

Bills Committee on Telecommunication (Amendment) Bill 1999

Consultation with the Airport Authority

Views of the Airport Authority

We have consulted Airport Authority (AA) on the new section 14. In its letter in December 1999, it comments that the TA should be required to consult the landowner before exercising the power to allow access for radiocommunications installation. It also requests that the AA be consulted on the guidelines on charging principles and remarked that any fee so determined under section 14 should not be at a cost to the landowner. The AA is of the view that it is in the best position to assure access to the AA's facility on a fair and equitable basis, with due regard to the safe, secure and efficient operation of the airport and space efficiency of the Hong Kong International Airport

The Administration's response

2. In response to their comments, we wrote to the AA in January 2000 to explain further our proposals and response as set out in Policy Paper on the Procedural Safeguards (CB(1)873/99-00(01)) and Access Right of Mobile Network Operators into Shielded Areas – Response to the Lovell White Durrant on the Policy Considerations, Legal and Constitutional Issues (CB(1)820/99-00(01)). They have addressed the issues the AA raised. We would introduce a Committee Stage Amendment to impose on the TA a duty to invite representations and to take into account such representations before making decisions to authorise access to shielded areas under the new section 14(1A). The new section 14(1B)(a) also requires that the authorisation must be in public interest, which must accord due regard to the safe and secure operation of the Airport.

3. We have also sent the AA the draft outline of the consultation paper on the charging principles (CB(1)806/99-00(01)). We will take into account any further views the AA may have. When we conduct the consultation on the guidelines on charging principles, we would continue to include AA as one of the parties to be consulted.

4. We have reiterated to the AA that the questions of authorisation of access and determination of access fee do not arise unless when commercial negotiation fails and when the necessary checks and balances strictly prescribed under the new section 14 are met.

Information Technology and Broadcasting
6 March 2000