

LEGISLATIVE COUNCIL BRIEF

Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301)

Hong Kong Airport (Control of Obstructions) (Exemption)(Amendment) Order 2004

BACKGROUND AND ARGUMENT

The Hong Kong Airport (Control of Obstructions) Ordinance (Chapter 301) (the Ordinance) controls, among other things, the height of buildings in specified areas in the interest of aviation safety. Pursuant to section 3(1AA) of the Ordinance, the Secretary for Housing, Planning and Lands (the Secretary) may, on the advice of the Director-General of Civil Aviation, by order prescribe the areas within which no building shall exceed the height specified in the order. In conjunction with the opening of the Hong Kong International Airport at Chek Lap Kok, the Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 (the Order) was made pursuant to section 3(1AA) of the Ordinance. The Order, prescribing the airport height restriction (AHR), came into operation on 20 June 1997.

2. Section 3(3A) of the Ordinance provides that the Secretary may, on the advice of Director-General of Civil Aviation, by order grant an exemption from the operation of an order made pursuant to section 3(1AA) of the Ordinance subject to such terms and conditions required for or related to the safety of aircraft as he may impose. An application for exemption from the AHR has been received from the Television Broadcasts Limited (TVB).

The Application

3. TVB has applied for an exemption from the AHR for the construction of a building extension to its existing transposer station on Lamma Island to enhance the reliability of its service.

4. The building extension is required to accommodate additional equipment to improve the back-up power of the transposer station. The

proposed extension will be at a height of 249mPD, exceeding the AHR of 178mPD prescribed under the Order for the area. This building extension will not be allowed unless an exemption from the operation of the Order is obtained.

5. The Director-General of Civil Aviation has no objection to the granting of an exemption from the operation of the Order for the proposed building extension. The Director-General of Telecommunications supports the exemption as the proposed building extension will improve the operation of the transposer station. The Director of Planning, Director of Buildings, Director of Lands, Director of Agriculture, Fisheries and Conservation, and Controller of Government Flying Service have no objection to the proposal.

THE PROPOSED EXEMPTION AMENDMENT ORDER

6. The Hong Kong Airport (Control of Obstructions) (Exemption) Order (Cap. 301 sub. leg. E) is amended to exempt the portion of land* from the operation of the Order. It also specifies the new height restriction for buildings which may be erected on the exempted area.

**Note: all that portion of land shown coloured pink stippled black on Plan No. ISM 0925b signed by the Secretary for Housing, Planning and Lands and deposited at the Land Registry subject to a height restriction of 249mPD.*

LEGISLATIVE TIMETABLE

7. The proposed Exemption Amendment Order will be published in the Gazette on 14 May 2004 and tabled in the Legislative Council for negative vetting on 19 May 2004.

BASIC LAW AND HUMAN RIGHTS IMPLICATIONS

8. The proposed Exemption Amendment Order is in conformity with the Basic Law, including the provisions concerning human rights.

FINANCIAL AND STAFFING IMPLICATIONS

9. There are no financial or staffing implications arising from the proposed Exemption Amendment Order.

PUBLIC CONSULTATION AND PUBLICITY

10. The proposed Exemption Amendment Order concerns matters of a technical nature. It is unlikely to attract public interest. As such, neither consultation with the public nor publicity is considered necessary.

ENQUIRIES

11. For enquiries, please contact Mr William Tsui, Assistant Secretary for Housing, Planning and Lands at telephone number 2848 2163.

Housing, Planning and Lands Bureau
May 2004

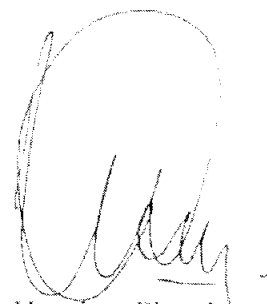
**HONG KONG AIRPORT (CONTROL OF OBSTRUCTIONS)
(EXEMPTION)(AMENDMENT) ORDER 2004**

(Made under section 3(3A) of the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) on the advice of the Director-General of Civil Aviation)

1. Exemption from height restriction

The Schedule to the Hong Kong Airport (Control of Obstructions) (Exemption) Order (Cap. 301 sub. leg. E) is amended by adding --

25. All that portion of land shown coloured pink 249 m², stippled black on Plan No. ISM 0925b signed by the Secretary for Housing, Planning and Lands and deposited at the Land Registry.



Secretary for Housing, Planning and
Lands

7 May 2004

Explanatory Note

In the interest of the safety of aircraft, the Hong Kong Airport (Control of Obstructions)(No. 2) Order 1997 (Cap. 301 sub. leg. D) imposes a restriction on the height of buildings in some areas. The Hong Kong Airport (Control of Obstructions)(Exemption) Order (Cap. 301 sub. leg. E) ("the Exemption Order") exempts certain portions of land from that restriction. This Order amends the Exemption Order to further exempt a portion of land on Lamma Island from that

restriction. However, any building to be erected on that portion of land is still subject to a height restriction prescribed in this Order.

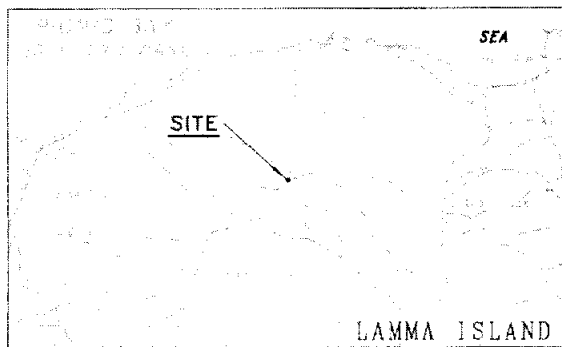


COLOURED PINK STIPPLED BLACK AREA 51 SQUARE METRES (ABOUT)

SCALE 1 : 1000

METRES 20 0 20 40 60 80 100 METRES

LOCATION



SCALE 1 : 20000



PROPOSED BUILDING EXTENSION

Hong Kong Airport (Control of Obstructions) Ordinance
This is the plan numbered ISM0925b referred to in the Hong Kong Airport (Control of Obstructions) (Exemption)(Amendment) Order 2004 signed by the Secretary for Housing, Planning and Lands and deposited at the Land Registry.

7-5-2004

Date

Secretary for Housing, Planning and Lands

FOR IDENTIFICATION PURPOSES ONLY



District Lands Office, Islands
Lands Department

Plan Prepared by District Survey Office, Islands

File No. DLO/IS CX1543

Survey Sheet No. 15-NW-17D

O.Z.P. No. S/I-LI/4

Ref. Plan Nos. L1ExpBldg_20020930 Ver.4 (TVB)
DA01020_A_01 Rev.E (DAVID AU & ASSOCIATES LTD.)

PLAN No. ISM0925b

Date : 5.5.2004