

立法會
Legislative Council

Ref : CB2/BC/5/04

LC Paper No. CB(2)1616/04-05
(These minutes have been seen by
the Administration)

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

**Minutes of the second meeting
held on Thursday, 5 May 2005 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon James TO Kun-sun
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

Member absent : Hon SIN Chung-kai, JP

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. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee requested the Administration to -
 - (a) provide relevant cases, if any, on the interpretation of “disorderly behaviour”;
 - (b) provide the internal guidelines of airline operators on the provision of alcoholic beverages to passengers on board aircraft;
 - (c) advise whether there was any overlap between offences in the Aviation Security (Amendment) Bill 2005 (the Bill) and those in the Air Navigation (Hong Kong) Order 1995 (the Order), apart from offences relating to drunkenness and smoking;
 - (d) explain the prosecution policy for dealing with the overlap between offences in the Bill and the Order; and
 - (e) advise on the Administration’s plan and timetable, if any, on the review of the Order.

II. Dates of subsequent meetings

3. The Bills Committee agreed that the next two meetings would be held on 31 May 2005 at 4:30 pm and 14 June 2005 at 10:45 am to continue discussion with the Administration.
4. The meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
19 May 2005

**Proceedings of the meeting of the
Bills Committee on
Aviation Security (Amendment) Bill 2005
on Thursday, 5 May 2005 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 – 000232	Chairman	Opening remarks	
000233 - 002427	Chairman Admin	Administration's response to issues raised at the meeting on 12 April 2005 (LC Paper No. CB(2)1402/04-05(01)); relevant cases, if any, on the interpretation of "disorderly behaviour"	Admin to provide relevant cases, if any, on the interpretation of "disorderly behaviour"
002428 - 003050	Hon LAU Kong-wah Admin Chairman	Scope of application of offence provisions relating to drunkenness and smoking in the Air Navigation (Hong Kong) Order 1995 (the Order) and the Aviation Security (Amendment) Bill 2005 (the Bill)	
003051 - 004835	Hon Audrey EU Hon James TO Chairman Admin ALA3	Whether the question of double jeopardy would arise for prosecution of offences in an aircraft; whether there were different penalty levels for an offence under the Order and the Bill; whether there was any overlap between offences in the Order and those in the Bill	
004836 – 010335	Hon James TO Chairman Hon Albert CHENG Admin	Differences between the offence provisions and penalty levels in the Bill and the Order; scope of application of the Order and the Bill; review of the Order; whether offences relating to drunkenness under the Bill or under the Order were offences of strict liability	

Time marker	Speaker	Subject(s)	Action Required
010336 - 010839	Hon Albert CHENG Chairman Admin	Whether an airline operator should provide alcoholic beverages to a nearly drunk passenger; sale of cigarettes on board aircraft; internal guidelines of airline operators on the provision of alcoholic beverages to passengers on board aircraft	Admin to provide the internal guidelines of airline operators on the provision of alcoholic beverages to passengers on board aircraft
010840 - 011518	Hon Howard YOUNG Chairman Admin	How differences in penalty levels in different jurisdictions in respect of the same offence were to be dealt with; views of the aviation industry on the proposals in the Bill	
011519 - 012635	Chairman Admin	Differences in offences and penalty levels under the Order, the Bill and the Model Legislation on Certain Offences Committed on Board Civil Aircraft developed by the International Civil Aviation Organization (ICAO); “Guidance Material on the Legal Aspects of Unruly/ Disruptive Passengers” issued by ICAO	
012636 - 014453	Hon Audrey EU Admin Chairman	How prosecution was to be instituted for an offence which was found in the Order as well as the Bill	
014454 - 015347	Hon LAU Kong-wah Chairman Admin	Difference in penalty levels for smoking offences under the Order and the Bill; whether a passenger to be prosecuted could choose the jurisdiction in which he was to be prosecuted; whether there was a definition for “state of intoxication” in existing legislation	

Time marker	Speaker	Subject(s)	Action Required
015348 - 015518	Chairman Hon Audrey EU Hon LAU Kong-wah Admin	Whether there was any overlap, apart from offences relating to drunkenness and smoking, between offences in the Order and those in the Bill; prosecution policy for dealing with the overlap between offences in the Bill and the Order; Administration's review of the Order	Admin to advise whether there was any overlap between offences in the Order and those in the Bill, apart from offences relating to drunkenness and smoking; to explain the prosecution policy for dealing with the overlap between offences in the Bill and the Order; to advise on the Administration's plan and timetable, if any, on the review of the Order
015519 - 015738	Chairman	Dates of subsequent meetings	