

**No. 50577**

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**Hong Kong Special Administrative Region (under authorization  
by the Government of the People's Republic of China)  
and  
Kuwait**

**Agreement between the Government of the Hong Kong Special Administrative Region of the  
People's Republic of China and the Government of the State of Kuwait concerning air  
services (with annex). Kuwait City, 7 April 2004**

**Entry into force:** *1 March 2013, in accordance with article 23*

**Authentic text:** *English*

**Registration with the Secretariat of the United Nations:** *China, 24 April 2013*

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**Région administrative spéciale de Hong Kong (par autorisation  
du Gouvernement de la République populaire de Chine)  
et  
Koweït**

**Accord entre le Gouvernement de la Région administrative spéciale de Hong Kong de la  
République populaire de Chine et le Gouvernement de l'État du Koweït relatif aux  
services aériens (avec annexe). Koweït, 7 avril 2004**

**Entrée en vigueur :** *1<sup>er</sup> mars 2013, conformément à l'article 23*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Chine, 24 avril  
2013*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE HONG  
KONG SPECIAL ADMINISTRATIVE REGION OF THE  
PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT  
OF THE STATE OF KUWAIT**

**CONCERNING AIR SERVICES**

The Government of the Hong Kong Special Administrative Region of the People's Republic of China ("the Hong Kong Special Administrative Region") and the Government of the State of Kuwait (hereinafter referred to as the "Contracting Parties"),

Desiring to conclude an Agreement for the purpose of providing the framework for air services between the Hong Kong Special Administrative Region and the State of Kuwait,

Have agreed as follows:

**ARTICLE 1**

**Definitions**

For the purpose of this Agreement, unless the context otherwise requires:

- (a) the term "aeronautical authorities" means in the case of the Hong Kong Special Administrative Region, the Director-General of Civil Aviation, and in the case of the State of Kuwait, the Directorate General of Civil Aviation, or, in both cases, any person or body authorised to perform any functions at present exercisable by the above-mentioned authorities or similar functions;
- (b) the term "designated airline" means an airline which has been designated and authorised in accordance with Article 4 of this Agreement;

- (c) the term “area” in relation to the Hong Kong Special Administrative Region includes Hong Kong Island, Kowloon and the New Territories and in relation to the State of Kuwait has the meaning assigned to “territory” in Article 2 of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944;
- (d) the terms “air service”, “international air service”, “airline” and “stop for non-traffic purposes” have the meanings respectively assigned to them in Article 96 of the said Convention;
- (e) the term “this Agreement” includes the Annex hereto and any amendments to it or to this Agreement.
- (f) the term “capacity” means:
  - (i) in relation to an aircraft, the number of seats (passenger services) or cargo tonnage (all-cargo services) of that aircraft available on a route or a section of a route.
  - (ii) in relation to a specified air service, the capacity of the aircraft used on such service multiplied by the frequency operated by such aircraft over a given period on a route or a section of a route.

## **ARTICLE 2**

### **Provisions of the Chicago Convention Applicable to International Air Services**

In implementing this Agreement, the Contracting Parties shall act in conformity with the provisions of the Convention on International Civil Aviation, opened for signature at Chicago on 7 December 1944, including the Annexes and any amendments to the Convention or to its Annexes which apply to both Contracting Parties, insofar as these provisions are applicable to international air services.

### **ARTICLE 3**

#### **Grant of Rights**

- (1) Each Contracting Party grants to the other Contracting Party the following rights in respect of its international air services:
  - (a) the right to fly across its area without landing;
  - (b) the right to make stops in its area for non-traffic purposes.
- (2) Each Contracting Party grants to the other Contracting Party the rights hereinafter specified in this Agreement for the purpose of operating international air services on the routes specified in the appropriate Section of the Annex to this Agreement. Such services and routes are hereinafter called “the agreed services” and “the specified routes” respectively. While operating an agreed service on a specified route the designated airlines of each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article the right to make stops in the area of the other Contracting Party at points determined for that route in accordance with the Annex to this Agreement for the purpose of taking on board and discharging passengers and cargo, including mail, separately or in combination.
- (3) Nothing in paragraph (2) of this Article shall be deemed to confer on the designated airlines of one Contracting Party the right to take on board, at one point in the area of the other Contracting Party, passengers and cargo, including mail, carried for hire or reward and destined for another point in the area of the other Contracting Party.
- (4) If because of armed conflict, political disturbances or developments, or special and unusual circumstances, a designated airline of one Contracting Party is unable to operate a service on its normal routing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate temporary rearrangements of routes.

## **ARTICLE 4**

### **Designation of and Authorization of Airlines**

- (1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or two airlines for the purpose of operating the agreed services on the specified routes and to withdraw or alter such designations.
- (2) On receipt of such a designation the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorizations.
- (3)
  - (a) the Government of the Hong Kong Special Administrative Region shall have the right to refuse to grant the operating authorizations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 3(2) of this Agreement, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Government of the State of Kuwait or its nationals.
  - (b) the Government of the State of Kuwait shall have the right to refuse to grant the operating authorizations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 3 (2) of this Agreement, in any case where it is not satisfied that that airline is incorporated and has its principal place of business in the Hong Kong Special Administrative Region.
- (4) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities.
- (5) When an airline has been so designated and authorised it may begin to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.