

立法會
Legislative Council

LC Paper No. CB(4)1658/20-21

(These minutes have been seen by
the Administration)

Ref: CB4/SS/8/20

**Subcommittee on Subsidiary Legislation to
Regulate the Operation of Small Unmanned Aircraft**

**Minutes of the second meeting held on
Tuesday, 17 August 2021, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon WONG Ting-kwong, GBS, JP (Chairman)
Hon MA Fung-kwok, GBS, JP
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon SHIU Ka-fai, JP
Hon YUNG Hoi-yan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

**Public Officers
attending** : Agenda item I

Transport and Housing Bureau

Miss Winnie TSE

Deputy Secretary for Transport and Housing (Transport) 4

Mr TE Chi-wang

Principal Assistant Secretary for Transport and Housing
(Transport) 9

Civil Aviation Department

Miss Linda SO, JP

Deputy Director-General of Civil Aviation (2)

Miss Clara WONG

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

Mr Michael YUEN
Chief Operations Officer (Technical Administration)

Department of Justice

Mr Wallance NG
Senior Government Counsel (Acting)

Mr Vincent WAI
Government Counsel

Clerk in attendance : Ms Shirley CHAN
Chief Council Secretary (4)5

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Ms Shirley TAM
Senior Council Secretary (4)5

Ms Carol WONG
Council Secretary (4)5

Ms Zoe TONG
Legislative Assistant (4)5

Action

I. Meeting with the Administration

[File Ref: THB(T)CR 59/951/08, L.Ns. 115 to 119 of 2021, LC Paper Nos. LS99/20-21, CB(4)1320/20-21(01) to (05), CB(4)1349/20-21(01), CB(4)1357/20-21(01), CB(4)1371/20-21(01) to (04)]

Discussion

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

Legislative timetable

2. The Chairman concluded that the Subcommittee had completed the scrutiny of the subsidiary legislation. The Chairman said that as agreed at the Subcommittee meeting on 10 August 2021, he would move a motion at the Council meeting of

Action

18 August 2021 to extend the scrutiny period of the subsidiary legislation to the Council meeting of 8 September 2021. If the scrutiny period was extended, the deadline for giving notices of amendments to the subsidiary legislation would be 1 September 2021. He would report the deliberations of the Subcommittee to the House Committee on 27 August 2021.

II. Any other business

3. There being no other business, the meeting ended at 6:26 pm.

Council Business Division 4
Legislative Council Secretariat
15 October 2021

**Proceedings of the second meeting of
the Subcommittee on Subsidiary Legislation to
Regulate the Operation of Small Unmanned Aircraft
on Tuesday, 17 August 2021, at 4:30 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with the Administration			
000711 – 001013	Chairman Administration	Briefing on the Administration's response to issues raised at the previous meeting [LC Paper Nos. CB(4)1349/20-21(01), and CB(4)1371/20-21(02) to (04)]	
001014 – 002430	Chairman Mr Tony TSE Administration	Discussion on the law enforcement work in relation to operation of small unmanned aircraft ("SUA") in the past and interference to SUA operation	
002431 – 003614	Chairman Mr MA Fung-kwok Administration	Discussion on the registration requirements under the new regulatory regime, suitable venues for drone activities and institutes to provide SUA training courses Discussion on the commencement date of mandatory insurance for Category A2 operations and the issue of allowing minors under the age of 14 accompanied by parents or guardians to operate SUA with reference to similar practice adopted in some jurisdictions	
003615 – 004241	Chairman Mr Tony TSE Administration	Discussion on the retention of flight information recorded by a safety system of SUA Suggestion of liaising with the Hong Kong Institute of Surveyors and sectors concerned to understand their current practice and provide guidance to facilitate a smooth transition to the new regime	
004242 – 004845	Chairman Mr MA Fung-kwok Administration	Discussion on the registration requirements and the impact on drone racing activities brought by the new regulatory regime	
004846 – 005508	Chairman Mr Tony TSE Administration	Discussion on the review mechanism to handle requests for review on decisions made by the Civil Aviation Department under the new regulatory regime	
Examination of provisions of the Subsidiary Legislation			
005509 – 010338	Chairman Mr Tony TSE Administration	L.N. 116 <u>Section 1 – Commencement</u> Discussion on the drafting of section 1(2)	

Time marker	Speaker	Subject(s)	Action required
010339 – 010555	Chairman Mr Tony TSE Administration	<u>Section 6 – Meaning of enclosed area</u> Discussion on the meaning of "enclosed area"	
010556 – 010817	Chairman Mr MA Fung-kwok Administration	<u>Section 3 – Small unmanned aircraft and its classification</u> Discussion on classifying the SUA operation for drone racing as a separated category with exemptions from certain requirements under the new regulatory regime	
010818 – 011143	Chairman Mr Tony TSE Administration	Discussion on exploring mutual recognition of regulatory requirements on SUA and remote pilots with neighbouring cities in the Guangdong-Hong Kong-Macao Greater Bay Area	
011144 – 011723	Chairman Mr SHIU Ka-fai Administration	Expression of concerns on allowing minors to fly SUA in busy urban areas	
011724 – 013124	Chairman Mr Tony TSE Administration	<u>Section 12 – Insurance policy specified for section 11(1)(c)</u> Discussion on the timeframe for commencement of mandatory insurance for Category A2 operations	
013125 – 013421	Chairman Mr Tony TSE Administration	<u>Section 42 – Responsible persons and registered remote pilots must update information</u> Discussion on the notification period under section 42(3)	
013422 – 014154	Chairman Administration	<u>Section 56 – Power to require production of documents or records etc.</u> Discussion on the applicability of section 56 to Category A1 SUA	
014155 – 014317	Chairman Administration	<u>Section 71 – Fees</u> Discussion on the procedures to prescribe fees and charges	
014318 – 014435	Chairman Administration	L.N. 115, L.N. 117 to L.N. 119 Members raised no question on these subsidiary legislation	
014436 – 014535	Chairman Mr Tony TSE Administration	The Administration agreed to liaise with the sectors concerned and to update the Legislative Council on the progress in due course.	

Time marker	Speaker	Subject(s)	Action required
014536 – 015048	Chairman Mr MA Fung-kwok Administration	Discussion on granting exemptions to drone racing sector from certain regulatory requirements and designating an area of land for drone racing activities to promote drone racing in Hong Kong, and involving drone racing sector when determining the SUA training courses	
015049 – 015240	Chairman Assistant Legal Adviser 2 Administration	Suggestion of specifying in future guidelines for the sake of clarity who, in addition to the remote pilot of the aircraft, was regarded as a person "involved in the flight operation" under section 16(1)(e) of L.N. 116 of 2021	
015241 – 015645	Chairman Mr MA Fung-kwok Administration	Suggestion of amending L.N. 116 to the effect that the Director-General of Civil Aviation might designate in future an area of land for drone racing activities	
015646 – 015938	Chairman Mr SHIU Ka-fai	Legislative timetable	
Agenda item II – Any other business			
015939 – 020003	Chairman	Closing remarks	