

L.N. 167 of 2021

**Hong Kong Airport (Control of Obstructions) (No. 2)
Order 1997 (Amendment) Order 2021**

(Made by the Secretary for Development under section 3(1AA) and (1A) of the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) on the advice of the Director-General of Civil Aviation)

1. Commencement

This Order comes into operation on 31 May 2022.

2. Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 amended

The Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 (Cap. 301 sub. leg. D) is amended as set out in sections 3, 4 and 5.

3. Section 2 repealed (interpretation)

Section 2—

Repeal the section.

4. Section 3 amended (prescribed areas and restriction of heights of buildings)

(1) Section 3(1)—

Repeal

“area.”

Substitute

“area, and the principal datum is also known as Hong Kong Principal Datum.”

(2) Section 3—

Repeal subsection (2)

Substitute

- “(2) The plans are those under series AHRP 2021, signed by the Secretary and deposited in the Land Registry, and named—
- (a) Sheet HKE;
 - (b) Sheet HKW;
 - (c) Sheet 5-SE-B;
 - (d) Sheet 5-SE-D;
 - (e) Sheet 6-SW-A;
 - (f) Sheet 6-SW-B;
 - (g) Sheet 6-SW-C;
 - (h) Sheet 6-SW-D;
 - (i) Sheet 6-SE-A;
 - (j) Sheet 6-SE-C;
 - (k) Sheet 6-SE-D;
 - (l) Sheet 9-NW-B;
 - (m) Sheet 9-NW-D;
 - (n) Sheet 9-NE-A;
 - (o) Sheet 9-NE-B;
 - (p) Sheet 9-NE-C;
 - (q) Sheet 9-NE-D;
 - (r) Sheet 9-SW-B;
 - (s) Sheet 9-SE-A;
 - (t) Sheet 9-SE-B;
 - (u) Sheet 10-NW-A;
 - (v) Sheet 10-NW-B;

Section 5

- (w) Sheet 10-NW-C;
- (x) Sheet 10-NW-D;
- (y) Sheet 10-NE-A;
- (z) Sheet 10-NE-B;
- (za) Sheet 10-NE-C;
- (zb) Sheet 10-NE-D;
- (zc) Sheet 10-SW-A;
- (zd) Sheet 10-SW-B;
- (ze) Sheet 10-SE-A;
- (zf) Sheet 10-SE-B;
- (zg) Sheet 11-NW-A;
- (zh) Sheet 11-NW-B;
- (zi) Sheet 11-NW-C;
- (zj) Sheet 11-NW-D;
- (zk) Sheet 11-SW-A;
- (zl) Sheet 11-SW-B;
- (zm) Sheet 11-SW-C;
- (zn) Sheet 11-SE-A;
- (zo) Sheet 11-SE-C;
- (zp) Sheet 11-SE-D;
- (zq) Sheet 12-SW-C;
- (zr) Sheet 14-NW-B;
- (zs) Sheet 14-NW-D; and
- (zt) Sheet 16-NW-A.”.

5. Section 5 amended (disapplication)

- (1) Section 5—

Renumber the section as section 5(1).

- (2) Section 5(1)(a)—

Repeal

“the commencement of this Order”

Substitute

“31 May 2022”.

- (3) Section 5(1)(c)—

Repeal

“before the commencement of this Order; and”

Substitute

“or the Office of the Permanent Secretary for Transport and Housing (Housing) before 31 May 2022;”.

- (4) Section 5(1)(d)—

Repeal

“the commencement of this Order”

Substitute

“31 May 2022”.

- (5) Section 5(1)(d)—

Repeal

“Ordinance.”

Substitute

“Ordinance;”.

- (6) After section 5(1)(d)—

Add

“(e) part of a building referred to in paragraph (a) or (c) that comprises a structure the construction of which is minor works or designated exempted works—

- (i) carried out in relation to the external part of the building; and
- (ii) completed before 31 May 2022; and
- (f) any building that is a structure projecting skywards the construction of which is minor works or designated exempted works completed before 31 May 2022.”.

(7) After section 5(1)—

Add

“(2) In this section—

Building Authority (建築事務監督) means the Director of Buildings;

designated exempted works (指定豁免工程) has the meaning given by section 2(1) of the Building (Minor Works) Regulation (Cap. 123 sub. leg. N);

minor works (小型工程) has the meaning given by section 2(1) of the Buildings Ordinance (Cap. 123);

plans approved by the Building Authority (建築事務監督批准的圖則) means plans approved by the Building Authority under—

- (a) the Buildings Ordinance (Cap. 123); or
- (b) the Buildings Ordinance 1935 (18 of 1935).”.

Michael WONG Wai-lun
Secretary for Development

13 August 2021

Explanatory Note

The Hong Kong Airport (Control of Obstructions) (No. 2) Order 1997 (Cap. 301 sub. leg. D) (*Cap. 301D*) is made under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301). Cap. 301D prescribes—

- (a) the areas within which no building may exceed the height specified in Cap. 301D; and
- (b) the buildings to which Cap. 301D does not apply.

2. This Order amends Cap. 301D to update the airport height restrictions arising from the development of the Hong Kong International Airport into a Three-runway System and the latest developments in international aviation standards by revising—

- (a) the prescribed areas and restricted heights of the buildings in the areas (see section 4 of the Order); and
- (b) the types of buildings to which Cap. 301D does not apply, including certain structures the construction of which are minor works or designated exempted works (see section 5 of the Order).