

立法會
Legislative Council

LC Paper No. CB(4)1573/16-17
(These minutes have been seen
by the Administration)

Ref : CB4/SS/15/16

**Subcommittee on Hong Kong Civil Aviation
(Investigation of Accidents) (Amendment) Regulation 2017 and
Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017**

**Minutes of second meeting
held on Monday, 3 July 2017, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Jeremy TAM Man-ho (Chairman)
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon CHAN Han-pan, JP
Hon Kenneth LEUNG
Hon Alvin YEUNG
Hon Tanya CHAN

**Public Officers
attending** : Agenda item I

Transport and Housing Bureau

Mr Wallace LAU
Deputy Secretary for Transport and Housing
(Transport)

Miss CHENG Sze-ling
Acting Principal Assistant Secretary for Transport
and Housing (Transport)

Civil Aviation Department

Mr Alan SHUM
Assistant Director-General of Civil Aviation (Air
Services and Safety Management)

Mr MAN Ka-chai
Chief, Airworthiness Standards

Department of Justice

Miss Elaine NG
Senior Government Counsel

Mr Vincent FUNG
Government Counsel

Clerk in attendance : Mr Daniel SIN
Chief Council Secretary (4)3

Staff in attendance : Miss Joyce CHAN
Assistant Legal Adviser 1

Ms Peggy CHUNG
Council Secretary (4)3

Ms Mandy LAM
Legislative Assistant (4)3

Action

I. Meeting with the Administration

(LC Paper No. CB(4)1352/16-17(01) -- Submission from Hong Kong
Airline Pilots Association
dated 30 June 2017 (English
version only)

LC Paper No. CB(4)1325/16-17(03) -- Administration's response to
list of follow-up actions
arising from the discussion at
the meeting on 26 June 2017

- LC Paper No. CB(4)1325/16-17(01) -- List of follow-up actions arising from the discussion at the meeting on 26 June 2017
- LC Paper No. CB(4)1325/16-17(02) -- Administration's response to submission from Hong Kong Airline Pilots Association dated 25 June 2017
- LC Paper No. CB(4)1307/16-17(01) -- Submission from Hong Kong Airline Pilots Association dated 25 June 2017 (English version only)
- L.N. 115 of 2017 -- The Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017
- L.N. 116 of 2017 -- The Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017
- LC Paper No. LS78/16-17 -- Legal Service Division Report on Subsidiary Legislation Gazetted on 9 June 2017
- Ref: THB(T)CR 1/17/951/08 -- Legislative Council Brief on Hong Kong Civil Aviation (Investigation of Accidents) Regulations (Chapter 448 sub. leg. B) and Air Navigation (Hong Kong) Order 1995 (Chapter 448 sub. leg. C) – legislative amendments for Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 and Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 issued by the Transport and Housing Bureau on 7 June 2017

LC Paper No. CB(4)1262/16-17(01) -- Marked-up copy of Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 and Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 prepared by the Legal Service Division (Restricted to members)

LC Paper No. CB(4)1262/16-17(02) -- Background brief prepared by the Legislative Council Secretariat)

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

2. The Subcommittee had completed deliberation of the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 (L.N. 115) and Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017 (L.N. 116).

Legislative timetable

3. The Chairman said that subject to the passing of a resolution by the Legislative Council at the meeting to be held on 5 July 2017, the period for amending L.N. 115 and L.N. 116 would be extended to the first sitting of the next session of the Legislative Council. He asked members to submit amendment, if any, by 3 October 2017, and a report on the deliberation of the Subcommittee would be submitted to the House Committee on 3 October 2017.

II. Any other business

4. There being no other business, the meeting ended at 12:34 pm.

**Proceedings of second meeting of the
Subcommittee on Hong Kong Civil Aviation
(Investigation of Accidents) (Amendment) Regulation 2017 and
Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017
on Monday, 3 July 2017, at 10:45 am
in Conference Room 2A of the Legislative Council Complex**

| Time marker | Speaker | Subject(s) | Action required |
|---|--|---|-----------------|
| Agenda I — Meeting with the Administration | | | |
| 000000 – 002215 | Chairman Administration | Briefing by the Administration | |
| 002216 – 011510 | Chairman Administration Mr Kenneth LEUNG Assistant Legal Adviser ("ALA1") Mr Frankie YICK Chi-ming | <p><u>Clause-by-Clause examination of the Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017</u></p> <p><u>Clauses 5 – 7</u></p> <p>Members' enquiries on whether and why police officers and officers of the Customs and Excise Service were by default authorized persons who could be authorized either generally or specifically to access and/or remove a damaged aircraft and/or remove or otherwise interfere with its contents, and whether the list of authorized person under the proposed regulation 7(4) was exhaustive.</p> | |
| 011511 – 013254 | Chairman Administration | <p><u>Clauses 8 – 11</u></p> <p>The Chairman's enquiry on whether there was a date by which the Chief Inspector ("CI") should issue a public notice to announce his or her decision under regulations 10(5) and (6) to discontinue with an investigation.</p> <p><u>Clause 12</u></p> <p>The Chairman's enquiry on whether CI's investigation report made under the new regulation 10A would have to be cleared by the Secretary for Transport and Housing before submission to the Chief Executive ("CE").</p> | |

| Time marker | Speaker | Subject(s) | Action required |
|---------------------------------------|---|--|------------------------|
| 013255 – 014510 | Chairman Administration Mr Frankie YICK Chi-ming ALA1 | <u>Clauses 13 – 19</u> The Chairman sought clarification on whether CE could terminate CI's investigation without commissioning an inquiry under the new resolution 17. | |
| 014511 – 014655 | Chairman Administration Mr Kenneth LEUNG | <u>Part VI – transitional provision</u> Mr Kenneth LEUNG sought clarification on whether CI would take over Director-General of Civil Aviation's outstanding investigation when the proposed Regulation came into effect. | |
| 014656 - 015151 | Chairman Administration ALA1 Mr Kenneth LEUNG | <u>Clause-by-clause examination of the Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017</u> <u>Clauses 1 - 4</u> The Chairman's suggestion that a flight data recorder or a cockpit voice recorder etc., should be in use under Article 37 as amended even when the aircraft was taxiing towards or from the runway. ALA1's remarks that there was no Chinese version of the Air Navigation (Hong Kong) Order 1995, and the Administration's response that the Chinese version was under preparation. | |
| Agenda II — Any other business | | | |
| 015152 – 015332 | Chairman Administration | End of meeting | |