

For discussion
12 July 2013

LEGISLATIVE COUNCIL
PANEL ON ENVIRONMENTAL AFFAIRS
SUBCOMMITTEE ON ISSUES RELATING TO
AIR, NOISE AND LIGHT POLLUTION
Current Legislation and Administrative Measures
on the Control of Light Pollution
and Associated Public Expenditure

Purpose

This paper informs Members of the current legislation and administrative measures on the control of light pollution, and associated public expenditure in Hong Kong.

Current Legislation

2. We have reviewed the laws of Hong Kong to identify legislation that is relevant to the regulation of external lighting. Our preliminary findings indicate that there are some ordinances relevant to the issue of external lighting, though they do not appear to be dealing specifically with light nuisance or energy wastage that may be caused by external lighting. A list of relevant legislation is set out at the **Annex**.

Administrative Measures

3. The Government has taken a series of actions to ascertain the problems arising from external lighting and to identify possible measures to address the problems. These include -

- (a) the commissioning of a consultancy study on energy wastage and light nuisances of external lighting (“the Study”) in 2009, covering:
 - (i) the experience of metropolises similar to Hong Kong in handling external lighting problems;
 - (ii) a survey on views of relevant stakeholders; and
 - (iii) research on the usage of external lighting in various representative areas in Hong Kong;
- (b) the promulgation of Guidelines on Industry Best Practices for External Lighting (“the Guidelines”) in January 2012 to encourage early action to minimise light nuisance and energy wastage; and

- (c) the establishment of the Task Force on External Lighting (“the Task Force”) in August 2011 to advise the Government on the appropriate strategy and measures for tackling nuisance and energy wastage problems caused by external lighting having regard to international experience and practices.

4. As reported at the meeting of the Panel on Environmental Affairs on 24 June 2013, the Task Force has studied the technical standards and parameters as well as implementation approaches adopted by overseas regulatory regimes in tackling the problems of energy wastage and nuisance caused by external lighting. The Task Force has concluded that the requirement to switch off external lighting after a preset time would be the most tenable option, and will conduct an engagement exercise within one to two months to consult stakeholders and the public on the specific implementation issues in relation to the switch-off requirement. Upon completion of the engagement exercise, the Task Force will analyse the views collected and develop specific recommendations on the way forward for submission to the Government.

Associated Public Expenditure

5. The total consultant fee for the Study was \$3.15 million. The expenditure involved in the conduct of publicity and engagement activities to promulgate the “Guidelines” in January 2012 was around \$0.5 million. In the financial year of 2013-14, we have earmarked \$1 million for the stakeholder engagement activities relating to external lighting.

6. Apart from the expenditure items set out above, we have deployed existing manpower resources to support the tasks mentioned in paragraph 3 above, including the commissioning of the Study, the development and promulgation of the Guidelines, as well as the provision of secretariat support for the Task Force.

Environment Bureau
July 2013

Legislation Relevant to External Lighting

Legislation	Relevant Provisions
Advertisements Regulation (Cap.132B)	Section 11 of Cap 132B prohibits any person from erecting or maintaining on or in any premises occupied or used by such person any sign which interferes with road traffic. Section 14(2) provides that upon conviction of a person for having erected any sign (occulting or otherwise) which causes interference to road traffic, the court may make an order for the removal of such sign by the Police.
Road Traffic Ordinance (Cap. 374)	Cap 374 contains provisions regulating structures including lighting installations within expressways. Section 126 empowers the Police and the Director of Highways to remove expressway plant and equipment which includes structure, traffic sign, etc. in connection with any expressway works, if they are likely to cause danger to persons using the expressway or to interfere with the use of the expressway.
Shipping and Port Control Ordinance (Cap. 313)	Section 9 of Cap 313 empowers the Director of Marine to direct an owner or agent or master of a vessel to remove any light or illuminated sign if it - (a) obscures, restricts or interferes with, or is likely to obscure, restrict or interfere with, the functions or use of any signal station or aid to navigation; (b) is likely to be mistaken for a light or signal proceeding from any signal station or aid to navigation; or (c) in any way interferes with, or is likely to interfere with, the safe navigation of vessels in the waters of Hong Kong.
Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301)	Cap 301 contains provisions regulating the use of lights in certain areas in the interest of the safety of aircraft. Specifically, sections 8 imposes restriction on the use of occulting lights in certain areas. Sections 9 and 10 provide the Director-General of Civil Aviation with the power to prohibit the use of any light exposed to the sky if the safety of aircraft so requires.

Legislation	Relevant Provisions
Air Navigation (Hong Kong) Order 1995 (Cap. 448C)	Cap 448C regulates, among others, the use of lights to ensure air traffic safety. Article 80 empowers the Chief Executive to direct any person to take steps to extinguish or screen the light and to prevent for future the exhibition of any light which may endanger air traffic safety in Hong Kong.
Buildings Ordinance (Cap. 123)	Cap 123 is relevant to the extent that where the works for external lighting installations are building works, the approval of the Building Authority (i.e. the Director of Buildings) of relevant documents such as building plans and his consent for the commencement of building works are required from the building safety perspective, unless the works fall within the scope of designated minor works items that can be carried out under the simplified requirements of the Minor Works Control System under the Building (Minor Works) Regulation Cap. 123N.