

立法會
Legislative Council

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the Administration)

Ref : CB1/SS/5/11

Subcommittee on
Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 and
Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011

Minutes of the first meeting held on
Thursday, 8 December 2011, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex

Members present : Hon LEE Cheuk-yan (Chairman)
Hon LEUNG Yiu-chung
Hon LEE Wing-tat
Hon Tanya CHAN
Hon Albert CHAN Wai-yip

Member absent : Hon CHEUNG Hok-ming, GBS, JP

Public Officers attending : Agenda item II

Mrs Sharon YIP
Deputy Secretary for Transport and Housing
(Transport)

Miss Kay KWOK
Assistant Secretary for Transport and Housing
(Transport)

Mr Y K LEUNG
Deputy Director-General of Civil Aviation

Mrs Helen CHEUNG
Chief Treasury Accountant
Civil Aviation Department

Mr Y P TSANG
Chief, Airworthiness Standards
Civil Aviation Department

Mr Matthew IP
Senior Operations Officer
(Environmental Management)
Civil Aviation Department

Ms Phyllis KO
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)6

Staff in attendance : Miss Evelyn LEE
Assistant Legal Adviser 10

Mr Ken WOO
Council Secretary (1)6

Ms Michelle NIEN
Legislative Assistant (1)6

Action

I Election of Chairman

Mr LEE Cheuk-yan, the member who had the highest precedence in the Council among all members of the Subcommittee present, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee. Mr LEE Wing-tat nominated Mr LEE Cheuk-yan and the nomination was seconded by Mr Albert CHAN. There being no other nomination, Mr LEE Cheuk-yan was elected Chairman of the Subcommittee. Members agreed that it was not necessary to elect a Deputy Chairman.

2. The Chairman informed members that Mr CHEUNG Hok-ming had submitted a late application to join the Subcommittee. Members agreed to accept Mr CHEUNG's late membership.

II Meeting with the Administration

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|---------------------------------|--|
| (L.N. 159 of 2011 | — Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 |
| L.N. 160 of 2011 | — Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011 |
| LC Paper No. LS7/11-12 | — Legal Service Division Report |
| File Ref: THB(T)A 26/15/6 | — Legislative Council Brief |
| LC Paper No. CB(1)553/11-12(01) | — Marked-up copy of the Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 |
| LC Paper No. CB(1)553/11-12(02) | — Marked-up copy of the Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011 |
| LC Paper No. CB(1)553/11-12(03) | — Paper on Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 and Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011 prepared by the Legislative Council Secretariat (Background brief)) |

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

4. To facilitate members' discussion, the Administration was requested to provide a paper highlighting the following points for further deliberation at the next meeting:

- (a) the types of aircraft that were permitted to land at the Hong Kong International Airport and airports in overseas cities including Heathrow, Frankfurt and New York, with the respective permitted landing hours and landing charges;

- (b) the party which set the amount of landing charges, the Bureaus/parties to be consulted (if any) and the criteria applied in determining and making revisions to landing charges;
- (c) the existing schedule of flights for freighters; and
- (d) the legal provisions in relation to the flying of balloons, in particular the types and sizes of balloons the flying of which required application with the Administration.

5. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 14 December 2011 to extend the scrutiny period of the subsidiary legislation to 11 January 2012. The Subcommittee also noted that the Chairman would make a verbal report on the deliberations of the Subcommittee to the House Committee on 16 December 2011.

III Any other business

Date of next meeting

6. The Subcommittee agreed to hold the next meeting on **Tuesday, 20 December 2011 at 10:45 am** to receive public views on the subsidiary legislation. In this connection, a notice to invite public views would be placed on the website of the Legislative Council.

7. There being no other business, the meeting ended at 3:30 pm.

Council Business Division 1
Legislative Council Secretariat
26 June 2012

**Subcommittee on
Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 and
Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011**

**Proceedings of the first meeting
on Thursday, 8 December 2011, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda Item I – Election of Chairman			
000340 – 000456	Mr LEE Cheuk-yan Mr LEE Wing-tat Mr Albert CHAN	Election of Chairman	
000457 – 000607	Chairman	Late application to join the Subcommittee by Mr CHEUNG Hok-ming.	
Agenda Item II – Meeting with the Administration			
000608 – 000824	Chairman Administration	Briefing by the Administration on the Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011 and the Civil Aviation (Aircraft Noise) (Certification) (Amendment) Regulation 2011 ("the Amendment Regulations").	
000825 – 001423	Chairman Mr Albert CHAN Administration	<p>Mr Albert CHAN's enquiries –</p> <p>(a) in view of the Government's policy to set fees and charges at a level sufficient to recover the full cost of providing the services, the reason(s) for the discrepancies in the fees and charges currently levied as they should have been charged according to the existing policy; and</p> <p>(b) whether the Government would, as an incentive to encourage the use of quieter aircraft, lower the fees in the grant of a noise certificate to quieter aircraft, and vice versa.</p> <p>Administration's response –</p> <p>(a) the Amendment Regulations were made in view that most of the fees imposed under the Regulations were last adjusted in 1986 and that there were changes to the cost in the provision of services. There were no change to the ways in which the fees and charges</p>	

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		<p>were calculated, and the cost recovery principle would continue to be adopted; and</p> <p>(b) in accordance with international practices, all aircraft landing in the Hong Kong International Airport ("HKIA") had to meet the stringent noise standard stipulated in Annex 16 to the Convention on International Civil Aviation promulgated by the International Civil Aviation Organization ("ICAO"). Noisy jet aircraft which did not meet the noise standards in Chapter 3, Part II, Volume I of Annex 16 were prohibited from operation in Hong Kong. The fees for the grant of a noise certificate were devised on the basis of recovering the cost of processing the applications which was in line with the full cost recovery principle as adopted in the current fees and charges review exercise.</p>	
001424 – 002350	Chairman Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat's views –</p> <p>(a) residents in Ma Wan and Sham Tseng had long been disturbed by noisy aircraft at night; and</p> <p>(b) in relation to the Administration's indication that imposing higher charges for the operation of noisier aircraft was not in line with the existing policy, whether this was in line with international practice and whether the Administration would consider the relevant legislative proposal.</p> <p>Administration's response –</p> <p>(a) imposing higher charges for the operation of noisier aircraft would be beyond the scope of the Amendment Regulations;</p> <p>(b) while some worldwide airports imposed varying landing charges at different hours, such arrangement might not be an effective tool as the flight schedule of HKIA was determined by the availability of landing slots for both HKIA and the destination airports, which had to be scheduled in a very coordinated manner between HKIA and the</p>	

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		<p>airports worldwide;</p> <p>(c) over the years, the Civil Aviation Department ("CAD") had taken the following measures to control aircraft noise:</p> <p>(i) prohibiting the operation of noisy jet aircraft which did not meet the noise standards promulgated by ICAO;</p> <p>(ii) requiring aircraft to follow the Noise Abatement Departure Procedures prescribed by ICAO so long as safe flight operations permitted, i.e. to commence engine power reduction in the initial phase of take-off at heights as low as 800 feet and to adopt the Continuous Descent Approach to enhance quieter arrivals;</p> <p>(iii) implementing the Aircraft Noise and Flight Tracking Monitoring System ("ANFTMS") with 16 noise monitoring stations located in the vicinity of the flight paths to closely monitor aircraft noise. The noise data collected by these monitors were made available for public information on CAD's website. Complaints on aircraft noise were investigated by CAD; and</p> <p>(d) the number of serious noise disturbance in Ma Wan in 2010 had been reduced by half compared with 2008. With technological advancement, newer model of aircraft would further reduce the noise level.</p> <p>Mr LEE Wing-tat's request and the Administration's undertaking to provide information on the types of aircraft that were permitted to land at HKIA and airports in overseas cities, including Heathrow, Frankfurt and New York, with the respective permitted landing hours and landing charges.</p>	<p>Administration to provide information as requested in paragraph 4(a) of the minutes.</p>
002351 – 003508	Chairman Mr LEUNG Yiu-chung Administration	<p>Mr LEUNG Yiu-chung's views –</p> <p>(a) the fact that some aircraft which met the noise standards promulgated by ICAO were of older</p>	

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		<p>models and they produced noise at a relatively higher level; and</p> <p>(b) reference could be drawn from some worldwide airports in relation to imposing restrictions on landing hours; landing charges could also be raised as an administrative measure for aircraft noise mitigation.</p> <p>Administration's response –</p> <p>(a) levying landing charges on the basis of the noise level generated by the aircraft might not be an effective tool in mitigating aircraft noise. If it was set at a low level, it would have little effect in discouraging noisy aircraft, and if set too high, it would drive away flights to other regional aviation hubs, and thus undermine Hong Kong's competitiveness as an international and regional aviation hub;</p> <p>(b) the Administration reiterated that the flight schedule of HKIA was determined by the availability of landing slots for both HKIA and the destination airports, in which coordination was required between both airports; and</p> <p>(c) the Administration had looked into the options of using satellite navigation technology for aircraft noise mitigation recommended by a consultancy study in 2010 with a view to reducing the possible noise impact on the communities in the vicinity of the airport.</p>	
003509 – 004203	Chairman Miss Tanya CHAN Administration	<p>Miss Tanya CHAN's enquiries –</p> <p>(a) as a way of incentivize airline companies to deploy newer and hence quieter aircraft, whether consideration could be given to raising landing charges for older aircraft models, and vice versa; and</p> <p>(b) the party which set the amount of landing charges, the Bureaus/parties to be consulted (if any) and the criteria applied in determining</p>	Administration to provide information as requested in

Time marker	Speaker	Subject(s)	Action required
		<p>and making revisions to landing charges.</p> <p>Administration's response –</p> <p>(a) it was an international practice that aircraft were allowed to operate so long as they met the noise standards promulgated by ICAO. It would create undue difficulties for airline companies if they were subject to local requirements which were over and above the ICAO's requirements; and</p> <p>(b) according to the Airport Authority Ordinance (Cap 483), subject to the approval of the Chief Executive in Council, the Airport Authority Hong Kong would make a scheme or schemes for determining airport landing charges.</p>	<p>paragraph 4(b) of the minutes.</p>
<p>004204 – 004942</p>	<p>Chairman Mr LEE Wing-tat Administration</p>	<p>Mr LEE Wing-tat's remarks –</p> <p>(a) in relation to the Administration's comment that setting the landing charges too high would drive away flights to other regional aviation hubs, the landing charges could in fact be increased progressively keeping in view the improvements made on the number of noise occurrences and the reaction of airline companies towards the increments; and</p> <p>(b) since freighters (which generated higher noise than passenger aircraft) were reported to fly over Ma Wan in around 3 am, the Administration should provide information on the existing schedule of flights for freighters for members' discussion.</p> <p>Administration's response –</p> <p>(a) the same level of increment in landing charges may have different degrees of impact on the airlines depending on their scale of operation and other considerations; and</p> <p>(b) in relation to the practice of some international airports on imposing varying landing charges in different hours, the</p>	<p>Administration to provide information as requested in paragraph 4(c) of the minutes.</p>

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		effectiveness of which was yet to be evaluated. Since the matter was outside the scope of the Amendment Regulations, the Administration could further study the matter at a suitable occasion in the future.	
004943 – 005306	Chairman Mr LEUNG Yiu-chung Administration	Mr LEUNG Yiu-chung's expression of concurrence with Mr LEE Wing-tat's views. He considered that the practice of some international airports on imposing varying landing charges depending on landing hours and whether those were passenger or cargo flights would shed light on the appropriate level of landing charges locally, and this would be conducive to the resolution of the aircraft noise issue.	
005307 – 005724	Chairman Administration	Administration's response to the Chairman that applicants would be required to pay \$1,470 for the flying of giant balloons (usually for the purpose of advertising) under the Hong Kong Air Navigation (Fees) (Amendment) Regulation 2011. The flying of smaller balloons, like the ones used at various ceremonies, did not fall within the ambit of the above Amendment Regulations. Chairman's enquiry on the legal provisions in relation to the flying of balloons, in particular the types and sizes of balloons the flying of which required CAD's approval. Administration's undertaking to provide the relevant information.	Administration to provide information as requested in paragraph 4(d) of the minutes.
005725 – 005942	Chairman	Members' agreement to hold the next meeting on 20 December 2011 to invite deputations to express views on the Amendment Regulations. Members' agreement for the Subcommittee Chairman to move a motion at the Council meeting to extend the scrutiny period of the Amendment Regulations to 11 January 2012.	