

**立法會**  
**Legislative Council**

Ref : CB2/BC/5/04

LC Paper No. CB(2) 1355/04-05  
(These minutes have been seen by  
the Administration)

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

**Minutes of the first meeting  
held on Tuesday, 12 April 2005 at 10:45 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon James TO Kun-sun  
Hon SIN Chung-kai, JP  
Hon Howard YOUNG, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Albert Jinghan CHENG

**Public Officers attending** : Mrs Jennie CHOK  
Deputy Secretary for Security

Mr Charles WONG  
Principal Assistant Secretary for Security

Mr Simon LI  
Assistant Director-General (Airport Standards) (Acting)  
Civil Aviation Department

Mr Jeffrey GUNTER  
Senior Assistant Law Draftsman  
Department of Justice

Ms Leonora IP  
Senior Government Counsel  
Department of Justice

Mr Michael SCOTT  
Senior Assistant Solicitor General  
Department of Justice

**Clerk in attendance** : Mrs Sharon TONG  
Chief Council Secretary (2)1

**Staff in attendance** : Ms Connie FUNG  
Assistant Legal Adviser 3

Mr Raymond LAM  
Senior Council Secretary (2)5

---

**I. Election of Chairman**

Miss Margaret NG was elected Chairman of the Bills Committee.

**II. Meeting with the Administration**

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).
3. The Bills Committee requested the Administration to -
  - (a) provide statistics on unruly passenger behaviour and breakdowns of such statistics by types and by regions;
  - (b) provide information on the approach adopted by other jurisdictions in implementing the Model Legislation on Certain Offences Committed on Board Civil Aircraft developed by the International Civil Aviation Organization, including a comparison of unruly passenger offences and the penalty levels concerned with those proposed in the Bill;
  - (c) provide information on how the offence of disorderly behaviour was dealt with in other jurisdictions and the penalty levels concerned;
  - (d) provide information on cases of prosecution against smoking and drunkenness in aircraft under the Air Navigation (Hong Kong) Order 1995;
  - (e) explain the difference between the proposals in the Bill in relation to drunkenness and smoking in the aircraft and the relevant provisions in the Air Navigation (Hong Kong) Order 1995;

- (f) provide information on the parties consulted on the proposals in the Bill and the content of consultation; and
- (g) consider whether the provision of alcoholic beverage on board aircraft by airline operators that caused a passenger to fall into a state of intoxication should be made an offence.

4. The Chairman asked the Clerk to circulate the Air Navigation (Hong Kong) Order 1995 for members' information.

### **III. Date of next meeting**

5. The Bills Committee agreed that the next meeting would be held on 5 May 2005 at 2:30 pm to continue discussion with the Administration.

6. The meeting ended at 11:55 am.

Council Business Division 2  
Legislative Council Secretariat  
22 April 2005

**Proceedings of the meeting of the  
Bills Committee on  
Aviation Security (Amendment) Bill 2005  
on Tuesday, 12 April 2005 at 10:45 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 – 000246	Hon Margaret NG Hon LAU Kong-wah Hon Tommy CHEUNG	Election of Chairman	
000247 - 000430	Chairman	Opening remarks	
000431 - 001240	Admin Chairman	Briefing on the Bill	
001241 - 001611	ALA3	Briefing on the Legal Service Division report on the Bill (LC Paper No. LS36/04-05)	
001612 - 001837	Chairman Admin	Statistics on unruly passenger behaviour and breakdowns of such statistics by types and by regions	<b>Admin to provide the requested statistics</b>
001838 - 002322	Hon Audrey EU Admin	Types of offences proposed in the Bill; whether the provisions in the Model Legislation on Certain Offences Committed on Board Civil Aircraft (the Model Legislation) developed by the International Civil Aviation Organization (ICAO) were binding	
002323 - 003649	Hon James TO Chairman Admin	Why there was a need to create the offence of disorderly behaviour; how the offence of disorderly behaviour was dealt with in other jurisdictions and the penalty levels concerned	<b>Admin to provide information on how the offence of disorderly behaviour was dealt with in other jurisdictions and the penalty levels concerned</b>

Time marker	Speaker	Subject(s)	Action Required
003650 - 005028	Hon LAU Kong-wah Chairman Hon Audrey EU Admin	Offences which could not be dealt with under existing legislation; why there was a need to create the offence referred to in paragraph 8(f) of the Legislative Council Brief (SBCR 7/1476/90 Pt. 16); cases of prosecution against smoking and drunkenness in aircraft under the Air Navigation (Hong Kong) Order 1995; difference between the proposals in the Bill in relation to drunkenness and smoking in the aircraft and the relevant provisions in the Air Navigation (Hong Kong) Order 1995; circulation of the Air Navigation (Hong Kong) Order 1995 for members' information	<b>Admin to provide information on cases of prosecution against smoking and drunkenness in aircraft under the Air Navigation (Hong Kong) Order 1995; to explain the difference between the proposals in the Bill in relation to drunkenness and smoking in the aircraft and the relevant provisions in the Air Navigation (Hong Kong) Order 1995</b>
005029 - 005616	Hon Tommy CHEUNG Chairman Admin	Approach adopted by other jurisdictions in implementing the Model Legislation, including a comparison of unruly passenger offences and the penalty levels concerned with those proposed in the Bill; parties consulted on the proposals in the Bill and the content of consultation	<b>Admin to provide information on the approach adopted by other jurisdictions in implementing the Model Legislation and a comparison of unruly passenger offences and the penalty levels concerned with those proposed in the Bill; to provide information on the parties consulted on the proposals in the Bill and the content of consultation</b>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
005617 - 010851	Hon Albert CHENG Chairman Admin	Whether the provision of alcoholic beverage on board aircraft by airline operators that caused a passenger to fall into a state of intoxication should be made an offence	<b>Admin to consider whether the provision of alcoholic beverage on board aircraft by airline operators that caused a passenger to fall into a state of intoxication should be made an offence</b>
010852 - 011039	Chairman	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
22 April 2005