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(ISO 9001 CERTIFIED)
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AIC
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**FLYING AN AIRCRAFT NOT REGISTERED IN HONG KONG
WITHOUT A VALID CERTIFICATE OF AIRWORTHINESS**

1. Article 7(1) of the Air Navigation (Hong Kong) Order (“AN(HK)O”), Cap. 448C of the Laws of Hong Kong, stipulates that an aircraft shall not fly unless there is in force in respect of the aircraft, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered. Following international standards and recommended practices, the certificate of airworthiness of an aircraft shall meet the requirements of Annex 8 to the Convention on International Civil Aviation (“ICAO Annex 8”).
2. The Civil Aviation Department (CAD) notes that there are circumstances beyond the control of the aircraft operator whereby an aircraft not registered in Hong Kong may need to fly into or out of Hong Kong, or overfly Hong Kong territorial airspace for a purpose set out in paragraph (3) when either –
 - (a) it does not have a certificate of airworthiness issued or rendered valid under the law of the country in which the aircraft is registered;
 - (b) the certificate of airworthiness issued or rendered valid in respect of the aircraft has ceased to be in force; or
 - (c) the certificate of airworthiness does not meet ICAO Annex 8 requirements.
3. The purposes referred to in paragraph (2) may include:
 - (a) The aircraft has to be operated into Hong Kong at which maintenance is to take place in supporting a certificate of airworthiness to be issued in Hong Kong. In this circumstance, the aircraft operator has to demonstrate that such maintenance cannot practically be completed outside of Hong Kong. In addition, the aircraft must have a valid C of A before such maintenance was overdue;
 - (b) The aircraft has to proceed to a place outside of Hong Kong at which a certificate of airworthiness can be issued after completing all the repair, modification, inspection or maintenance in Hong Kong. In this circumstance, the aircraft operator has to demonstrate why the certificate of airworthiness cannot be issued or revalidated while the aircraft is in Hong Kong;
 - (c) The aircraft has to proceed to a place outside of Hong Kong to carry out any repair, modification, inspection, maintenance, functional check, test or in-flight adjustment. In this circumstance, the aircraft operator has to demonstrate why such activities could not practically be performed or completed in Hong Kong; or

- (d) The aircraft is to be operated into and out of Hong Kong for an air show or demonstration in Hong Kong. In this circumstance, the aircraft operator must provide information including the organiser and authority support for the event.
4. For the purposes as described in paragraphs (2) and (3) above, the aircraft operator may apply to the CAD for an exemption from Article 7(1) of the AN(HK)O. However, it should be noted that an exemption will not normally be issued except in unforeseen or unavoidable circumstances. In these circumstances, an application must be accompanied by a duly completed application form - DCA 583 (<https://www.cad.gov.hk/application/DCA583.pdf>), together with all the required supporting documentation as detailed in paragraph (5) and the relevant justifications. The application shall be submitted at least 14 days prior to the intended flight. Incomplete application and documentation would only prolong the processing time.
5. In respect of aircraft particulars, the application shall include the following documentation to demonstrate that:
- (a) the aircraft, including any modifications, is of a design which has been approved or accepted by the Authority of the State of Registry as appropriate for the purpose of the flight. A Special Airworthiness Certificate (“SAC”) or a Permit to Fly (“PtF”) or equivalent certificate issued by the Authority and valid for the flight is readily acceptable, a copy of which must be provided;
 - (b) the aircraft is fit to fly. A certificate or an authentication proving the aircraft fit to fly shall be issued by the maintenance organisation contracted to carry out the corresponding repair, modification, inspection or maintenance and approved by the Authority of the State of Registry;
 - (c) the aircraft meets the applicable noise requirements in Hong Kong;
 - (d) proper insurance arrangement has been made in accordance with the Civil Aviation (Insurance) Order (Cap. 448F of the Laws of Hong Kong). A copy of Certificate of Insurance for the aircraft and a duly completed Form DCA 41 (https://www.cad.gov.hk/application/insurance_declaration.doc) for declaration of insurance requirement should be included. The required policy of insurance shall have a combined single limit of not less than the applicable amount (i.e. depending on the aircraft maximum ramp or taxi weight) specified in the Schedule of Cap. 448F; and
 - (e) document(s) which demonstrates that the conditions of SAC or PtF or equivalent certificate issued by the Authority of the State of Registry have been fulfilled.
6. When any supplemental information is required by the CAD, the aircraft operator should submit the information in a timely manner.
7. The CAD will review and process each application on its merit. Subject to CAD’s safety risk assessment, the grant of an exemption cannot be assumed. The aircraft operator should thus not commit to any intended flight by the aircraft without a valid certificate of airworthiness before attaining the required exemption.

8. Any exemption granted from AN(HK)O Article 7(1) for a flight by an aircraft without a valid certificate of airworthiness will carry appropriate conditions which may include but not limited to the following:
- (a) The SAC or PtF or equivalent certificate issued by the Authority of the State of Registry remains valid and the associated conditions and / or limitations shall be strictly adhered to.
 - (b) The aircraft shall not be flown for the purpose of public transport.
 - (c) The aircraft shall not be flown over any assembly of persons or over any congested area of a city, town or settlement except while it is landing or taking off in accordance with normal aviation practice.
 - (d) The aircraft operator shall comply with all the appropriate regulations and procedures contained in the Aeronautical Information Publication Hong Kong.
 - (e) The aircraft shall carry appropriate insurance cover.
9. **AIC 02/21 is hereby superseded.**