

LegCo Panel on Economic Services

Air Intrusion Limitation Zone over the Hong Kong Disneyland

Introduction

This paper briefs Members on the Government's plan to establish an Air Intrusion Limitation Zone (AILZ) over the Hong Kong Disneyland (HKD) to be developed at Penny's Bay.

Need for Flying Restrictions

2. The Government has entered into a Master Project Agreement (MPA) with The Walt Disney Company (WD) on 10 December 1999 to proceed with the development of a Disney-branded theme park and associated facilities, to be known as HKD, at Penny's Bay.

3. The site at Penny's Bay has been chosen after a careful selection process. In terms of civil aviation, none of the approach/departure flight paths to/from the Hong Kong International Airport (HKIA) have nominal tracks directly over the site and very few aircraft need to overfly the area. However, WD has expressed concern that the situation might change in the future. To ensure that visitors to the HKD will not be subjected to unnecessary noise and visual disturbances by low-flying aircraft, WD has requested the establishment of an AILZ (see Attachment 1) to restrict flying activities at and in the vicinity of HKD.

4. In view of the above and since it would be desirable from a public safety point of view to regulate flights over the HKD where large numbers of visitors will be expected, the Government is supportive of the creation of an AILZ. At its meeting on 16 November 1999, the Executive Council ADVISED and the Chief Executive ORDERED that the creation of an Air Intrusion Limitation Area near the HKD should be approved in principle.

5. Having regard to the MPA with WD, the prohibition within the proposed AILZ will cover : -

- (a) all aircraft and other flying objects that are now regarded as “aircraft” for the purpose of the Air Navigation (Hong Kong) Order (AN(HK)O) (e.g. aeroplane, glider, airship, helicopter, balloon and kite), and any further aircraft which are later brought within that definition; and
- (b) to the extent not regarded as “aircraft” as aforesaid, parachutes, parascending parachutes and parasailers (towed by boats or vehicles), remote controlled or unmanned aircraft and ultra-light aircraft.

6. The prohibition will not apply to flying activities at an altitude of 4 000 feet AMSL (above mean sea level) or above, since flying activities at this altitude would unlikely cause disturbance or pose any hazards to HKD visitors. In addition, in order not to restrict essential aircraft operations or operations at HKIA, the prohibition will not apply to the following categories of aircraft:-

- (a) all aircraft flying in accordance with air traffic control instructions or Civil Aviation Department published approach and departure procedures and those deviating from such instructions or procedures for weather avoidance or due to technical problems; or
- (b) any aircraft flying for the purpose of life-saving, casualty evacuation, fire fighting and prevention and police operations; or
- (c) Government Flying Service aircraft flying for purposes other than those in (b) above, provided that flights made are limited to periods when the cloud ceiling is less than 1,600 feet over Mui Wo, and flight paths through the Penny’s Bay Development Area are restricted to the area north of the existing Penny’s Bay Power Station; or

- (d) military aircraft operated by the Garrison; or
- (e) those aircraft flying with the specific permission of the Director of Civil Aviation.

Legislative Proposal

7. Article 69 of the AN(HK)O provides, among other things, that the Chief Executive where he deems it necessary in the public interest to restrict flying by reason of, inter alia, the intended gathering of a large number of persons, may make regulations restricting flying. After seeking the advice of the Department of Justice, we consider that regulations should be made under Article 69 to establish the AILZ.

8. Under the MPA, the Government has agreed to take all reasonable steps to procure that on or before 31 December 2000, legislation to impose the flying restrictions shall have been enacted with lawful effect from a date to be determined at a later stage. We aim to table the proposed regulations before LegCo in the near future. The regulations will come into effect on a date to be appointed by the Director of Civil Aviation, having regard to the progress of the HKD project.

Consultation

9. Our proposal is supported by the Aviation Advisory Board which includes representatives from airlines.