

立法會

Legislative Council

LC Paper No. CB(4)195/20-21

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Paper for the House Committee meeting on 20 November 2020

Report of Subcommittee on Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020

Purpose

This paper reports on the deliberations of the Subcommittee on Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020 (L.N. 173).

Background

2. To counter the challenging external economic environment and softening local economy, the Financial Secretary ("FS") announced on 15 August 2019 a package of relief measures including waiver and reduction of various government fees and charges for one year in different sectors.¹ On 15 September 2020, the Administration announced the extension of 28 waivers or concessions of government fees and charges implemented in 2019 and the introduction of seven new fee waivers to sustain the support for businesses and relieve individuals' financial burden in view of the impact of COVID-19.²

¹ Members may refer to the Legislative Council Brief issued by the Financial Services and the Treasury Bureau ("FSTB") on 25 September 2019 (File Ref.: [L/M 10 in TsyB MA 00/625-1/2/0 \(C\) Pt. 25](#)) and LC Paper No. [LS92/18-19](#) issued on 10 October 2019 for details of the waivers and concessions announced by FS on 15 August 2019.

² Members may refer to the Legislative Council Brief issued by FSTB on 23 September 2020 (File Ref.: [TsyB MA 00/625-1/2/0 \(C\) Pt. 40](#)) and LC Paper No. [LS125/19-20](#) issued on 12 October 2020 for details of the extension of waivers/concessions and the introduction of new waivers announced on 15 September 2020.

The subsidiary legislation

3. L.N. 173, which introduces a new fee waiving measure for the aviation sector, is made by the Chief Executive under Article 97 of the Air Navigation (Hong Kong) Order 1995 (Cap. 448C) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1) after consultation with the Executive Council. It amends the Hong Kong Air Navigation (Fees) Regulations (Cap. 448D) to waive, for one year (from 1 October 2020 to 30 September 2021), the fees payable in respect of the renewal of air operator's certificate ("AOC"), the issue or renewal of certificate of airworthiness ("COA") and the renewal of approval of approved maintenance organization.

4. L.N. 173 came into operation on 1 October 2020, except that the provision on the concession period and the relevant provisions restoring the pre-amended fee levels after 30 September 2021 come into operation on 1 October 2021.

The Subcommittee

5. At the House Committee meeting on 16 October 2020, Members agreed to form a subcommittee to study the subsidiary legislation. Under the chairmanship of Hon Jeremy TAM Man-ho, the Subcommittee has held one meeting with the Administration. The membership list of the Subcommittee is in the **Appendix**.

6. To allow time for scrutiny, the Subcommittee Chairman gave notice to move a proposed resolution at the Council meeting of 11 November 2020 to extend the scrutiny period of the subsidiary legislation to the Council meeting of 2 December 2020. However, the proposed resolution was not dealt with before adjournment of the said Council meeting. As such, the period for amending the subsidiary legislation expired at the Council meeting of 11 November 2020.

Deliberations of the Subcommittee

New fee waiver

7. Members note that an estimated number of 48 organizations in the aviation sector will benefit from the new fee waiver. Members are concerned whether these 48 organizations include all airlines operating at

the Hong Kong International Airport ("HKIA"). The Administration has advised that the 48 beneficiaries include airlines, aircraft operators and approved maintenance organizations which require to pay fees to the Civil Aviation Department ("CAD") for renewing AOCs, issuing or renewing COAs and renewing approval of approved maintenance organization. Eligible organizations will receive a full waiver of fees during the concession period.

8. Members note that the new fee waiving measure is valid for one year from 1 October 2020 to 30 September 2021. Some members have pointed out that according to the forecast of the International Air Transport Association, global air travel will not recovered until 2024 and enquired about the guiding principles taken into account by the Administration for offering the new fee waiver, such as COVID-19 pandemic situation, revenue of airlines, etc. There is worry that when the concession period ends, airlines are still facing difficult times even if the pandemic situation eases. The Administration has assured members that it will closely monitor the operating situation of the aviation sector.

Support measures for aviation sector

9. Members have sought information on whether there will be any possible fees or charges payable by airlines to the Airport Authority Hong Kong ("AA") that can be waived, so as to help reduce airlines' operating expenses. According to the Administration, AA has offered various rounds of relief measures including waiver or reduction of fees and charges to help the airport community to tide over the difficulties.

10. Members consider that the Administration should take measures to maintain Hong Kong's competitiveness as an international and regional aviation hub after the COVID-19 pandemic. Some members suggested AA consider reducing the landing and parking charges for aircraft to help airlines expand their flights to and from Hong Kong which will in turn benefit the development of Hong Kong economy, and the Administration consider making reference to other regions (such as Singapore) when setting the fees and charges levied by CAD. The Administration has explained that AA has been regularly reviewing and comparing the landing and parking charges with neighbouring airports to ensure that the charges remain competitive vis-à-vis those of other places. AA has also offered rounds of relief measures such as discount and waiving of landing and parking fees to help the aviation community. Nevertheless, the Administration will convey members' suggestions to AA for consideration.

11. Members are concerned that due to the granting of the interim injunction order which restrains persons from unlawfully and willfully obstructing or interfering with the proper use of HKIA, shops and catering outlets at HKIA are having difficult times. Members have suggested that AA should review whether the interim injunction order may be discontinued so that the public can shop and dine at HKIA, boosting local consumption. The Administration has undertaken to convey members' concerns to AA for consideration.

Recommendation

12. The Subcommittee raises no objection to the subsidiary legislation and will not propose any amendment.

Advice sought

13. Members are invited to note the deliberations of the Subcommittee.

**Subcommittee on Hong Kong Air Navigation (Fees)
(Amendment) Regulation 2020**

Membership list*

Chairman (Vacant)

Members Hon Abraham SHEK Lai-him, GBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS

(Total : 3 Members)

Clerk Ms Angel WONG

Legal Adviser Miss Rachel DAI

Date 16 November 2020

* Changes in membership are shown in Annex to Appendix

Annex to Appendix

Subcommittee on Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020

Changes in membership

Member	Relevant date
Hon SHIU Ka-chun	Up to 2 November 2020
Hon Claudia MO	Up to 4 November 2020
Dr Hon Fernando CHEUNG Chiu-hung	Up to 8 November 2020
Hon LAM Cheuk-ting	Up to 8 November 2020
Hon HUI Chi-fung	Up to 8 November 2020
Prof Hon Joseph LEE Kok-long, SBS, JP	Up to 10 November 2020
Hon IP Kin-yuen	Up to 10 November 2020
Hon Jeremy TAM Man-ho (Chairman)	Up to 11 November 2020
Hon James TO Kun-sun	Up to 12 November 2020
Hon WU Chi-wai, MH	Up to 12 November 2020
Dr Hon Helena WONG Pik-wan	Up to 12 November 2020
Hon Andrew WAN Siu-kin	Up to 12 November 2020
Hon KWONG Chun-yu	Up to 12 November 2020
Hon LEUNG Yiu-chung	Up to 15 November 2020

[According to the announcement made by the Hong Kong Special Administrative Region Government on 11 November 2020 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, Kenneth LEUNG, KWOK Ka-ki, Dennis KWOK Wing-hang and Alvin YEUNG were disqualified from being a member of LegCo on 30 July 2020.]