

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 320/05-06  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/11/04/2

**Bills Committee on  
Civil Aviation (Amendment) Bill 2005**

**Minutes of fourth meeting  
held on Friday, 11 November 2005, at 11:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon CHAN Kam-lam, SBS, JP  
Hon SIN Chung-kai, JP  
Hon Howard YOUNG, SBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Ronny TONG Ka-wah, SC

**Public officers attending** : Economic Development and Labour Bureau  
  
Mr Wilson FUNG  
Deputy Secretary for Economic Development and Labour  
(Economic Development)  
  
Mr Darryl CHAN  
Principal Assistant Secretary for Economic Development &  
Labour (Economic Development)

Department of Justice  
  
Ms Grace LEUNG  
Government Counsel, Law Drafting Division

Civil Aviation Department  
  
Mr Stephen KWOK  
Assistant Director-General of Civil Aviation,  
Air Services Division  
  
Mr Jeffrey TO  
Chief Operations Officer, Air Services Division

**Clerk in attendance :** Miss Becky YU  
Chief Council Secretary (1)1

**Staff in attendance :** Miss Kitty CHENG  
Assistant Legal Adviser 5

Mrs Mary TANG  
Senior Council Secretary (1)2

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**I. Confirmation of minutes**

(LC Paper No. CB(1) 194/05-06 -- Minutes of the meeting held on 24 October 2005)

The minutes of the meeting held on 24 October 2005 were confirmed.

**II. Meeting with the Administration**

(LC Paper No. CB(1) 250/05-06(01) -- List of follow-up actions arising from the discussion on 24 October 2005

LC Paper No. CB(1) 250/05-06(02) -- Administration's response to LC Paper No. CB(1) 250/05-06(01)

LC Paper No. CB(1) 257/05-06(01) -- Information paper setting out the Government's preliminary views on possible improvement to the drafting of the Bill in relation to the term "management")

2. The Committee deliberated (Index of proceedings attached in **Annex A**).
3. The Administration was requested to provide the draft Committee Stage amendments (CSAs) in two weeks' time after consultation with the trade.
4. Members agreed to meet on Thursday, 1 December 2005, at 8:30 am to examine the draft CSAs to be provided by the Administration.

**III. Any other business**

5. There being no other business, the meeting ended at 12:05 pm.

**Proceedings of the meeting of the  
Bills Committee on Civil Aviation (Amendment) Bill 2005**

**Meeting on Friday, 11 November 2005, at 11:30 am  
in Conference Room B of the Legislative Council Building**

| <b>Time marker</b> | <b>Speaker</b>                              | <b>Subject(s)</b>   | <b>Action required</b> |
|--------------------|---|---|------------------------|
| 000000 - 000417    | Chairman                                    | Confirmation of minutes of the meeting held on 24 October 2005 (LC Paper No. CB(1) 194/05-06)   |                        |
| 000418 - 001059    | Administration<br>Chairman                  | Administration's explanation on its proposals to improve the drafting of the Bill as set out in LC Paper No. CB(1) 256/05-06(01) -<br><br>(a) section 8(4) be amended to state expressly that "owner" included "operator", and that "operator" meant "person having the management of the aircraft"; and<br><br>(b) section 8(5)(c) be amended to the effect that a lessor would be exempted if, under the lease arrangement, the lessee had assumed the responsibility of ensuring the airworthiness of the aircraft |                        |
| 001100 - 001520    | Mr Ronny TONG<br>Administration<br>Chairman | Mr Ronny TONG's in-principle agreement to the approach proposed by the Administration, but the drafting of the Committee Stage amendments (CSAs) had yet to be further refined and examined by the Bills Committee  |                        |
| 001521- 001821     | Chairman<br>Administration                  | Chairman's enquiry on whether the scope of the revised section 8(4) would be broader or narrower<br><br>Administration's explanation that the scope of the revised section 8(4) remained unchanged, except that it was clearer and better   |                        |
| 001822 - 002021    | Chairman<br>Administration<br>Mr Ronny TONG | Discussion on the drafting of section 8(4) and 8(5)(c)  |                        |

| <b>Time marker</b> | <b>Speaker</b>                                | <b>Subject(s)</b>  | <b>Action required</b>  |
|--------------------|---|--|---|
| 002022 - 002155    | Mr SIN Chung-kai<br>Administration            | Member's concern on whether the proposals would deviate from usual practice<br><br>Administration's explanation that the proposals conformed to the current practice in civil aviation |   |
| 002156 - 002344    | Mr Jeffrey LAM                                | Mr Jeffery LAM stressed the need to strike a balance between the interest of the trade and the protection for third parties  |   |
| 002345 - 002635    | Mr Howard YOUNG<br>Chairman<br>Administration | Mr Howard YOUNG indicated acceptance of the Administration's proposals, but the drafting of CSAs would need to be further refined to reflect the legislative intent                    |   |
| 002636 - 002835    | Chairman                                      | The Chairman concluded that members of the Bills Committee supported in principle the Administration's proposals, but these would need to be accurately reflected in the draft CSAs    | The Administration to provide the draft CSAs in two weeks' time after consultation with the trade |
| 002836 - 003020    | Chairman<br>Administration                    | Schedule of meeting  |   |