

## **Regulations Governing the Management of Private Airfields**

1. Promulgated on September 20, 1965 by MOTC as per Decree No. Jiao-Hang-(54)-08595
2. Amended and promulgated on January 6, 1966 by MOTC as per Decree No. Jiao-Hang-(55)-00066
3. Amended and promulgated on January 25, 1975 by MOTC as per Decree No. Jiao-Hang-(64)-00742
4. Amended and promulgated on August 11, 1976 by MOTC as per Decree No. Jiao-Hang-(65)-07184
5. Nomenclature and contents amended and promulgated on May 20, 1985 by MOTC as per Decree No. Jiao-Hang-(74)-09918
6. Amended and promulgated on September 6, 1995 by MOTC as per Decree No. Jiao-Hang-Fa-(84)-8446
7. Article 1, 4, 6, 8, 11 and 16 amended and promulgated on March 31, 1999 by MOTC as per Decree No. Jiao-Hang-Fa- (88)-8813
8. Full text of 25 Articles amended and promulgated on July 24, 2001 by MOTC as per Decree No. Jiao-Hang-Fa-(90)-00046
9. Article 1 amended and promulgated on November 27, 2001 by MOTC as per Decree No. Jiao-Hang-Fa-(90)-00083
10. Article 3 & 4 amended and promulgated on June 4, 2002 by MOTC as per Decree No. Jiao-Hang-Fa-091B000040
11. Article 3 & 4 amended and promulgated on December 26, 2002 by MOTC as per Decree No. Jiao-Hang-Fa-091B000157
12. Full text of 24 Articles amended and promulgated on June 2, 2008 by MOTC as per Decree No. Jiao-Hang-0970085037
13. Article 21 amended and promulgated on July 15, 2009 by MOTC as per Decree No. Jiao-Hang-0980085041
14. Article 3, 12, 13, 20 amended and promulgated on July 27, 2010 by MOTC as per Decree No. Jiao-Hang-0990085035
15. Article 3, 4, 6, 8, 16, 21, 22 amended and promulgated on March 20, 2013 by MOTC as per Decree No. Jiao-Hang-10250027081
16. Article 21 amended and promulgated on August 4, 2014 by MOTC as per Decree No. Jiao-Hang-10350094501

## **Article 1**

These Regulations are enacted in accordance with Article 29-1 of the Civil Aviation Act (hereinafter referred as the Act).

## **Article 2**

“Private airfields” as used herein shall mean airfields established and operated by ROC citizens or by juristic persons in compliance with the criteria as set forth in subparagraph 3 of paragraph 1 under Article 10 of the Act.

## **Article 3**

When filing an application for the establishment of a private airfield, the following documents shall be submitted in two duplicates to the Civil Aviation Administration (hereinafter referred as CAA) of the Ministry of Transportation and Communications (hereinafter referred as MOTC). Upon a satisfactory inspection jointly conducted by CAA and relevant authorities, the application shall be submitted to MOTC for approval. After the approval having been granted by MOTC, the airfield can thereafter be established.

1. Application Form (as shown in Attachment 1);
2. Name and location of the private airfield;
3. Construction plan: which shall include the purpose(s) and use(s) of the airfield, the layout of facilities and access road systems, security and maintenance plan, aircraft types to be used, and takeoff and landing routes;
4. Operation plan and financial plan;
5. Proof of land ownership, supporting documents for leasing or consent to use the land, and land registration certificates. The land registration certificates will be not necessary if they could be dealt with on-line;
6. Land use zoning certificate if the land locates in the urban planning area;
7. An environmental impact report or environmental impact assessment as reviewed and approved by the environmental protection authorities if, according to relevant laws and/or regulations, an environmental impact assessment shall be conducted. An environmental impact assessment document (as shown in Attachment 2) as reviewed and accepted by the environmental protection authorities if, according to

relevant laws and/or regulations, an environmental impact assessment is not required;

8. Depending upon the nature of the applicant, additional documents shall be submitted as follows:
- (1) In case of an individual: curricula vitae of the responsible person(s) and manager(s) must be provided and attached;
  - (2) In case of a newly established company: curricula vitae of the responsible person(s) and manager(s), roster of promoters, along with the draft of articles of association must be provided and attached;
  - (3) In case of a previously established company: curricula vitae of the representative(s) and manager(s), articles of association, roster of shareholders, roster of director(s) and supervisor(s), along with the supporting document for corporate registration must be provided and attached;
  - (4) In case of other juristic person(s): curricula vitae of the representative(s), responsible person(s) and manager(s), roster of director(s) and supervisor(s), along with its articles of association must be provided and attached.

As for an application for the establishment of a private airfield exclusively for the use by helicopters for medical treatment and rescue by major general hospitals, an approval document from health governing institute in central government must be provided and attached.

#### **Article 4**

A private airfield shall, within the approved preliminary period for its establishment, make registrations with relevant authorities pursuant to the laws and, upon completion of its construction, shall file an application by submitting the following documents in two duplicates to CAA for the latter and relevant authorities to conduct a joint inspection. Upon a satisfactory inspection, MOTC will be notified and award the permission, but the use of the private airfield may not commence until the CAA makes an official announcement:

1. Operation and management manual (as shown in Attachment 3);
2. Roster of representative(s) and manager(s);
3. Articles of association, roster of shareholders, roster of director(s) and

supervisor(s), along with the supporting documents for corporate registration; and

4. Roster of director(s) and supervisor(s), along with its articles of contribution.

If the applicant referred to in the preceding paragraph is a company, the documents referred to in Item 1 through Item 3 of the preceding paragraph shall be submitted; if such applicant is a juristic person otherwise organized, the documents referred to in Items 1, 2 and 4 of the preceding paragraph shall be submitted; and if such applicant is an individual, the documents referred to in Items 1 and 2 shall be submitted along with any supporting document for business registrations.

#### **Article 5**

When applying for the license of a private airfield, upon a satisfactory inspection jointly conducted by CAA and relevant authorities and the application submitted to MOTC for approval is granted, a license fee in the amount of thirty-six thousand New Taiwan Dollars (NT\$36,000) shall be paid.

#### **Article 6**

Whenever there is any change as to the name of the private airfield or the representative, proper registration shall be made with relevant authorities pursuant to the laws and, within fifteen (15) days of such registration, relevant supporting documents shall be submitted to CAA for the purpose of applying for a renewed license of the private airfield.

If and when there is any change as to the director(s), supervisor(s), manager(s), articles of association, address, such change shall be made known to CAA for the latter's reference.

#### **Article 7**

If and when a private airfield supports the takeoff and landing of any aircraft that loads and unloads passengers or cargos, necessary facilities for the loading and unloading of passengers and cargos shall be provided.

#### **Article 8**

A private airfield shall not be established on the rooftop of a building, or within

fifteen (15) kilometers of an airfield or any other airport; provided, however, that a private airfield exclusively for the use by helicopters may, upon approval by the central authority in charge of the end enterprise concerned and by MOTC, be established in the following locations:

1. A major general hospital for medical emergency rescue;
2. National parks or national-level scenic areas; and
3. Specifically reserved areas.

The fifteen-kilometer restriction mentioned in the preceding paragraph may be disregarded in cases where a private airfield is approved by MOTC to be established in an offshore island.

#### **Article 9**

If a private airfield allows aircraft belonging to others to use and a fee is thereof charged for such use, the fee calculation rate shall be reported to CAA, which shall review and submit it to MOTC for its approval.

#### **Article 10**

The types of aircraft that may use a private airfield shall be determined by CAA in terms of on the functions of the aircraft, the ground facilities of the airport, as well as the neighboring terrain.

#### **Article 11**

The aviation safety inspection of aircraft and design specifications for a private airfield shall meet the requirements set forth in Aircraft Flight Operation Regulations, Civil Aerodrome Design and Operation Standards, and Heliports Planning and Design Standards.

#### **Article 12**

The air traffic control operation of a private airfield shall satisfy the following provisions:

1. The flight of any aircraft shall take safety and order into consideration and shall land and takeoff against the wind for principle;

2. During the takeoff and landing of aircraft, the runway or takeoff/landing area shall keep clear;
3. Unless prior approval is granted by relevant air traffic control units, no aircraft shall enter the controlled airspace;
4. Inform the relevant air traffic control units when aircraft landing safely.

### **Article 13**

The weather observation and report of a private airfield shall satisfy the following provisions:

1. The wind indicator shall be installed in order to supply information to aircraft for taking off and landing.
2. Wind direction, wind speed, horizontal visibility, ceiling height and weather phenomena should be supplied to aircraft, as necessary.

In accordance with the second subparagraph of the proceeding paragraph, the weather information shall be supplied by the certified personnel.

### **Article 14**

The operator or manager of a private airfield shall, before the takeoff and after the landing of each aircraft, check the passenger list (including passenger names, identification card numbers or passport numbers, and domiciles) and cargo manifest, whereas Airport Office or police authorities may check the same at any time.

The passenger list and cargo manifest referred to in the preceding paragraph shall be transmitted to the responsible Airport Office and made known to local police authorities in coordination with the releasing work.

### **Article 15**

Statistical statements of a private airfield covering such information as aircraft flight status, as well as passenger and cargo transportation, shall be reported on a monthly basis to the responsible Airport Office, which shall in turn submit them to CAA for reference.

## **Article 16**

The operator or manager of a private airfield shall assign full-time personnel to manage the airfield, and shall be responsible for maintaining the flight and ground facilities and keeping them in good condition at all times. In the event of any major maintenance or repair or change as to such facilities, the operator or manager shall forthwith report it to the responsible Airport Office, which shall act in accordance with applicable rules and report to CAA.

The roster of the operators or managers referred to in the preceding paragraph, as well as any modification thereof, shall be submitted to CAA for reference.

## **Article 17**

The CAA may send its personnel to inspect a private airfield at regular or irregular intervals. If any fault is discovered during the inspection, a notice of rectification within a specified period shall be given. In case of any failure to make said rectification within the specified period, CAA may order a temporary shutdown of the airfield; and if flight safety is likely to be jeopardized, CAA shall announce the closure thereof.

If the circumstances mentioned in the preceding paragraph are of a serious kind, CAA may report to MOTC and request a withdrawal of its license and therefore inform relevant authorities.

## **Article 18**

If a private airfield voluntarily suspends its operation, it shall notify CAA within fifteen days. The period of such voluntary suspension of operation shall not exceed six months. If the aforesaid suspension goes beyond the time limit, CAA may report to MOTC and request a withdrawal of its license; provided, however, that an application for extension thereof may be granted with good cause shown. The period for such extension shall not exceed six months and the extension shall be limited to one-time only.

In case of termination of business or dissolution, the airfield shall notify CAA within fifteen days. CAA will report to MOTC and request a cancellation of its license.

### **Article 19**

The owner or user of any aircraft parked at a private airfield shall be responsible for the safety of such aircraft; provided that the owner or user of the aircraft and the private airfield may agree otherwise.

If the circumstances mentioned in the preceding paragraph involve any violation of applicable laws and/or regulations, such laws and/or regulations shall apply.

### **Article 20**

The demarcation of responsible areas for various CAA Subordinate Airport Offices in supervising private airfields and temporary heliports shall be determined and published by CAA.

### **Article 21**

The application for a heliport or the takeoff and landing areas for free balloons of a temporary nature shall be filed to CAA by submitting the following documents for the latter to conduct a review. The use of the heliport may not commence until CAA has done a satisfactory review. The CAA may conduct an on-site inspection if it deems necessary:

1. Information regarding the aircraft to be used;
2. Airfield plans, current photographs of the takeoff and landing areas and the adjacent environs, excluding application of the takeoff and landing areas for free balloons of a temporary nature;
3. Supporting documentation for consent of use of the airport premises; and
4. Plan of uses.

The phrase “of a temporary nature” referred to in the preceding paragraph shall mean a situation wherein, under visual weather conditions, the period of use for each application does not exceed three months. But the period of use for application for the takeoff and landing areas for free balloons of a temporary nature could be extended to six months if there are proper reasons and be accepted by the CAA.

### **Article 22**

In carrying out emergency rescue or emergency medical care missions, the captain of

an aeroplane or a helicopter may, without regard to the regulations set forth herein, determine the location for takeoff and landing based on the functions of the aeroplane or helicopter, the terrain, as well as the visual weather conditions, considering the use of such location as free of safety concerns.

**Article 23**

The applicable regulations contained herein shall apply *mutatis mutandis* to airfields established by governments at various levels.

**Article 24**

These Regulations shall become effective as of the date of promulgation.

## **Attachment 1**

### **Application Form for the Establishment of a Private Airfield**

|   |  |
|---|--|
| 1. Name of the private airfield                     |  |
| 2. Location of the private airfield                 |  |
| 3. Name of the responsible person or representative |  |
| 4. Name of the operator or manager                  |  |
| 5. Scope of business                                |  |
| 6. Aircrafts to take off and land                   |  |
| 7. Address  |  |
| 8. Contact telephone number                         |  |
| 9. Contact facsimile number                         |  |
| 10. Date of application                             |  |
| 11. Signature and/or stamp of applicant             |  |
| 12. Notes   |  |

## **Attachment 2**

An environmental impact assessment document for the private airfield shall include followings :

1. the description of noise characteristics;
2. the analysis of noise sources;
3. the noise impact assessment on the area nearby;
4. the noise protection policies and measurements;
5. Briefing meeting minutes. The attendees shall include the representative of the residential area nearby, environmental protection authorities and CAA; and
6. Others, specified by environmental protection authorities.

### **Attachment 3**

An operation and management manual shall include the following items, bound in loose-leaf volumes:

1. Basic information of the private airfield (including, but not limited to, the name and address of the airfield, the rosters of owner(s), operator(s) and manager(s), flight and ground facilities of the airfield, types of aircraft to be used, time and sorties for takeoff and landing during each day);
2. Geographical map of the private airfield, marked with longitude and latitude;
3. Layout plan of airfield facilities of the private airfield (including charts about the connecting road systems, passenger and cargo movement in and out of the airfield, airfield aprons, embarking and disembarking routes, as well as parking space);
4. Fire-fighting facilities and their layout plan (including the fire-fighting facilities for buildings and emergency fire-fighting equipment for aircraft).
5. Fee schedule for the private airfield;
6. Operational procedure for the registration and checking of the passenger list and cargo manifest of the private airfield;
7. Flight operation manual (including such operational procedure as the filling-out/submission of flight plans, access to meteorological and flight data, takeoff and landing routes, dispatching operation, releasing procedure, instructions for takeoff and landing, announcement of takeoff and landing time, handling and reporting of emergencies or accidents);
8. Operational procedure for the upkeep and maintenance of flight and ground facilities of the private airfield;
9. Facilities or measures of the private airfield against the intrusion of animals or any other foreign objects affecting flight safety;
10. The private airfield shall mark the location and elevation of buildings or other objects, as well as the adjacent barriers that may affect flight safety, or noise-sensitive areas, e.g. schools, hospitals, libraries, class 1 and class 2 noise control zones within a radius of at least one kilometer;

11. Self-supervision program of the private airfield;
12. Documentation for liability insurance of the private airfield; and
13. Other items involving operation, management and safety.