

RULING

1. This is the application of Hong Kong Express Airways Limited for operation of services from Hong Kong to Dalian, Guilin, Jinan, Kunming, Nanning, Qingdao, Shenyang, Shijiazhuang, Tianjin, Xian, Yantai, Lijiang, Huangshan (Tunxi), Zhangjiajie, Jinjiang, Wuxi and vice versa and between Hong Kong and Tai Chung (Ching Chuan Kang), Okinawa and vice versa and between Hong Kong and Siem Reap, Koh Samui and vice versa.
2. The type of aircraft proposed to be used by Hong Kong Express Airways Limited is Embraer 170.
3. This application is opposed by CR Airways Limited. The ground of opposition is that an Air Operator's Certificate is a necessary prerequisite to an application before this Authority. It seems to be suggested that Hong Kong Express Airways Limited does not possess such a certificate.
4. On 29th July, 2005, an air operator's certificate in respect of Embraer 170 had in fact been granted in favour of Hong Kong Express Airways Limited. We inquired with CR Airways Limited whether any challenge is made against that certificate. CR Airways Limited has not outlined any ground to question the validity of that certificate.
5. Given the grant of that certificate, the opposition of CR Airways Limited does not get off the ground. There is no necessity for us to consider in this case whether an air operator's certificate is an essential prerequisite to an application before this Authority.
6. As agreed between the parties at the direction's hearing on 8th October, 2005, this is the only issue between the parties. We reject the contention of CR Airways Limited and regret that they should see fit to maintain their position right up to today thereby wasting considerable amount of public resources. We take a very dim view of their conduct.
7. We allow the application of Hong Kong Express Airways Limited and grant the licence as sought.
8. We direct that this ruling be made available to the public.