

LN127EXE

L.N. 127 of 2002

Airport Authority (Permitted Airport-Related Activities) Order

(Made under section 5(3) of the Airport Authority Ordinance (Cap. 483) after consultation with the Airport Authority and the Executive Council)

1. Commencement

This Order shall come into operation on a day to be appointed by the Secretary for Economic Development and Labour by notice published in the Gazette.

2. Interpretation

In this Order, unless the context otherwise requires---

"airport governing body" (機場管治機構) includes any body, whether corporate or unincorporate, that has the function of developing, operating or maintaining an airport for civil aviation at a place outside Hong Kong in accordance with the law of that place;

"carriage service" (載運服務) means a service that provides for the carriage (excluding carriage by air) of persons or goods between the Airport and other places;

"logistics service" (物流服務) means a service that provides for the planning and control of the flow and storage of goods that are carried---

(a) to or from the Airport; or

(b) to or from an airport outside Hong Kong;

"permitted airport-related activities" (關於機場的獲准活動) means the activities specified in the Schedule.

3. Permitted airport-related activities

(1) Subject to sections 4 and 5(1), the Authority may engage in or carry on all or any one or more of the permitted airport-related activities at or from any place in or outside Hong Kong.

(2) For the avoidance of doubt, it is declared that this Order does not prejudice the operation of any other law applicable to the permitted airport-related activities.

4. Conditions relating to permitted airport-related activities

(1) The Authority shall not engage in or carry on a permitted airport-related activity at or from a place outside Hong Kong---

(a) if the Authority might not lawfully engage in or carry on the activity at or from a place in Hong Kong; and

(b) unless such activity is expedient for or conducive to the promotion or maintenance

of Hong Kong's status as a centre of international and regional aviation or the competitiveness of the Airport.

(2) The Authority shall not provide a carriage service or a logistics service unless, for the time being, in all the circumstances of the case---

(a) it is not practicable, whether for economic or other reasons, for any other person to provide the service; and

(b) it is requisite or expedient for the Authority to provide the service.

#### 5. Approval of Financial Secretary

(1) The Authority shall obtain the approval of the Financial Secretary before engaging in a permitted airport-related activity specified in section 1, 2 or 3 of the Schedule in respect of an airport if---

(a) the amount of consideration payable by the Authority for or pursuant to engaging in the activity exceeds 2.5% of the issued share capital of the Authority; or

(b) where the Authority proposes to engage in more than one such activity in respect of the airport, the aggregate amount of consideration payable by the Authority for or pursuant to engaging in the activities exceeds 2.5% of the issued share capital of the Authority.

(2) After engaging in the activity referred to in subsection (1), the Authority shall ensure that a report of the activity is laid, as soon as practicable, on the table of the Legislative Council.

#### SCHEDULE [ss. 2 & 5]

##### Permitted Airport-related Activities

1. To enter into an alliance, cooperative, joint venture, partnership, or similar arrangement, with another airport governing body in relation to the development, operation or maintenance of an airport outside Hong Kong.

2. To acquire, hold or dispose of any share, loan or other stock, debenture, bond or note issued by an airport governing body for an airport in any other part of the People's Republic of China, or any right, option or interest in or in respect of the foregoing.

3. To acquire, hold or dispose of any right or interest in or in respect of an airport in any other part of the People's Republic of China, including a right or interest in any facilities, amenities or services in connection with or incidental to the operation of the airport.

4. To provide advisory, consultancy, management or other related services to any person in relation to the development, operation or maintenance of an airport outside Hong Kong.

5. (a) To provide facilities for or in relation to a carriage service or a logistics service.

(b) To provide a carriage service.

(c) To provide a logistics service.

TUNG Chee-hwa

Chief Executive

9 July 2002

Explanatory Note

This Order permits the Airport Authority to engage in or carry on the permitted airport-related activities specified in the Schedule in order to enhance the status of Hong Kong as a centre of international and regional aviation.