

《民航（保險）令》
（第 448 章，附屬法例 F）
Civil Aviation (Insurance) Order
(Cap. 448 sub. leg. F)

版本日期
Version date
 1.6.2022

經核證文本
Verified Copy

（《法例發布條例》（第 614 章）第 5 條）
 (Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：

- “經核證文本”；及
 - 以下列表顯示的該頁的最後更新日期，
- 該頁所載條文即視作於上述“版本日期”的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:

- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—16	1.6.2022
附表 Schedule	S-1—S-2	22.7.2021

尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation ——

Please see Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

制定史

本為 2000 年第 151 號法律公告 —— 2000 年第 326 號法律公告，2021 年第 3 號編輯修訂紀錄，2021 年第 119 號法律公告

Enactment History

Originally L.N. 151 of 2000 — L.N. 326 of 2000, E.R. 3 of 2021, L.N. 119 of 2021

《民航(保險)令》
(第 448 章，附屬法例 F)

目錄

條次	頁次
1. (已失時效而略去)	1
2. 釋義	1
3. 適用範圍	1
4. 豁免	3
5. 禁止沒有購買保險的飛機着陸或起飛	3
6. 保險單的規定	5
7. 保險文件證明須載於飛機上等	7
8. 出示文件證明的規定	9
9. 要求出示聲明書的權力	9
10. 預先要求文件證明的權力	11
11. 禁止飛機着陸或起飛的權力	11
12. 檢查飛機的權力等	11

Civil Aviation (Insurance) Order
(Cap. 448 sub. leg. F)

Contents

Section	Page
1. (Omitted as spent)	2
2. Interpretation	2
3. Application	2
4. Exemption	4
5. Prohibition on landing or taking off without insurance	4
6. Requirements in respect of policy of insurance	6
7. Documentary proof of insurance to be carried on aircraft, etc.	8
8. Requirements as to the production of documentary proof	10
9. Power to require production of declaration	10
10. Power to require documentary proof in advance	12
11. Power to prohibit aircraft from landing or taking off	12
12. Power to inspect aircraft, etc.	12

T-3

第 448F 章

T-4

Cap. 448F

條次	頁次
13. 妨礙他人	13
14. 關乎出示文件證明的罪行	13
15. 關乎出示聲明書的罪行	13
16. 獲授權人的指定	13
附表	S-1

Section	Page
13. Obstruction of persons	14
14. Offences in relation to the production of documentary proof	14
15. Offences in relation to the production of declaration	14
16. Appointment of authorized persons	14
Schedule	S-2

《民航(保險)令》

(第 448 章第 2A 條)

(略去制定語式條文——2021 年第 3 號編輯修訂紀錄)

[2000 年 12 月 15 日] 2000 年第 293 號法律公告

(格式變更——2021 年第 3 號編輯修訂紀錄)

1. (已失時效而略去——2021 年第 3 號編輯修訂紀錄)

2. 釋義

在本命令中，除文意另有所指外——

處長 (Director) 指民航處處長；**經營人** (operator) 就任何飛機而言，指——

- (a) 當其時對該飛機有管理權或控制權的人；及
- (b) 獲該人授權使用該飛機提供航空服務的任何其他人；

機長 (commander) 就任何飛機而言，指由該飛機的經營人指定為該飛機的機長的機組人員，如無指定機長，則指當其時指揮該飛機的機師；**獲授權人** (authorized person) 指獲處長根據第 16 條授權的人。

3. 適用範圍

(1) 在不抵觸第 (2) 款的條文下，本命令只適用於民航飛機。

Civil Aviation (Insurance) Order

(Cap. 448, section 2A)

(Enacting provision omitted—E.R. 3 of 2021)

[15 December 2000] L.N. 293 of 2000

(Format changes—E.R. 3 of 2021)

1. (Omitted as spent—E.R. 3 of 2021)

2. Interpretation

In this Order, unless the context otherwise requires—

authorized person (獲授權人) means a person authorized by the Director under section 16;**commander** (機長), in relation to an aircraft, means the member of the aircraft crew designated as commander of that aircraft by the operator thereof, or, failing such a person, means the person who, for the time being, is the pilot in command of that aircraft;**Director** (處長) means the Director-General of Civil Aviation; (L.N. 326 of 2000)**operator** (經營人), in relation to an aircraft, means—

- (a) the person who for the time being has the management or control of that aircraft; and
- (b) any other person authorized by that person to use the aircraft to provide air services.

3. Application

(1) Subject to subsection (2), this Order shall apply to civil

- (2) 本命令不適用於——
- (a) 不能載乘客的氣球；(2021 年第 119 號法律公告)
 - (b) 懸掛式滑翔機、風箏、降落傘或模型飛機；或 (2021 年第 119 號法律公告)
 - (c) 《小型無人機令》第 3 條所指的小型無人機。(2021 年第 119 號法律公告)
- (3) 為免生疑問，就第 (1) 及 (2)(b) 款而言，**飛機** (aircraft) 包括—— (2021 年第 119 號法律公告)
- (a) 能載乘客的氣球；及
 - (b) 定翼飛機、旋翼飛機、飛船及滑翔機。

4. 豁免

- (1) 處長或獲授權人可在下述情況下豁免任何飛機或任何飛機的經營人或機長，使其免受本命令的某條條文的規限——
- (a) 為任何飛機或其上的任何乘客或機組人員的安全所需；或
 - (b) 因為運作需要而必需豁免。
- (2) 在第 (1) 款指明的情況以外的特殊情況下，處長或獲授權人可豁免任何飛機或任何飛機的經營人或機長，使其免受本命令的某條條文的規限。

5. 禁止沒有購買保險的飛機着陸或起飛

- (1) 除本命令另有規定外，除非有符合第 6 條規定的保險單就某飛機在香港使用而有效，否則該飛機不得在香港着陸或起飛。

aircraft only.

- (2) This Order does not apply to—
- (a) balloons that are incapable of carrying passengers; (L.N. 119 of 2021)
 - (b) hang gliders, kites, parachutes or model aircraft; or (L.N. 119 of 2021)
 - (c) small unmanned aircraft within the meaning of section 3 of the Small Unmanned Aircraft Order. (L.N. 119 of 2021)
- (3) To avoid doubt, for the purposes of subsections (1) and (2)(b), **aircraft** (飛機) includes— (L.N. 119 of 2021)
- (a) balloons that are capable of carrying passengers; and
 - (b) aeroplanes, rotorcraft, airships and gliders.

4. Exemption

- (1) The Director or any authorized person may exempt an aircraft or operator or commander of an aircraft from any provision of this Order—
- (a) where it is necessary for the safety of any aircraft or any of its passengers or members of the aircraft crew; or
 - (b) for reasons of operational necessity.
- (2) The Director or any authorized person may, in exceptional circumstances, other than those specified in subsection (1), exempt an aircraft or operator or commander of an aircraft from any provision of this Order.

5. Prohibition on landing or taking off without insurance

- (1) Subject to this Order, an aircraft shall not land or take off in Hong Kong unless there is in force in relation to the use of

- (2) 如任何飛機在違反第 (1) 款的情況下著陸或起飛，該飛機的經營人即屬犯罪，一經定罪，可處第 5 級罰款及監禁 1 年。
- (3) 第 (1) 款不適用於因緊急情況而著陸或起飛的飛機。

6. 保險單的規定

- (1) 為施行第 5 條，保險單必須就經營人就他在任何一宗事故中由於在香港使用飛機而導致或引致——
 - (a) 第三者風險；
 - (b) 該飛機所載乘客死亡或身體受傷；
 - (c) 該飛機所載行李毀壞、損失或損毀；
 - (d) 該飛機所載貨物毀壞、損失或損毀；及
 - (e) 該飛機所載郵件毀壞、損失或損毀，
 所招致的法律責任，保障該經營人。
- (2) 在不抵觸第 (3) 及 (4) 款的條文下，保險單必須屬合一限額承保，而承保的款額不得少於附表就第 (1) 款所述的法律責任而指明的適用款額。
- (3) 第 (2) 款所規定的合一限額承保——
 - (a) 可包括第 (1) 款所述者以外的法律責任，但在有關經營人的飛機機身的損毀方面的法律責任除外；及
 - (b) 毋須承保經營人在他所僱用的人在受僱工作期間因工或在工作過程中死亡或身體受傷方面應負的法律責任。
- (4) 如飛機不載乘客、行李、貨物或郵件(視屬何情況而定)，則保險單毋須就第 (1)(b)、(c)、(d) 或 (e) 款(視屬何情況而定) 所提述的法律責任保障經營人，但保險單的合一限額承保款額仍不得少於附表所指明的適用款額。

that aircraft in Hong Kong a policy of insurance that complies with section 6.

- (2) If an aircraft lands or takes off in contravention of subsection (1), the operator commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 1 year.
- (3) Subsection (1) does not apply to an aircraft that lands or takes off for reasons of emergency. (*E.R. 3 of 2021*)

6. Requirements in respect of policy of insurance

- (1) For the purposes of section 5, the policy of insurance must be a policy that insures the operator in respect of any liability which may be incurred by him in respect of—
 - (a) third party risks;
 - (b) the death of or bodily injury to any passenger in the aircraft;
 - (c) any destruction or loss of or damage to baggage carried on board the aircraft;
 - (d) any destruction or loss of or damage to cargo carried on board the aircraft; and
 - (e) any destruction or loss of or damage to mail carried on board the aircraft,
 arising out of or caused by the use of the aircraft in Hong Kong and arising out of any one event.
- (2) Subject to subsections (3) and (4), the policy of insurance must have a combined single limit coverage of not less than the applicable amount specified in the Schedule in respect of the liabilities mentioned in subsection (1).
- (3) The combined single limit coverage required under subsection (2)—

- (5) 保險單的形式，可以是單一保險單，也可以是混合保險單。

7. 保險文件證明須載於飛機上等

- (1) 任何飛機的經營人須安排將第 5 條所規定的保險單的文件證明——
- (a) 載於該飛機上；或
 - (b) 存放在該飛機着陸或起飛的香港機場。
- (2) 就第 (1) 款而言，**文件證明** (documentary proof) ——
- (a) 指以下文件的可閱文本——
 - (i) 有關保險單；
 - (ii) 就該保險單發出的保險證明書；或
 - (iii) 其他對該保險單作出證明的文任件；及
 - (b) 在有關保險單即將到期的情況下，指持續保險保障的書面證明。

- (a) may include liabilities other than those mentioned in subsection (1), except for the liability in respect of damage to the hull of the aircraft of the operator; and
 - (b) need not cover liability in respect of the death of or bodily injury to any person in the employment of the operator which arises out of and in the course of that person's employment.
- (4) The policy of insurance need not insure the operator in respect of a liability referred to in subsection (1)(b), (c), (d) or (e) if the aircraft does not carry passengers, baggage, cargo or mail, as the case may be, but the combined single limit coverage under such policy shall nevertheless be in an amount of not less than the applicable amount specified in the Schedule.
- (5) The policy of insurance may be in the form of a single policy or a combination of policies.

7. Documentary proof of insurance to be carried on aircraft, etc.

- (1) The operator of an aircraft shall cause documentary proof of the policy of insurance required by section 5 to be—
- (a) carried on board the aircraft; or
 - (b) made available at the aerodrome in Hong Kong at which the aircraft lands or takes off.
- (2) For the purposes of subsection (1), **documentary proof** (文件證明) means—
- (a) a legible copy of—
 - (i) the policy of insurance;
 - (ii) the certificate of insurance issued in respect of the policy of insurance; or
 - (iii) other document evidencing the policy of insurance; and

- (3) 任何飛機的經營人無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 5 級罰款。

8. 出示文件證明的規定

- (1) 如處長或獲授權人提出要求，任何飛機的經營人或機長須安排在提出要求後的合理時間內(而無論如何須安排在提出要求後的 24 小時內)，向處長或獲授權人(視屬何情況而定)出示第 7 條所規定的文件證明。
- (2) 處長或獲授權人可保留或抄印根據第(1)款出示的文件證明。
- (3) 任何經營人或機長無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 5 級罰款。

9. 要求出示聲明書的權力

- (1) 如處長或獲授權人提出要求，任何飛機的經營人或機長須安排在提出要求後的合理時間內(而無論如何須安排在提出要求後的 24 小時內)，向處長或獲授權人(視屬何情況而定)出示該飛機所載的物品的聲明書。
- (2) 處長或獲授權人可保留或抄印根據第(1)款出示的聲明書。
- (3) 任何飛機的經營人或機長無合理辯解而違反第(1)款，即屬犯罪，一經定罪，可處第 5 級罰款。

- (b) where the term of the policy of insurance is due to expire imminently, proof in writing of continued insurance cover.

- (3) An operator of an aircraft who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.

8. Requirements as to the production of documentary proof

- (1) The operator or commander of an aircraft shall, within a reasonable time and in any event within 24 hours after being requested to do so by the Director or any authorized person, cause to be produced to the Director or the authorized person the documentary proof required by section 7.
- (2) The Director or the authorized person may retain or take copies of any documentary proof produced under subsection (1).
- (3) An operator or a commander of an aircraft who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.

9. Power to require production of declaration

- (1) The operator or commander of an aircraft shall, within a reasonable time and in any event within 24 hours after being requested to do so by the Director or any authorized person, cause to be produced to the Director or the authorized person a declaration of the items carried on board that aircraft.
- (2) The Director or the authorized person may retain or take copies of any document produced under subsection (1).
- (3) An operator or a commander of an aircraft who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 5.

10. 預先要求文件證明的權力

處長或獲授權人可要求任何擬在香港著陸或起飛的飛機的經營人或機長，安排就該飛機向處長或獲授權人（視屬何情況而定）出示第 7 條所規定的文件證明。

11. 禁止飛機著陸或起飛的權力

- (1) 凡任何飛機的經營人或機長在處長或獲授權人提出要求後的一段合理時間內沒有出示或拒絕出示第 10 條規定出示的文件證明，或處長或獲授權人有理由相信，該經營人或機長根據該條安排出示的文件沒有提供該飛機在香港著陸或起飛時是由符合第 6 條規定的保險單承保的文件證明，則處長或獲授權人可指示該飛機的經營人或機長不得准許該飛機在香港著陸或起飛，直至處長或獲授權人撤回該指示為止。
- (2) 凡處長或獲授權人根據第 (1) 款發出指示，則他先前就有關飛機的著陸或起飛批予該飛機的經營人或機長的准許須當作已予撤回。
- (3) 任何飛機的經營人或機長無合理辯解而沒有遵從根據第 (1) 款發出的指示，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 2 年。

12. 檢查飛機的權力等

- (1) 為施行本命令，處長或獲授權人可進入和檢查任何飛機。

10. Power to require documentary proof in advance

The Director or any authorized person may require an operator or a commander of an aircraft intending to land or take off in Hong Kong to cause to be produced to the Director or the authorized person in respect of that aircraft the documentary proof required by section 7.

11. Power to prohibit aircraft from landing or taking off

- (1) Where the operator or commander fails or refuses to produce documentary proof required under section 10 within a reasonable time after being requested to do so by the Director or any authorized person, or the Director or the authorized person has reason to believe that the documents caused to be produced by the operator or commander under that section do not provide documentary proof that the aircraft is covered by a policy of insurance that complies with section 6, the Director or the authorized person may direct the operator or commander of the aircraft that he is not to permit the aircraft to land or take off in Hong Kong, until the direction has been revoked by the Director or the authorized person.
- (2) Where the Director or any authorized person issues a direction under subsection (1), any previous permission granted by him to the operator or commander in respect of that landing or taking off shall be deemed to have been revoked.
- (3) An operator or a commander of an aircraft who fails without reasonable excuse to comply with any direction issued to him under subsection (1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

12. Power to inspect aircraft, etc.

- (1) The Director or any authorized person may, for the purposes

- (2) 處長或獲授權人在檢查飛機的過程中，可保留或抄印他依據本命令有權要求向他出示的任何文件。

13. 妨礙他人

任何人蓄意妨礙或阻撓處長或獲授權人行使獲本命令賦予的權力，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 2 年。

14. 關乎出示文件證明的罪行

任何人——

- (a) 提供他明知屬虛假或具誤導性的資料，或出示他明知屬虛假或具誤導性的文件；或
- (b) 罔顧實情地提供在要項上屬虛假或具誤導性的資料，或罔顧實情地出示在要項上屬虛假或具誤導性的文件，

充作遵從根據第 8 或 10 條向他提出的要求，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 2 年。

15. 關乎出示聲明書的罪行

任何人意圖欺騙而在他為第 9(1) 條的目的所作的聲明書中作虛假陳述，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 2 年。

16. 獲授權人的指定

處長可書面授權任何公職人員或其他人行使本命令授予獲授權人的任何權力，或履行本命令施加予獲授權人的任何責任。

of this Order, enter upon and inspect any aircraft.

- (2) The Director or any authorized person may, in the course of inspecting an aircraft, retain or take copies of any document that he has the power pursuant to this Order to require to be produced to him.

13. Obstruction of persons

Any person who intentionally obstructs or impedes the Director or any authorized person in the exercise of his powers under this Order commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

14. Offences in relation to the production of documentary proof

Any person who, in purported compliance with any request made to him under section 8 or 10—

- (a) furnishes any information or produces a document that he knows to be false or misleading; or
- (b) recklessly furnishes any information or produces a document that is false or misleading in a material particular,

commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

15. Offences in relation to the production of declaration

A person who, with intent to deceive, makes any false statement in a declaration made by him for the purpose of section 9(1) commits an offence and is liable on conviction to a fine at level 5 and to imprisonment for 2 years.

16. Appointment of authorized persons

The Director may authorize in writing any public officer or other person to exercise any of the powers and perform any of the duties

conferred or imposed on an authorized person by this Order.

S-1
第 448F 章

附表

Schedule

S-2
Cap. 448F

附表

[第 6 條]

Schedule

[s. 6]

項目	飛機製造商在飛機飛行手冊或操作手冊中訂明的飛機最大滑出前重量或最大滑行重量中的較大者(如不適用的話,則為最大起飛重量或最大重量中的較大者)	適用款額 (相等於)
1.	不超過 5 700 公斤	美金 \$15,000,000
2.	超過 5 700 公斤但不超過 10 000 公斤	美金 \$25,000,000
3.	超過 10 000 公斤但不超過 28 000 公斤	美金 \$60,000,000
4.	超過 28 000 公斤但不超過 100 000 公斤	美金 \$200,000,000
5.	超過 100 000 公斤但不超過 170 000 公斤	美金 \$500,000,000
6.	超過 170 000 公斤	美金 \$1,000,000,000

Item	Aircraft maximum ramp or taxi weight, whichever is greater (if not applicable, maximum take-off weight or maximum weight, whichever is greater), as stipulated in its manufacturer's flight manual or operations manual	Applicable amount (equivalent to)
1.	Not exceeding 5 700 kg	US\$15,000,000
2.	Exceeding 5 700 kg but not exceeding 10 000 kg	US\$25,000,000
3.	Exceeding 10 000 kg but not exceeding 28 000 kg	US\$60,000,000
4.	Exceeding 28 000 kg but not exceeding 100 000 kg	US\$200,000,000
5.	Exceeding 100 000 kg but not exceeding 170 000 kg	US\$500,000,000
6.	Exceeding 170 000 kg	US\$1,000,000,000