

For Discussion  
On 28 January 2002

## **Legislative Council Panel on Economic Services**

### **Proposal to Ban Chapter 2 Wide-bodied Aircraft Operating from/to Hong Kong**

#### **Purpose**

This paper is to seek Members' views on the proposal to prohibit the International Civil Aviation Organisation (ICAO) <sup>1</sup> "Chapter 2" wide-bodied subsonic jet aircraft from landing or taking-off in Hong Kong with effect from 1 May 2002.

#### **Background**

##### ***International developments***

2. The ICAO has adopted noise standards for aircraft and these are set out in Chapters 2 and 3 in Volume I, Annex 16 to the Convention on International Civil Aviation (the Chicago Convention). The noise standards set out in Chapter 2 apply to subsonic jet aircraft certificated before 6 October 1977 and are less stringent than the noise standards set out in Chapter 3 which applies to aircraft certificated on or after 6 October 1977. Aircraft types that meet the Chapter 2 and Chapter 3 noise standards are referred to as Chapter 2 aircraft and Chapter 3 aircraft respectively. Examples of wide-bodied aircraft meeting the two sets of standards and are currently operating at the Hong Kong International Airport are at Annex.

3. The international trend has been to phase out Chapter 2 aircraft in a progressive manner. Taking into account the concern of some States about aircraft noise problem vis-à-vis the concern of others about the economic burden on airlines that may not have the financial resources to re-equip their fleets, ICAO adopted in October 1990 a resolution which urged States to frame restrictions so that Chapter 2 aircraft may be withdrawn from service gradually

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<sup>1</sup> A specialized agency of the United Nations created in 1944 to promote the safe and orderly development of civil aviation worldwide. The ICAO presently has 187 Member States.

over a period of not less than 7 years starting from 1 April 1995.

4. We understand that taking into account the 1990 resolution of ICAO, aeronautical authorities in Australia, Canada, Germany, Japan, New Zealand, Norway, Singapore and the United Kingdom intend to progressively prohibit the operation of Chapter 2 wide-bodied aircraft in their countries soon after 31 March 2002.

**Existing legislation for the control of aircraft noise in Hong Kong**

5. In Hong Kong, aircraft noise control is enforced through the Civil Aviation (Aircraft Noise) Ordinance, Cap. 312 (the Ordinance) which was enacted in June 1986. Section 3 of the Ordinance prohibits aircraft which do not comply with the noise standards specified in the Schedule to the Ordinance from landing or taking-off in Hong Kong. In specifying the noise standards, the Government has followed closely international trend to progressively prohibit various classes of subsonic jet aircraft from operating from/to Hong Kong. Currently all narrow-bodied subsonic jet aircraft operating from/to Hong Kong have to meet Chapter 3 noise standards whereas wide-bodied aircraft only need to meet Chapter 2 standards. A wide-bodied aircraft is defined in Section 2 of the Ordinance as an aircraft which has an authorized maximum total weight greater than 100,000 kg and a maximum cabin width greater than 4.5 metres.

6. As provided for in the Civil Aviation (Aircraft Noise) (Certification) Regulations, all aircraft landing or taking-off in Hong Kong are required to carry on the aircraft noise certificates issued by the Director-General of Civil Aviation or contracting States of ICAO, or other documentary proof that show compliance with the relevant noise standards. If an aircraft does not carry the documentary proof, its owner and operator each commits an offence and is liable to a fine of \$50,000. If the commander of the aircraft fails to provide the documentary proof within a reasonable time after being requested to do so by the Director-General of Civil Aviation, the commander will commit an offence and is liable to a fine of \$10,000. The owner and operator of the aircraft will also each commit an offence and is liable to a fine of \$50,000.

7. If it appears to the Director-General of Civil Aviation that an aircraft is intended or likely to be flown into or out of Hong Kong in contravention of Section 3 of the Ordinance, the Director-General of Civil Aviation may direct the operator or the commander of the aircraft that he is not

to permit the aircraft to make the flight. The operator or commander of an aircraft which fails to comply with the direction will commit an offence and is liable to a fine of \$50,000 and imprisonment for six months.

### **Proposal**

8. In the light of international developments to tighten aircraft noise control, we propose to prohibit all Chapter 2 wide-bodied aircraft from landing or taking-off in Hong Kong with effect from 1 May 2002. Under Section 3 of the Ordinance, the Chief Executive is empowered to amend by notice in the Gazette the Schedule to the Ordinance specifying noise standards. The amended Schedule will specify Chapter 3 standards of noise for all subsonic jet aircraft.

9. A Gazette notice made by the Chief Executive under Section 3 of the Ordinance is a piece of subsidiary legislation subject to the negative vetting procedure in the Legislative Council. We intend to bring the new requirement for wide-bodied subsonic jet aircraft into effect on 1 May 2002.

### **Economic implications**

10. The proposal should not have much impact on the industry or the economy because –

- (a) most of the subsonic jet aircraft operating in Hong Kong already meet Chapter 3 noise standards. For the first nine months of 2001, less than 4% of the total movements at the Hong Kong International Airport were operated by wide-bodied aircraft not meeting the Chapter 3 noise standards. Currently, the three local airlines do not own any Chapter 2 wide-bodied aircraft in their fleets;
- (b) we have consulted all airlines operating scheduled services to and from Hong Kong on the proposed prohibition. None of the airlines have indicated problem in complying with the proposal; and
- (c) we have also consulted the Airport Authority and the aircraft maintenance companies (Pan Asia Pacific Aviation Services, China Aircraft Services Ltd. and Hong Kong Aircraft Engineering Co.

Ltd.) on the proposed prohibition. None of these organizations have indicated any problem with the proposal.

**Views sought**

11. Members are invited to give their views on the proposal to prohibit Chapter 2 wide-bodied aircraft from landing or taking-off in Hong Kong with effect from 1 May 2002.

Civil Aviation Department  
January 2002

**Examples of wide-bodied aircraft currently operating at  
Hong Kong International Airport**

**Listed according to noise standards**

<u>Noise Standards</u>	<u>Wide-Bodied Aircraft</u>
Chapter 2	DC10 (certain engines) Boeing 747-100 (certain engines) Boeing 747-200 (certain engines)
Chapter 3	Boeing 747-200/300 (certain engines) Boeing 747-400 Boeing 767 Boeing 777 McDonnell-Douglas MD11 Lockheed L1011 (certain models) Airbus A300/310 Airbus A330 Airbus A340