

L.N. 173 of 2020

**Hong Kong Air Navigation (Fees) (Amendment)
Regulation 2020**

(Made by the Chief Executive under Article 97 of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1) after consultation with the Executive Council)

1. Commencement

- (1) Subject to subsection (2), this Regulation comes into operation on 1 October 2020.
- (2) Sections 3(2), 4(2) and 5(2), (4), (6) and (8) come into operation on 1 October 2021.

2. Hong Kong Air Navigation (Fees) Regulations amended

The Hong Kong Air Navigation (Fees) Regulations (Cap. 448 sub. leg. D) are amended as set out in sections 3, 4 and 5.

3. Regulation 2 amended (interpretation)

- (1) Regulation 2(1)—

Add in alphabetical order

“*concession period* means the period from 1 October 2020 to 30 September 2021 (both dates inclusive);”.

- (2) Regulation 2(1)—

Repeal the definition of *concession period*.

4. Regulation 6 amended (withdrawal of an aircraft from service)

- (1) Regulation 6—

Repeal

“paragraph 6”

Substitute

“paragraphs 6 and 6A”.

- (2) Regulation 6—

Repeal

“paragraphs 6 and 6A”

Substitute

“paragraph 6”.

5. Schedule amended (fees)

- (1) The Schedule, after paragraph 2(2)—

Add

“(3) Despite subparagraph (1), if—

- (a) the holder of an air operator’s certificate applies for the grant of a subsequent air operator’s certificate (*subsequent certificate*); and
- (b) the subsequent certificate takes effect during the concession period,

the fee payable for the grant of the subsequent certificate is \$0.”.

- (2) The Schedule, paragraph 2—

Repeal subparagraph (3).

- (3) The Schedule, after paragraph 4(2)—

Add

“(3) Despite subparagraphs (1) and (2), if a certificate of airworthiness takes effect during the concession period, the fee payable for the issue of the certificate is \$0.”.

- (4) The Schedule, paragraph 4—

Repeal subparagraph (3).

- (5) The Schedule, under heading “Renewal of Certificate of Airworthiness (Article 8(6) of the Order)”, after paragraph 6—

Add

“6A. Despite paragraph 6, if a certificate of airworthiness takes effect during the concession period, the fee payable for the renewal of the certificate is \$0.”.

- (6) The Schedule—

Repeal paragraph 6A.

- (7) The Schedule, after paragraph 8(5)—

Add

“(5A) Despite subparagraph (1), subparagraph (5B) applies to an approval under Article 11(6)(c) of the Order.

- (5B) Despite subparagraph (5), if—

(a) a person is granted an approval (*specified approval*) at a time when the person holds another approval;

(b) the specified approval is in force at any time during the concession period; and

(c) investigations mentioned in subparagraph (5) are made during the period from 1 April 2019 to 31 March 2021 (both dates inclusive) in respect of any approval held by the person,

the fee payable for making the investigations is \$0.”.

- (8) The Schedule, paragraph 8—

Repeal subparagraphs (5A) and (5B).

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Carrie LAM
Chief Executive

22 September 2020

Explanatory Note

This Regulation amends the Hong Kong Air Navigation (Fees) Regulations (Cap. 448 sub. leg. D) to prescribe that no fee is payable for the following matters if certain criteria are met—

- (a) the grant of an air operator's certificate;
- (b) the issue of a certificate of airworthiness;
- (c) the renewal of a certificate of airworthiness;
- (d) the making of the investigations required for the purpose of satisfying the Chief Executive that an approval under Article 11(6)(c) of the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) should remain in force.