

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

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**

Time marker	Speaker	Subject(s)	Action required
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 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) - (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 (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 Administration 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 Administration	Chairman's enquiry on whether the scope of the revised section 8(4) would be broader or narrower Administration's explanation that the scope of the revised section 8(4) remained unchanged, except that it was clearer and better	
001822 - 002021	Chairman Administration Mr Ronny TONG	Discussion on the drafting of section 8(4) and 8(5)(c)	

Time marker	Speaker	Subject(s)	Action required
002022 - 002155	Mr SIN Chung-kai Administration	Member's concern on whether the proposals would deviate from usual practice 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 Chairman 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 Administration	Schedule of meeting	