

立法會
Legislative Council

LC Paper No. CB(1)881/13-14
(These minutes have been seen
by the Administration)

Ref : CB1/SS/4/13

**Subcommittee on Air Navigation (Hong Kong) Order 1995
(Amendment of Schedule 16) Order 2013 and
Dangerous Goods (Consignment by Air) (Safety) Regulations
(Amendment of Schedule) Order 2013**

**Minutes of first meeting held on
Tuesday, 10 December 2013, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon CHAN Kam-lam, SBS, JP (Chairman)
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon Frankie YICK Chi-ming

Members absent : Hon Abraham SHEK Lai-him, GBS, JP
Hon SIN Chung-kai, SBS, JP

**Public Officers
attending** : Agenda item II

Mrs Sharon YIP
Deputy Secretary for Transport and Housing
(Transport) 4

Mr Desmond WU
Assistant Secretary for Transport and Housing
(Transport) 9B

Miss Priscilla LAM Wai-shan
Assistant Director-General of Civil Aviation (Airport
Standards)

Mr Raymond NG Che-on
Chief Safety Officer (Airport & Safety Regulation)
Civil Aviation Department

Ms Amy POON Yee-man
Senior Safety Officer (Safety Regulation) 1
Civil Aviation Department

Miss Queenie WU Chung-yi
Government Counsel
Department of Justice

Clerk in attendance: Mr Anthony CHU
Senior Council Secretary (1)6

Staff in attendance: Mr Timothy TSO
Assistant Legal Adviser 2

Mr Fred PANG
Council Secretary (1)6

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I Election of Chairman

Mr CHAN Kam-lam, the member with the highest precedence in the Council among all members of the Subcommittee present, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Andrew LEUNG nominated Mr CHAN Kam-lam and the nomination was seconded by Mr Frankie YICK. Mr CHAN Kam-lam accepted the nomination. There being no other nomination, Mr CHAN Kam-lam was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a Deputy Chairman.

II Meeting with the Administration

- (L.N. 182 -- Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013
- L.N. 183 -- Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013
- File Ref: THB CR 1/15/951/49 -- Legislative Council Brief
LC Paper No. LS15/13-14 -- Legal Service Division Report
LC Paper No. CB(1)463/13-14(01) -- Marked-up copy of the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 prepared by the Legal Service Division
(Restricted to members)
- LC Paper No. CB(1)463/13-14(02) -- Marked-up copy of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013 prepared by the Legal Service Division
(Restricted to members)
- LC Paper No. CB(1)463/13-14(03) -- Paper on the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 and Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013 prepared by the Legislative Council Secretariat (Background brief))

3. The Subcommittee noted that extracts of the 2011-2012 and 2013-2014 editions of the Technical Instructions for the Safe Transport of Dangerous Goods by Air were tabled at the meeting.

(Post-meeting note: The papers were circulated to members vide LC Paper Nos. CB(1)526/13-14(01) and (02) on 12 December 2013.)

4. The Subcommittee deliberated (index of proceedings in the **Appendix**).

5. The Chairman concluded that the Subcommittee had completed the scrutiny of the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 and the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013 ("the Amendment Orders").

III Any other business

Legislative timetable

6. The Subcommittee agreed that the Chairman should move a motion at the Council meeting of 18 December 2013 to extend the scrutiny period to the Council meeting of 8 January 2014. Subject to the extension of the scrutiny period, the expiry date of the scrutiny period for the Amendment Orders was 8 January 2014 and the deadline for giving notice of amendment to the Amendment Orders was 31 December 2013. A verbal report on the deliberations of the Subcommittee would be made to the House Committee on 13 December 2013.

7. There being no other business, the meeting ended at 11:18 am.

Council Business Division 1
Legislative Council Secretariat
11 February 2014

**Proceedings of first meeting of the
Subcommittee on Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order
2013 and Dangerous Goods (Consignment by Air) (Safety) Regulations
(Amendment of Schedule) Order 2013
on Tuesday, 10 December 2013, at 10:45 am
in Conference Room 2B of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) | Action required |
|--|---|--|-----------------|
| Election of Chairman | | | |
| 000918 – 001013 | Mr CHAN Kam-lam Mr Andrew LEUNG Mr Frankie YICK | Election of Chairman | |
| Meeting with the Administration | | | |
| 001014 – 001534 | Chairman Administration | Briefing by the Administration on the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 and Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013 ("the Amendment Orders") | |
| 001535 – 001930 | Mr Andrew LEUNG Mr Frankie YICK Administration | <p>Mr Andrew LEUNG and Mr Frankie YICK enquired about details of any new items relating to the provisions for dangerous goods ("DG") carried by passengers or crew on board a passenger aircraft in the 2013-2014 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air ("2013-2014 TI").</p> <p>The Administration responded that the new dangerous goods items allowed to be carried by passengers on board aircraft under the 2013-2014 TI, namely small cartridges of non-flammable and non-toxic gas for fitting into safety vests, were included in Table 8-1 of the 2013-2014 TI.</p> <p>In response to Mr LEUNG's further enquiry, the Administration clarified the restrictions specified in 2013-2014 TI on the carriage of small mercurial thermometers.</p> | |
| 001931 – 002257 | Mr Andrew LEUNG Administration | In response to Mr Andrew LEUNG's questions, the Administration explained that the new international requirements for the safe air transport of DG under the 2013-2014 TI had been incorporated in the International Air Transport | |

| Time marker | Speaker | Subject(s) | Action required |
|-----------------|-----------------------------------|--|-----------------|
| | | <p>Association Dangerous Goods Regulations, which came into effect since 1 January 2013. New packing and labelling requirements for shipping lithium batteries were included.</p> | |
| 002258 – 002531 | Mr Frankie YICK Administration | <p>Mr Frankie YICK's view that the Administration should set out clearly in future in the Legislative Council ("LegCo") Brief submitted to LegCo details on its proposed legislative amendments giving effect to the requirements in a new edition of TI.</p> <p>In response to Mr YICK's enquiry on the consultation with relevant stakeholders, the Administration replied that --</p> <p>(a) A summary of the major changes in the 2013-2014 TI effective on 1 January 2013 had been published on the Civil Aviation Department's website in October 2012 and similar updates would be published when there were major changes in the TI in future;</p> <p>(b) The Civil Aviation Department had conducted a briefing for the air cargo industry on the new requirements on the carriage of lithium batteries; and</p> <p>(c) The Administration had consulted relevant stakeholders on the amendments.</p> | |
| 002532 – 002721 | Chairman Administration | <p>The Chairman enquired on the reason for requiring the operator of an aircraft to preserve a copy of transport documents and acceptance checklists in respect of any DG not accepted by the operator for not less than six months, which was longer than the three-month period required in 2013-2014 TI.</p> <p>The Administration responded that the proposed more stringent requirement was to tie in with the existing requirement under the Air Navigation (Dangerous Goods) Regulations in respect of the carriage of DG.</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| <i>Examination of the provisions of amendment orders</i> | | | |
| 002722 – 003755 | Chairman Administration Assistant Legal Adviser 2 (ALA2) | <p><u>Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013</u></p> <p><u>Section 1 - Commencement</u></p> <p><u>Section 2- Air Navigation (Hong Kong) Order 1995 amended</u></p> <p><u>Section 3 --Schedule 16 amended</u></p> <p>Members raised no questions on the above sections.</p> <p>The Administration responded to the Chairman's question about the preparation of the Chinese text of the Air Navigation (Hong Kong) Order 1995 (Cap. 448C) which had been enacted in English only.</p> <p>ALA2 drew members' attention that the Administration had replied to the Legal Service Division on 2 November 2011 that it had commenced the preparatory work for the drafting of the Chinese text of Cap. 448C.</p> | |
| 003756 – 004135 | Chairman Administration | <p><u>Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013</u></p> <p><u>Section 1 - Commencement</u></p> <p><u>Section 2- Dangerous Goods (Consignment by Air) (Safety) Regulations amended</u></p> <p><u>Section 3 - Schedule amended</u></p> <p>Members raised no questions on the above sections.</p> | |
| 004136 – 004335 | Chairman Administration ALA2 | <p>ALA2 stated that --</p> <p>(a) Copies of the relevant excerpts of the 2011-2012 TI and 2013-2014 TI tabled at the meeting were provided by the Administration upon the Secretariat's request so as to assist</p> | |

| Time marker | Speaker | Subject(s) | Action required |
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| | | <p>the Subcommittee's scrutiny work; and</p> <p>(b) Members might consider requesting the Administration to include in its LegCo Brief on future similar subsidiary legislation which made direct reference to TI or other documents detailed explanation of the new/amended provisions and the associated details (such as TI in this case) to facilitate members' scrutiny of the relevant subsidiary legislation.</p> <p>Members agreed to the above suggestion and asked the Administration to take note of it.</p> | |
| 004336 – 004516 | Chairman | <p>Chairman's remark that the Subcommittee had completed the scrutiny of the Amendment Orders</p> <p>Legislative timetable</p> <p>The meeting agreed that it was not necessary to invite relevant organizations to give views on the two orders.</p> <p>Chairman's closing remarks</p> | |