

立法會
Legislative Council

LC Paper No. LS56/10-11

**Paper for the House Committee Meeting
on 6 May 2011**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 April 2011**

Date of tabling in LegCo : 4 May 2011

Amendment to be made by : 1 June 2011 (or 22 June 2011 if extended by resolution)

**Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301)
Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment)
Order 2011 (L.N. 62)**

The Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) (the Ordinance) provides for, among other things, the restriction and reduction of height of buildings in the interest of the safety of aircraft. Under section 3(1AA) of the Ordinance, the Secretary for Development (the Secretary) may, where in his opinion in the safety of aircraft so requires and on the advice of the Director-General of Civil Aviation (the Director-General), by order prescribe areas within which no building shall exceed the height specified in the order. Section 3(3A) of the Ordinance provides that the Secretary may, on the advice of the Director-General, by order grant an exemption from the operation of an order made pursuant to section 3(1AA) subject to such terms and conditions required for or related to the safety of aircraft as he may impose.

2. The Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 (Cap. 301 sub. leg. D) (1997 Order), which was made pursuant to section 3(1AA) of the Ordinance, specifies a restriction on the height of buildings in certain prescribed areas. The Hong Kong Airport (Control of Obstructions) (Exemption) Order (Cap. 301 sub. leg. E) (the Exemption Order) exempts certain portions of land from the height restriction specified in the 1997 Order.

3. The Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment) Order 2011 (the Amendment Order) is made by the Secretary

under section 3(3A) of the Ordinance on the advice of the Director-General to amend the Exemption Order to exempt a portion of land at Lantau Island from the height restriction imposed by the 1997 Order. It also specifies that the new height restriction for buildings which may be erected on the exempted area is 276.5 mPD.

4. According to paragraphs 4 and 5 the LegCo Brief (File Ref: DEVB(PL-L) 98/98/04/9) issued by the Development Bureau in April 2011, the exemption is granted to facilitate the construction of a mobile phone base station at an area in Lantau South Country Park by Hutchison Telephone Company Limited in order to improve mobile phone services in country parks.

5. The Amendment Order shall come into operation on 25 June 2011.

6. Members may wish to refer to the LegCo Brief issued by the Development Bureau in April 2011 for further information.

7. The Panel on Development has not been consulted on the Amendment Order.

8. No difficulties have been identified in the legal and drafting aspects of the Amendment Order.

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3 May 2011