a time-scale” 之前加入 “and retaining the data recorded during at least the last 25 hours of its operation”。

(68) 附表 5 第 5 段的等級 R1 現予廢除。

(69) 附表 5 第 5 段的等級 R2 現予修訂，將該等級重編為等級 R。

(70) 附表 5 第 5 段的等級 R 的第 (i)(a) 段現予修訂，廢除 “cabin attendant” 而代以 “member of the cabin crew”。

(71) 附表 5 第 5 段的等級 R 的第 (ii)(a) 段現予修訂，廢除 “cabin attendants” 而代以 “members of the cabin crew”。

(72) 附表 5 第 5 段的等級 S 現予修訂，廢除 “A flight” 而代以——

“A flight data recorder required by this Scale shall be capable of retaining the data recorded during at least the last 25 hours of its operation. A cockpit voice recorder required by this Scale shall be capable of retaining the data recorded during at least the last 30 minutes of its operation. For a cockpit voice recorder installed in an aeroplane of a maximum total weight authorized exceeding 5 700 kg for which an individual certificate of airworthiness was first issued after 1 January 2003, it shall be capable of retaining the data recorded during at least the last 2 hours of its operation.

A flight”。

(73) 附表 5 第 5 段的等級 S 的第 (i) 段現予修訂，廢除 “altitude” 而代以 “attitude”。

(74) 附表 5 第 5 段的等級 S 的第 (ii) 段現予修訂，在 “in respect of the aeroplane” 之後加入冒號。

(75) 附表 5 第 5 段的等級 S 的第 (iii) 段現予修訂，廢除 “the level or availability of essential AC electricity supply and”。

(76) 附表 5 第 5 段的等級 S 的第 (v) 段現予修訂，廢除 “altitude” 而代以 “attitude”。

(77) 附表 5 第 5 段的等級 S 的第 (vi) 段現予修訂——

(a) 廢除 “speed, altitude” 而代以 “speed, attitude”；



- (b) 廢除 “position of primary flying control and pitch trim surfaces” 而代以 “position of primary flying controls and pitch trim position” ；
- (c) 廢除在 “cockpit warnings relating to” 之後的所有字句而代以 “ground proximity and the master warning system;” 。

(78) 附表 5 第 5 段的等級 S 的第 (vii) 段現予廢除。

(79) 附表 5 第 5 段的等級 S 現予修訂，加入——

“(viii) a cockpit voice recorder and a Type IA flight data recorder as described in paragraph 6.3.1.8 in Part I and paragraph 6.10.1.7 in Part II of Annex 6 to the Chicago Convention as amended by all amendments up to and including Amendment 31 to that Part I and all amendments up to and including Amendment 26 to that Part II.”。

(80) 附表 5 第 5 段的等級 SS 現予修訂，在緊接第 (i) 段之前加入——

“For a cockpit voice recorder required by this Scale but installed in helicopters for which an individual certificate of airworthiness was first issued after 1 January 2003, it shall be capable of retaining the data recorded during at least the last 2 hours of its operation.”。

(81) 附表 5 第 5 段的等級 SS 的第 (i) 段現予修訂，廢除 “8 hours” 而代以 “10 hours”。

(82) 附表 5 第 5 段的等級 SS 的第 (i)(c) 段現予修訂，廢除 “altitude” 而代以 “attitude”。

(83) 附表 5 第 5 段的等級 SS 的第 (ii) 段現予修訂，廢除 “8 hours” 而代以 “10 hours”。

(84) 附表 5 第 5 段的等級 SS 的第 (iii)(b) 段現予修訂，廢除 “8 hours” 而代以 “10 hours”。

(85) 附表 5 第 5 段的等級 SS 現予修訂，加入——

“(iv) A cockpit voice recorder and a Type IVA flight data recorder as described in Attachment B to Part III of Annex 6 to the Chicago Convention as amended by all amendments up to and including Amendment 12 to that Part III with a recording duration of at least 10 hours.”。

(86) 附表 5 第 5 段的等級 W 的但書現予修訂，廢除 “commander” 而代以 “pilot in command”。

(87) 附表 5 第 5 段的等級 X 現予廢除，代以——

*“Scale X*

A ground proximity warning system which has a forward looking terrain avoidance function:

Provided that if the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.”。

(88) 附表 5 第 5 段的等級 Y1 現予廢除。

(89) 附表 5 第 5 段的等級 Y2 現予修訂，將該等級重編為等級 Y。

(90) 附表 5 第 5 段的等級 Y 的第 (iv)(b) 段現予修訂，廢除 “the cabin attendants” 而代以 “members of the cabin crew”。

(91) 附表 5 第 5 段現予修訂，加入——

*“Scale ZZ*

- (i) A serviceable autopilot that has at least altitude hold and heading select modes;
- (ii) A headset with a boom microphone or equivalent; and
- (iii) Means of displaying charts that enables them to be readable in all ambient light conditions.”。

**75. Radio and Radio Navigation Equipment  
to be carried in Aircraft**

(1) 附表 6 現予修訂，廢除在開首處的 “Article 14” 而代以 “Articles 14 and 37A”。

(2) 附表 6 第 2 段的表現予修訂，在第二欄中，廢除 “A B C D E F G H” 而代以 “A B C D E F G H J”。

(3) 附表 6 第 2 段的表現予修訂，在第 (1)(a) 段中，在第二欄中，廢除 “A” 而代以 “A\*”。

(4) 附表 6 第 2 段的表現予修訂，在第 (1) 段中——

(a) 在 (c) 節中，廢除句號；

(b) 加入——

“(d) when flying for the purpose of public  
transport

E\*”。

(5) 附表 6 第 2 段的表現予修訂，在第 (3) 段中，加入——



“(e) when flying for the purpose of public transport E”。

(6) 附表 6 第 2 段的表現予修訂，加入——

“(4) All—

(a) turbine-engined aeroplanes registered in Hong Kong, wherever they may be; and

(b) turbine-engined aeroplanes wherever registered when flying in Hong Kong, when flying for the purpose of public transport, which have a maximum total weight authorized exceeding 5 700 kg or which in accordance with the certificate of airworthiness in force in respect of the aeroplanes may carry more than 19 passengers. J

(5) All—

(a) turbine-engined aeroplanes registered in Hong Kong, wherever they may be; and

(b) turbine-engined aeroplanes wherever registered when flying in Hong Kong, when flying for a purpose other than public transport, which have a maximum total weight authorized exceeding 15 000 kg or which in accordance with the certificate of airworthiness in force in respect of the aeroplanes may carry more than 30 passengers. J”。

(7) 附表 6 第 3 段現予修訂，在等級 E 中，在 “equipment” 之後加入——

“which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit”。

(8) 附表 6 第 3 段現予修訂，加入——

“Scale J

An airborne collision avoidance system.”。

(9) 附表 6 第 4 段現予修訂——

(a) 在第 (3) 節中，廢除末處的 “and” ；

(b) 在第 (4) 節中，廢除句號而代以分號 ；

(c) 加入——

“(5) “airborne collision avoidance system” means an aeroplane system which—

(a) is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar transponders and are in undue proximity;

(b) is based on secondary surveillance radar transponder signals;

(c) operates independently of ground based equipment; and

(d) conforms to requirements specified for the purpose;

(6) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code; and

(7) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance.”。

#### **76. Areas Specified in connection with the Carriage of Flight Navigators as members of the Flight Crews or Approved Navigational Equipment on Public Transport Aircraft**

(1) 附表 8 的標題現予修訂，廢除 “FLIGHT NAVIGATORS AS MEMBERS OF THE FLIGHT CREWS OR”。

(2) 附表 8 現予修訂，廢除在開首處的 “Article 18(4)” 而代以 “Articles 18(4) and 98(7) and Schedule 5”。

#### **77. Flight Crew of Aircraft, Licences and Ratings**

(1) 附表 9 的 A 部第 1 段現予修訂，在 “**Private Pilot’s Licence (Aeroplanes)**” 的標題下，在但書中——

(a) 在 (c)(i) 節中，廢除在 “airspace” 之後的所有字句而代以 “when the flight visibility is less than 3 kilometres;”；

(b) 在 (c)(ii) 節中，廢除 “5 nautical miles” 而代以 “10 kilometres”；

- (c) 在 (c)(iii) 節中，廢除末處的 “and” ；
- (d) 在 (d)(ii) 節中，廢除句號而代以 “; and” ；
- (e) 加入——

“(e) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot in command or co-pilot of such an aeroplane flying in controlled airspace notified for the purposes of this Schedule in circumstances which require compliance with the Instrument Flight Rules.”。

(2) 附表 9 的 A 部第 1 段現予修訂，在 “**Commercial Pilot’s Licence (Aeroplanes)**” 的標題下——

- (a) 在第 (1)(a) 段中，廢除 “1½ nautical miles” 而代以 “3 kilometres” ；
- (b) 在第 (1)(b) 段中，廢除 “1 nautical mile” 而代以 “1 800 metres” ；
- (c) 廢除第 (2) 段的但書 (e) 段 ；
- (d) 在第 (2) 段的但書中，加入——

“(f) he shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot in command or co-pilot of such an aeroplane flying in controlled airspace notified for the purpose of this Schedule in circumstances which require compliance with the Instrument Flight Rules.” ；

- (e) 在第 (3) 段中，廢除在 “for any purpose whatsoever” 之後的所有字句而代以句號 ；
- (f) 廢除第 (4) 段 ；
- (g) 加入——

“(5) Subject to paragraph (6), he shall be entitled to fly as pilot in command of an aeroplane of a type specified in any flying instructor’s rating or assistant flying instructor’s rating included in the licence on a flight for the purpose of aerial work which consists of—

- (a) the giving of instruction in flying; or
- (b) the conducting of flying tests for the purposes of this Order,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(6) He shall not be entitled to exercise the privileges contained in paragraph (5) other than in an aeroplane which he is entitled to fly as pilot in command on a private flight, an aerial work flight or a public transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.

(7) He shall not at any time after he attains the age of 60 years fly as pilot in command or co-pilot of any aeroplane on any flight for the purpose of public transport unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that aeroplane.

(8) He shall not at any time after he attains the age of 65 years act as pilot in command or co-pilot of any aeroplane on a flight for the purpose of public transport.”。

(3) 附表 9 的 A 部第 1 段現予修訂，在緊接“**Airline Transport Pilot’s Licence (Aeroplanes)**”的標題之前加入——

**“Multi-Crew Pilot’s Licence (Aeroplanes)**

Minimum Age—18 years

Maximum Period of Validity—10 years

*Privileges:*

(1) The holder of the licence shall be entitled to fly as co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence when the aeroplane is required to be operated with more than one pilot and is engaged on a flight for any purpose whatsoever:

Provided that—

- (a) he shall not, unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey;
- (b) he shall not fly such an aeroplane on any flight for the purpose of public transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command of that aeroplane;
- (c) he shall not at any time after he attains the age of 65 years fly such an aeroplane on any flight for the purposes of public transport.

(2) He shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) in an aeroplane of any of the groups or types specified in his licence provided that the requirements for the issue of a Private Pilot's Licence (Aeroplanes) are met and that his licence carries an appropriate endorsement which enables him to do so.

(3) He shall be entitled to exercise the privileges of his instrument rating (aeroplanes) in a single pilot operation provided that he has demonstrated to the Chief Executive the ability to act as pilot in command in a single pilot operation exercised solely by reference to instruments and that his licence carries an appropriate endorsement which enables him to do so.”。

(4) 附表 9 的 A 部第 1 段現予修訂，在“**Airline Transport Pilot's Licence (Aeroplanes)**”的標題下，廢除在“shall not apply”之後的所有字句而代以句號。

(5) 附表 9 的 A 部第 2 段現予修訂，在“**Private Pilot's Licence (Helicopters and Gyroplanes)**”的標題下，在但書 (e) 段中，廢除在“flying in”之後的所有字句而代以“controlled airspace notified for the purposes of this Schedule in circumstances which require compliance with the Instrument Flight Rules.”。

(6) 附表 9 的 A 部第 2 段現予修訂，在“**Commercial Pilot's Licence (Helicopters and Gyroplanes)**”的標題下——

(a) 廢除第 (2) 段的但書 (e) 段；

(b) 在第 (2) 段的但書 (f) 段中，廢除在“flying in”之後的所有字句而代以“controlled airspace notified for the purposes of this Schedule in circumstances which require compliance with the Instrument Flight Rules.”；

(c) 在第 (3) 段中，廢除在“for any purpose whatsoever”之後的所有字句而代以句號；

(d) 加入——

“(3A) He shall not at any time after he attains the age of 60 years fly as pilot in command or co-pilot of any helicopter or gyroplane on any flight for the purposes of public transport unless the helicopter or gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Order entitling him to act as pilot in command or co-pilot of that helicopter or gyroplane.”。

(7) 附表 9 的 A 部第 2 段現予修訂，在“**Airline Transport Pilot's Licence (Helicopters and Gyroplanes)**”的標題下，廢除在“shall not apply”之後的所有字句而代以句號。

(8) 附表 9 的 A 部第 3 段現予修訂，在“**Commercial Pilot’s Licence (Balloons)**”的標題下，廢除“6 months\*”而代以“10 years\*”。

(9) 附表 9 的 A 部第 3 段現予修訂，在“**Commercial Pilot’s Licence (Airships)**”的標題下，廢除“17 years”而代以“18 years”。

(10) 附表 9 的 A 部第 5 段現予修訂，廢除——

**“Flight Navigator’s Licence**

Minimum Age—21 years

Maximum Period of Validity—10 years

*Privileges:* The holder of the licence shall be entitled to act as flight navigator in any aircraft.”。

(11) 附表 9 的 A 部第 5 段現予修訂，廢除——

**“Flight Radiotelephony Operator’s General Licence**

Minimum Age—18 years

Maximum Period of Validity—10 years

*Privileges:* The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft.”。

(12) 附表 9 的 A 部第 5 段現予修訂，廢除——

**“Flight Radiotelephony Operator’s Licence**

Minimum Age—20 years

Maximum Period of Validity—12 months

*Privileges:* The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.”。

(13) 附表 9 的 A 部第 5 段現予修訂，廢除——

**“Flight Radiotelegraphy Operator’s Temporary Licence**

Minimum Age—18 years

Maximum Period of Validity—12 months

*Privileges:* The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a flight radiotelegraphy operator’s licence.”。

(14) 附表 9 的 B 部第 1 段現予修訂，廢除兩度出現的“airspace”而代以“controlled airspace”。

(15) 附表 9 的 C 部第 1(a) 段的表現予修訂——

(a) 在個案 B 中，在第二欄中，在末處加入——

“Multi-Crew Pilot’s Licence (Aeroplanes)”；

- (b) 在個案 C 中，在第二欄中，在末處加入——  
“Multi-Crew Pilot’s Licence (Aeroplanes)”；
- (c) 在個案 D 中，在第二欄中，在末處加入——  
“Multi-Crew Pilot’s Licence (Aeroplanes)”；
- (d) 在個案 E 中，在第二欄中，在末處加入——  
“Multi-Crew Pilot’s Licence (Aeroplanes)”；
- (e) 廢除個案 F。

(16) 附表 9 的 C 部第 4(b) 段現予修訂，在“(aeroplanes)”之後加入“， an instrument rating (helicopters)”。

(17) 附表 9 的 C 部第 5(c) 段現予廢除。

(18) 附表 9 的 C 部第 6 段現予修訂，廢除“， F”。

## 78. Air Traffic Controllers: Ratings

(1) 附表 10 現予修訂，廢除在開首處的“Article 66(2)”而代以“Articles 65 and 66”。

(2) 附表 10 第 1 段的但書 (a) 段現予修訂，廢除“approach control rating”而代以“approach control procedural rating”。

(3) 附表 10 第 1 段的但書 (b) 及 (c) 段現予廢除，代以——

“(b) The approach control procedural rating and the approach control surveillance rating;

(c) The area control procedural rating and the area control surveillance rating;

(d) The approach control procedural rating and the approach control surveillance rating and the area control surveillance rating in accordance with the procedures as stated in the relevant air traffic control instructions and the Manual of Air Traffic Control for aircraft operating within the Hong Kong Control Zone or the Terminal Control Area, as notified.”。

(4) 附表 10 第 2(1) 段現予修訂——

(a) 廢除“radar equipment”而代以“air traffic service surveillance system”；

(b) 廢除“radar control rating”而代以“surveillance control rating”。

(5) 附表 10 第 2(2) 段現予修訂——

(a) 廢除“Approach Control Rating”而代以“Approach Control Procedural Rating”；



- (b) 廢除 “radar equipment” 而代以 “air traffic service surveillance system” ；
  - (c) 廢除 “radar control rating” 而代以 “surveillance control rating” ；
  - (d) 廢除 “in the vicinity of the aerodrome traffic zone” 而代以 “within the Hong Kong Control Zone or the Terminal Control Area, as notified” 。
- (6) 附表 10 第 2(3) 段現予修訂——
- (a) 廢除 “Approach Radar Control Rating” 而代以 “Approach Control Surveillance Rating” ；
  - (b) 廢除 “surveillance radar equipment” 而代以 “air traffic service surveillance system” ；
  - (c) 廢除 “40 nautical miles of the aerodrome traffic zone” 而代以 “the Hong Kong Control Zone or the Terminal Control Area, as notified” 。
- (7) 附表 10 第 2(5) 及 (6) 段現予廢除，代以——
- “(5) Area Control Procedural Rating shall entitle the holder of the licence to provide air traffic control service without the aid of any air traffic service surveillance system to aircraft flying in the control areas within the Hong Kong Flight Information Region, as notified in the Aeronautical Information Publication (AIP) for which the rating is valid.
- (6) Area Control Surveillance Rating shall entitle the holder of the licence to provide air traffic control service with the aid of any type of air traffic service surveillance system for which the rating is valid to aircraft flying in the control areas within the Hong Kong Flight Information Region, as notified in the Aeronautical Information Publication (AIP) for which the rating is valid.”。
- (8) 附表 10 第 2(7) 段現予廢除。
- (9) 附表 10 現予修訂，加入——
- “3. In this Schedule—
- “Hong Kong Flight Information Region” means an airspace of defined dimensions within which air traffic control service, flight information service and alerting service are provided as notified;
- “Terminal Control Area” means a control area normally established at the intersection of air traffic service routes in the vicinity of one or more major aerodromes.”。



**79. Public Transport—Operational Requirements**

- (1) 附表 11 現予修訂，廢除——  
“SCHEDULE 11”

而代以——

“SCHEDULE 11

Articles 20, 25, 26 and 27  
and Schedule 5”。

(2) 附表 11 的 A 部第 (xvi) 段現予修訂，廢除 “an aircraft and the responsibilities of members of the crew in respect of the carriage of dangerous goods:” 而代以 “or suspended beneath an aircraft, the responsibilities of members of the crew in respect of the carriage of dangerous goods and the action to be taken in the event of emergencies arising involving dangerous goods;”。

- (3) 附表 11 的 A 部現予修訂，加入——

“(xvii) such terms of any permission granted to the operator of the aircraft under Article 14A of this Order as may be necessary to enable the pilot in command of the aircraft to determine whether he can comply with Article 32(b)(ii) of this Order;

(xviii) procedures for the operation of any airborne collision avoidance system carried on the aircraft;

(xix) the establishment and maintenance of an accident prevention and flight safety programme.”。

(4) 附表 11 的 B 部第 1(2)(c)(ii) 段現予修訂，廢除 “flight.” 而代以 “flight, or in a simulator of the type approved for the purpose by the Chief Executive subject to such conditions as are required by the Chief Executive.”。

- (5) 附表 11 的 B 部第 1(2) 段現予修訂，加入——

“(d) In the case of a helicopter, every pilot included in the flight crew whose licence does not include an instrument rating but who is intended to fly at night under visual flight conditions shall within the relevant period have been tested, by or on behalf of the operator, in a helicopter of the type to be used on the flight—

(i) as to his competence to act as pilot of such a helicopter, while executing normal manoeuvres and procedures; and

(ii) as to his proficiency to act as pilot of such a helicopter, while executing specified manoeuvres and procedures in flight in instrument flight conditions by means approved by the Chief Executive.”。

- (6) 附表 11 的 B 部第 1(4) 段現予廢除。

- (7) 附表 11 的 B 部第 1(6) 段現予修訂，在 “relevant period” 的定義中——

(a) 在 (b) 段中，在 “(2)(c)(i)” 之後加入 “, (2)(d)(ii)” ；

(b) 在 (c) 段中，廢除“(3)(a), (4)”而代以“(2)(d)(i), (3)(a)”；

(c) 在但書第 (i) 段中，廢除“or (2)(c)(i)”而代以“， (2)(c)(i) or (2)(d)(ii)”；

(d) 在但書第 (ii) 段中，廢除句號而代以分號。

(8) 附表 11 的 B 部第 1(6) 段現予修訂，加入——

““visual flight conditions” means weather conditions such that the pilot is able to fly by visual reference to objects outside the aircraft.”。

## 80. Documents to be Carried by Aircraft Registered in Hong Kong

(1) 附表 12 現予修訂，廢除自“On a flight for the purpose of public transport:”起至“A, B, C and G.”為止的所有字句而代以——

“On a flight for the purpose of public transport:

Documents A, B, C, D, E, F, H and, if the flight is external air navigation, Documents G, I and K.

On a flight for the purpose of aerial work:

Documents A, B, C, E, F and, if the flight is external air navigation, Documents G, I and K.

On a private flight, being external air navigation:

Documents A, B, C, G and I.

On a flight made in accordance with the terms of a permission granted to the operator of the aircraft under Article 14A of this Order:

Document J.”。

(2) 附表 12 現予修訂，廢除“H”的定義而代以——

““H” means those parts of the operations manual, if any, required by Article 25(2)(a)(iii) of this Order to be carried on the flight;”。

(3) 附表 12 現予修訂，加入——

““I” means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;

“J” means the permission, if any, granted in respect of the relevant aircraft under Article 14A of this Order;

“K” means a certified true copy of the air operator’s certificate (or its equivalent document) in force in respect of the operator together with a copy of the authorizations, conditions and limitations relevant to the type of the aircraft and issued in conjunction with the air operator’s certificate (or its equivalent document).”。

**81. 修訂附表 13**

(1) 附表 13 的 A 部現予修訂——

(a) 廢除——

“19 Requirement for appropriate licence”

而代以——

“19 Flight crew—requirement of licences” ;

(b) 廢除——

“32 Pre-flight action by commander of aircraft”

而代以——

“32 Pre-flight action by pilot in command of aircraft” ;

(c) 廢除——

“34 Duties of commander on flight for public transport of passengers”

而代以——

“34 Duties of pilot in command on flight for public transport of passengers” ;

(d) 廢除——

“51 Requirement to obey lawful commands of aircraft commander”

而代以——

“51 Requirement to obey lawful commands of pilot in command of aircraft” ;

(e) 廢除——

“66 (except (4)) Requirement for licensing of air traffic controllers and aerodrome flight information service officers”

而代以——

“66 Requirement for licensing of air traffic controllers” ;

(f) 廢除——

“67 Requirement for aerodrome information service manual”

而代以——

“67 Manual of Air Traffic Control” 。

(2) 附表 13 的 A 部現予修訂，加入——

“12(7) and (8)	Exercise of privilege of aircraft maintenance licence whilst unfit
14A	Minimum equipment requirements
36A	Requirement for area navigation and required navigation performance capabilities—aircraft registered in Hong Kong
36B	Requirement for area navigation and required navigation performance capabilities—aircraft registered outside Hong Kong
36C	Requirement for maintaining height keeping performance capabilities—aircraft registered in Hong Kong
36D	Requirement for maintaining height keeping performance capabilities—aircraft registered outside Hong Kong
37A	Requirement for use of airborne collision avoidance system”。

(3) 附表 13 的 B 部現予修訂——

(a) 廢除——

“49 Prohibition of drunkenness in aircraft”

而代以——

“49 Passengers and crew members not to be under influence of psychoactive substances” ；

(b) 廢除——

“85 Operator’s or commanders’ obligations in respect of flights over any place outside Hong Kong”

而代以——

“85 Operator’s or pilot in command’s obligations in respect of flights over any place outside Hong Kong”。

## 82. Rules of the Air

(1) 附表 14 現予修訂，廢除在開首處的 “Article 64” 而代以 “Articles 64 and 98(1)”。

(2) 附表 14 第 1 條現予修訂，加入——

““Day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunrise and sunset being determined at surface level.”。

(3) 附表 14 第 5(3) 條現予修訂，廢除“saving life.”而代以“fire fighting or prevention, life-saving or law enforcement operations and including the training of personnel engaged in such activities.”。

(4) 附表 14 第 5 條現予修訂——

(a) 廢除——

“*Simulated instrument flight*”

而代以——

“6. **Simulated instrument flight**”；

(b) 廢除——

“(6) An aircraft shall not”

而代以——

“(1) An aircraft shall not”；

(c) 廢除——

“For the purposes of this Rule”

而代以——

“(2) For the purposes of this Rule,”；

(d) 廢除——

“*Practice Instrument Approaches*”

而代以——

“7. **Practice instrument approaches**”；

(e) 廢除——

“(7) Within Hong Kong”

而代以——

“Within Hong Kong”。

(5) 附表 14 第 11(2)(a)(i) 條現予修訂，廢除“100 degrees”而代以“110 degrees”。

(6) 附表 14 第 11(2)(a)(ii) 條現予修訂，廢除“100 degrees”而代以“110 degrees”。

(7) 附表 14 第 20(2) 條現予修訂，廢除“aerodrome flight information service unit”而代以“flight information service unit”。

(8) 附表 14 第 20(3) 條現予修訂，廢除自“more than”起至“5 700 kg”為止的所有字句而代以“outside Hong Kong, the pilot in command of an aircraft”。

(9) 附表 14 第 22A 條現予廢除。

(10) 附表 14 第 23 條現予修訂——

(a) 將該條重編為第 23(1) 條；

(b) 在第 (1) 款中，廢除在 “surface.” 之後的所有字句；

(c) 加入——

“(2) For the purposes of this Rule, “Special VFR flight” means a flight—

(a) made in a control zone in any notified airspace in meteorological condition below Visual Meteorological Conditions or at night;

(b) in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules; and

(c) in the course of which the aircraft complies with any instructions given by that unit and remains clear of cloud and in sight of the surface.”。

(11) 附表 14 第 26 條表 I 的標題現予修訂，廢除 “24 500 feet” 而代以 “9 000 feet”。

(12) 附表 14 第 26 條表 II 現予廢除，代以——

“TABLE II—Flights at or above Flight Level (FL) 110

Magnetic Track	Cruising Level
Less than 180 degrees	FL 110
	FL 130
	FL 150
	FL 170
	FL 190
	FL 210
	FL 230
	FL 250
	FL 270
	FL 290
	FL 310
	FL 330
	FL 350
	FL 370
	FL 390

Magnetic Track	Cruising Level
180 degrees but less than 360 degrees	FL 120
	FL 140
	FL 160
	FL 180
	FL 200
	FL 220
	FL 240
	FL 260
	FL 280
	FL 300
	FL 320
	FL 340
	FL 360
	FL 380
	FL 400

(13) 附表 14 第 34 條的標題現予修訂，廢除 “**two**” 而代以 “**tow**”。

(14) 附表 14 第 34(2)(b) 條現予修訂，廢除 “appropriate” 而代以 “appropriate”。

(15) 附表 14 第 35(1) 條的表現予修訂，廢除兩度出現的 “aerodrome flight information unit” 而代以 “flight information service unit”。

(16) 附表 14 第 35(2) 條現予修訂——

(a) 廢除 “commander” 而代以 “pilot in command”；

(b) 廢除兩度出現的 “aerodrome flight information unit” 而代以 “flight information service unit”。

(17) 附表 14 第 35(3)(b) 條現予修訂，廢除 “aerodrome flight information unit” 而代以 “flight information service unit”。

(18) 附表 14 第 VIII 條現予廢除。

### 83. Air Navigation (General) Regulations

(1) 附表 15 現予修訂，廢除在開首處的 “Article 9(3)(a)(iii), 11(3) and (6)(a)(iii), 14, 27(1)(c), 28(4), 29(1), 36, 78 and 86(1)” 而代以 “Articles 11(3), 14(1)(b), 27(1)(c), 28(4), 29(1), 36, 36C(1), 78, 86(1) and 97”。

(2) 附表 15 第 1(2)(b) 條現予廢除，代以——

“(b) Where any immersion suit is worn or carried by a passenger or crew member, 3 kg shall be added to the appropriate weight shown in Table 1 in each case.”。

(3) 附表 15 第 1(3)(a) 條現予修訂，廢除 “the total weight of the aircraft the respective total weights of the baggage and cargo” 而代以 “the total weight of a passenger aircraft, the respective total weights of the hold baggage and cargo”。

(4) 附表 15 第 1 條表 2 的第 1 欄現予修訂，廢除 “3 kg” 而代以 “5 kg”。

(5) 附表 15 第 1(3) 條現予修訂，廢除——

“(a) If Table 2”

而代以——

“(b) If Table 2”。

(6) 附表 15 第 1 條現予修訂，加入——

“(3A) For the purpose of calculating the total weight of a freight aircraft, the respective total weights of the baggage and cargo entered in the load sheet shall be computed from the actual weight of each piece of baggage, cargo or cargo container and for that purpose each piece or container shall be separately weighed;

Provided that—

(a) any horses carried as cargo may, subject to paragraph (4) of this Regulation, be calculated at not less than the weights shown in Table 3 and the load sheet shall bear a notation to that effect—

Table 3

For the purposes of this Table, a hand equals 4 inches.

Foal .....	200 kg
Yearlings .....	400 kg
Mares & Stallions (2 years old or over) .....	500 kg
Ponies (not more than 15 hands high) .....	400 kg
Ponies (more than 15 hands high) .....	500 kg

(b) the total weights of any baggage carried may, subject to paragraph (4) of this Regulation, be calculated at not less than the weights shown in Table 4 and the load sheet shall bear a notation to that effect—



Table 4

Baggage per crew member .....	16 kg
Baggage per passenger .....	16 kg”。

(7) 附表 15 第 4 條的標題現予修訂，在 “**Performance Group A**” 之後加入 “**or Performance Group B**”。

(8) 附表 15 第 4 條現予修訂，在 “performance group A” 之後加入 “or performance group B”。

(9) 附表 15 第 4(1) 條現予修訂，廢除 “for altitude and temperature”。

(10) 附表 15 第 4(3)(a) 條現予修訂，在 “more than 15°” 之後加入 “before reaching 1 500 feet”。

(11) 附表 15 第 4(7)(b)(v)(bb) 條現予修訂，在 “of landing” 之後加入 “or not less than 150 per cent of the forecast wind component in the direction of landing”。

(12) 附表 15 第 5(3)(a) 條現予修訂，廢除 “reading 1 500 feet” 而代以 “reaching 1 500 feet”。

(13) 附表 15 第 5(4)(a) 條現予修訂，在 “more than 15°” 之後加入 “before reaching 1 500 feet”。

(14) 附表 15 第 5(8) 條現予修訂，廢除 “with all power units operating and with one power unit inoperative” 而代以 “with all power units operating or with one power unit inoperative”。

(15) 附表 15 第 6(2)(e) 條現予廢除，代以——

“(e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off, do not exceed the take-off run available and the emergency distance available respectively, at the aerodrome at which the take-off is to be made.”。

(16) 附表 15 第 7(1)(c) 條現予修訂——

(a) 在 “The aeroplane” 之後加入 “, at any time after it reaches a height of 1 000 feet above the aerodrome from which take-off is to be made,”；

(b) 廢除 “meterological” 而代以 “meteorological”；

(c) 在 “operations manual” 之後加入 “relating to the aeroplane”。

(17) 附表 15 第 7(1) 條現予修訂，加入——

“(e) The landing distance required does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on the most suitable runway for a landing in still air conditions, and for the purposes of this paragraph the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to—

- (i) the landing weight;
- (ii) the altitude at the aerodrome; and
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome.”。

(18) 附表 15 第 8(2)(i)(a) 條現予修訂，在 “operations manual” 之後加入 “relating to the aeroplane”。

(19) 附表 15 第 14(2)(a) 條現予修訂，廢除 “aerodrome flight information service” 而代以 “flight information service unit”。

(20) 附表 15 第 14(2)(c) 條現予修訂——

(a) 在第 (iv) 節中，廢除 “radar equipment.” 而代以 “air traffic service surveillance system;” ；

(b) 加入——

“(v) global positioning system.”。

(21) 附表 15 第 14(3) 條現予修訂，在 “are included in the operations manual” 之後加入 “relating to the aeroplane”。

(22) 附表 15 第 15(1) 及 (2) 條現予廢除，代以——

“(a) replacement of landing gear tyres, landing skids or skid shoes;

(b) replacement of elastic shock absorber cord units on landing gear where special tools are not required;

(c) replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems;

(d) patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control surfaces, if the repairs do not cover up structural damage and do not include repairs to rotor blades;

(e) repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or affect the structure of the aircraft;

(f) repairs, not requiring welding, to fairings, non-structural cover plates and cowlings;

- (g) replacement of side windows where that work does not interfere with the structure or with any operating system;
- (h) replacement of safety belts or safety harnesses;
- (i) replacement of seats or seat parts not involving dismantling of any structure or of any operating system;
- (j) replacement of bulbs, reflectors, glasses, lenses or lights;
- (k) replacement of any cowling not requiring removal of the propeller, rotors or disconnection of engine or flight controls;
- (l) replacement of unserviceable sparking plugs;
- (m) replacement of batteries;
- (n) replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight;
- (o) replacement of main rotor blades that are designed for removal where special tools are not required;
- (p) replacement of generator and fan belts designed for removal where special tools are not required;
- (q) replacement of VHF communication equipment, being equipment which is not combined with navigation equipment.”。

(23) 附表 15 第 16(4)(g) 條現予修訂，廢除 “requipment” 而代以 “equipment”。

(24) 附表 15 第 17 條的標題現予修訂，在 “**Navigation Performance**” 之後加入 “**and Height Keeping Performance**”。

(25) 附表 15 第 17 條現予修訂，加入——

“(1A) For the purposes of this Regulation, “flight time” means the total time from the moment an aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.

(1B) With reference to Article 36C of this Order the following height keeping performance capability is prescribed, that is to say, a capability to ensure that—

- (a) altimetry system error shall be in compliance with paragraph 2.1.1(2) of the Regional Supplementary Procedures (Document 7030/4)-NAT Part 1 Rules of the Air, Air Traffic Services and Search and Rescue (ICAO Regional Procedures, Fourth Edition-1987);
- (b) in respect of aircraft first registered in a Contracting State on or after 1 January 1997, altitude can be automatically controlled within a tolerance band of +/- 65 feet; and

(c) in respect of aircraft first registered in a Contracting State before 1 January 1997, altitude can be automatically controlled within a tolerance band of +/- 130 feet.”。

(26) 附表 15 第 17(2) 條現予修訂——

- (a) 廢除 “flight level 275 to flight level 400” 而代以 “flight level 285 to flight level 420” ；
- (b) 廢除 “65°00′N 76°45′W” 而代以 “65°00′N 57°45′W” ；
- (c) 廢除 “27°00′N 25°00′W” 而代以——
  - “27°00′N 40°00′W
  - 22°18′N 40°00′W
  - 17°00′N 37°30′W
  - 24°00′N 25°00′W” 。

#### 84. The Air Navigation (Dangerous Goods) Regulations

- (1) 附表 16 第 10 條現予修訂，廢除在 “pollution control.” 之後的所有字句。
- (2) 比較表現予廢除。

行政會議秘書  
林植廷

行政會議廳  
2008 年 4 月 8 日

#### 註 釋

本命令修訂《1995 年飛航 (香港) 令》(第 448 章，附屬法例 C) (“《1995 年令》”)。

2. 本命令的主要目的是——

- (a) 實施有關適航、飛機設備、安全管理、數據保存及人員牌照的——
  - (i) 最新的獲國際民用航空組織 (“民航組織”) 採用的主要國際標準及建議措施；及
  - (ii) 適用的國際慣例；及

(b) 訂定所需條文，以處理根據《國際民用航空公約》(“《芝加哥公約》”) 第 83 bis 條作出的職能及責任轉移而出現的情況。

3. 民航組織採用的該等國際標準及建議措施均載於《芝加哥公約》的附件內。
4. 本命令亦將若干已過時的提述及條文刪除，及更正在《1995 年令》中若干文本上的錯誤。