

立法會
Legislative Council

LC Paper No. CB(1)1105/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/SS/3/03

**Subcommittee on
Air Transport (Licensing of Air Services) (Amendment) Regulation 2004**

**First meeting on
Wednesday, 18 February 2004, at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon SIN Chung-kai (Chairman)
Hon HUI Cheung-ching, JP
Hon Andrew WONG Wang-fat, JP
Hon Howard YOUNG, SBS, JP
- Public Officers
Attending** : Mr Wilson FUNG
Deputy Secretary for Economic Development and Labour
- Mr Darryl CHAN
Principal Assistant Secretary for Economic Development
and Labour
- Miss Estrella CHEUNG
Assistant Secretary for Economic Development and
Labour
- Ms Rayne CHAI
Government Counsel
Department of Justice
- Clerk in attendance** : Mr Andy LAU
Chief Council Secretary (1)2
- Staff in attendance** : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Alice AU
Senior Council Secretary (1)5

Action

I Election of Chairman

1 Mr HUI Cheung-ching, the member who had the highest precedence among members of the Subcommittee, presided over the election of Chairman. Mr SIN Chung-kai was nominated by Mr HUI Cheung-ching and the nomination was seconded by Mr Howard YOUNG. Mr SIN accepted the nomination. There being no other nominations, Mr SIN Chung-kai was elected Chairman of the Subcommittee. He then took over the chair.

II Meeting with the Administration

- the Legislative Council Brief issued by the Economic Development and Labour Bureau on 20 January 2004;
- the Legal Service Division Reports (LC Paper No. LS38/03-04) issued vide LC Paper No. CB(2)1129/03-04 dated 29 January 2004 and (LC Paper No. LS43/03-04) issued vide LC Paper No. CB(2)1324/03-04 dated 12 February 2004;
- Information paper for the Economic Services Panel meeting held on 16 December 2003 (LC Paper No. CB(1)549/03-04(04));
- Minutes of meeting of the Economic Services Panel meeting held on 16 December 2003 (LC Paper No. CB(1)741/03-04); and
- Background note on the processing of applications by the Air Transport Licensing Authority provided by the Administration (LC Paper No. CB(1)1012/03-04(01))

2. The Subcommittee deliberated (index of proceedings attached at **Annex A**).

3. Having reviewed the Administration's explanation on how the quorum of three members of the Air Transport Licensing Authority (Licensing Authority) was determined, the Subcommittee expressed support for the Air Transport (Licensing of Air Services) (Amendment) Regulation 2004 (Amendment Regulation). The Subcommittee would report to the House Committee on 20 February 2004. Separately, the Administration was requested to provide the current membership list of the Licensing Authority for members' information after the meeting.

Admin

(Post-meeting note: The requested information was circulated to members vide LC Paper No. CB(1)1039/03-04(01).)

4. The Subcommittee also took the opportunity to review the need for the Chief Executive to prescribe under regulation 4(6)(c) the way in which the Licensing Authority shall determine questions for its decision. To avoid any legal uncertainty,

Action

the Subcommittee considered that the practice and procedures relating to the dispatch of business by the Licensing Authority as explained by the Administration should be given legal backing, though not necessarily in the context of the present Amendment Regulation as it would take time to prepare the draft procedures.

Admin 5. On account of members' views and concerns, the Administration undertook to conduct a separate exercise to prescribe the procedures of the Licensing Authority. The Panel on Economic Services would be consulted on the draft procedures in due course.

III Any other business

6. There being no other business, the meeting ended at 9:00 am.

Council Business Division 1
Legislative Council Secretariat
25 February 2004

**Proceedings of the first meeting of the Subcommittee on
Air Transport (Licensing of Air Services) (Amendment) Regulation 2004
Wednesday, 18 February 2004, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Election of Chairman</i>			
000000 – 000126	Mr HUI Cheung-ching	Election of Chairman	
<i>Agenda Item II – Meeting with the Administration</i>			
000127 - 000908	Administration Chairman Mr Howard YOUNG Mr HUI Cheung-ching	<ul style="list-style-type: none"> - Introduction of the Amendment Regulation - Justification for adopting three members as the quorum of the Licensing Authority for the dispatch of business - Request for current membership list of the Licensing Authority 	Administration to provide
000909 - 002445	Chairman Administration Mr Andrew WONG Mr Howard YOUNG	<ul style="list-style-type: none"> - Need for the Chief Executive to prescribe under regulation 4(6)(c) the way in which the Licensing Authority shall determine questions for its decision - Administration's explanation on the existing practice and procedures relating to the dispatch of business by the Licensing Authority - Administration's undertaking to conduct a separate exercise to prescribe the procedures of the Licensing Authority, and to consult the Panel on Economic Services accordingly 	Administration to follow up
<i>Agenda Item III – Any other business</i>			
002446 - 002541	Chairman	The Subcommittee supported the Amendment Regulation and would report to the House Committee on 20 February 2004.	