

立法會
Legislative Council

LC Paper No. CB(1)1761/04-05
(These minutes have been seen
by the Administration)

Ref: CB1/BC/9/04/1

Bills Committee on Revenue
(Personalized Vehicle Registration Marks) Bill 2005

Minutes of second meeting
held on Tuesday, 24 May 2005, at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon CHAN Kam-lam, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J.,JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Ting-kwong, BBS
Hon Albert Jinghan CHENG
- Members absent** : Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon SIN Chung-kai, JP
Hon Abraham SHEK Lai-him, JP
- Public officers** : Mr Martin GLASS, JP
Attending Deputy Secretary for Financial Services and the
Treasury (Treasury)2
- Miss Erica NG
Principal Assistant Secretary for Financial Services
and the Treasury (Treasury) (Revenue)
- Mr Edward MAK
Assistant Secretary for Financial Services and the
Treasury (Treasury)(Revenue)1
- Miss Amy CHOW
Acting Assistant Commissioner (Administration and
Licensing)
Transport Department

Miss Phyllis KO
Senior Assistant Law Draftsman
Department of Justice

Clerk in attendance : Miss Polly YEUNG
Chief Council Secretary (1)3

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Ms Debbie YAU
Senior Council Secretary (1)1

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)1598/04-05 -- Minutes of meeting held on
13 May 2005)

The minutes of the meeting held on 13 May 2005 were confirmed.

II Meeting with the Administration

LC Paper No. CB(1)1599/04-05(01) -- Marked-up copy of the Bill
prepared by the Legal Service
Division

LC Paper No. CB(1)1615/04-05(01) -- Letter dated 18 May 2005
from the Assistant Legal
Adviser to the Administration

LC Paper No. CB(3)548/04-05 -- The Bill

FIN CR 2/7/2201/03 -- The Legislative Council Brief
issued by the Financial
Services and the Treasury
Bureau

LC Paper No. LS60/04-05 -- The Legal Service Division
Report on the Bill

- LC Paper No. CB(1)177/04-05(03) -- Information paper on Personalized Vehicle Registration Marks Scheme for the Panel on Financial Affairs
- LC Paper No. CB(1)1423/04-05(01) -- Follow-up paper on Personalized Vehicle Registration Marks Scheme for the Panel on Financial Affairs
- LC Paper No. CB(1)1596/04-05 -- Background brief on Revenue (Personalized Vehicle Registration Marks) Bill 2005
- LC Paper No. CB(1)1640/04-05(01) -- The Administration's reply dated 23 May 2005 to Assistant Legal Adviser's letter of 18 May 2005
(tabled and subsequently issued on 25 May 2005)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Withdrawal of membership

3. Members noted that Mr Howard YOUNG had withdrawn his membership from the Bills Committee with effect from 20 May 2005.

Issues which required follow-up actions/consideration by the Administration

4. To facilitate members' consideration, the Administration was requested :
- (a) to provide further explanation on its assessment that the implementation of the proposed personalized vehicle registration marks (PVRMs) scheme would not significantly affect the income of the Lotteries Fund (LF), with a detailed breakdown of the selling prices of auctioned special vehicle registration marks (SVRMs) for the past five years, as well as the level of proceeds estimated to be received from auctioning SVRMs if the proposed PVRMs scheme was implemented;
 - (b) to consider conducting a review after the implementation of the PVRMs scheme to see if the proceeds from the auction of SVRMs would diminish as a result of the PVRM scheme, if implemented;
 - (c) to consider the feasibility of members' suggestion to credit the proceeds from the auction of PVRMs to the LF instead of to the General Revenue;

- (d) to explain the basis for arriving at the estimation that the average price of each auctioned PVRM would be in the region of \$23,300 (calculated from the estimated annual revenue of \$70 million received from some 3 000 PVRMs to be sold a year);
- (e) to consider the feasibility of stipulating a time limit beyond which the Commissioner of Transport could not recall a PVRM which had been allocated; and
- (f) to re-examine the impact of PVRM combinations on law enforcement and road safety.

5. Mr Albert CHENG indicated that he would only consider supporting the Bill if the proceeds from the auction of PVRMs would be credited to the LF instead of to the General Revenue. Alternatively, he said that the Administration must convince him that the proceeds from the auction of SVRMs to be credited to the LF would not diminish as a result of the implementation of the proposed PVRM scheme.

6. Regarding the Administration's reply dated 23 May 2005 (CB(1)1640/04-05(01)) tabled at the meeting to her letter of 18 May 2005 (CB(1)1615/04-05(01)), members noted that the Assistant Legal Adviser 3 would write to the Administration to seek further clarification on certain points.

Date of next meeting

7. Members noted that the next meeting would be held on 14 June 2005 for the Bills Committee to meet with deputations, if any.

III Any other business

8. There being no other business, the meeting ended at 6:00 pm.

Council Business Division 1
Legislative Council Secretariat
13 June 2005

**Proceedings of the second meeting of the
Bills Committee on
Revenue (Personalized Vehicle Registration Marks) Bill 2005
on Tuesday, 24 May 2005, at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000202	Chairman	(a) Opening remarks. (b) Confirmation of minutes of meeting on 13 May 2005. (c) Mr Howard YOUNG's withdrawal of membership from the Bills Committee with effect from 20 May 2005.	
000203 – 001534	Chairman The Administration	The Administration briefed members on its reply dated 23 May 2005 (CB(1)1640/04-05(01) tabled and subsequently issued on 25 May 2005) to the letter of the Assistant Legal Adviser 3 (ALA3) dated 18 May 2005 (CB(1)1615/04-05(01)).	
001535 – 003942	Chairman ALA3 The Administration Mr Albert CHENG Ms Audrey EU Ir Dr Raymond HO	(a) The Administration's view that it was not necessary to include any express provision in the Bill to provide that the proceeds from the auction of personalized vehicle registration marks (PVRMs) would be paid into the General Revenue. (b) Some members' view that the proceeds from the auction of PVRMs should be credited to the Lotteries Fund (LF) instead of to the General Revenue. (c) The impact of the implementation of the PVRMs scheme on the auction of special vehicle registration marks (SVRMs) and hence, the income of LF. (d) The Administration's ballpark estimate that the PVRM scheme would generate an annual revenue of \$70 million. (e) The Administration's explanation that the average auction prices of SVRMs and ordinary vehicle registration marks were \$58,600 and \$6,600 in 2004-05, which were at similar levels compared with 2003-04, and that the contribution by auctioned vehicle registration marks to LF was relatively small. (f) Mr Albert CHENG's stance that he would only consider supporting the Bill	The Administration to provide information/consider as per paragraph 4(a), (b) and (c) of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		if the proceeds generated from the auction of PVRMs would be credited to the LF instead of to the General Revenue.	
003943 – 004203	Chairman ALA3 The Administration	(a) Whether the Commissioner for Transport’s power of review under clause 10 (new regulation 12G) should also apply in cases where he refused an application for a PVRM. (b) Whether it was necessary to set out the factors that the Commissioner for Transport would consider in reviewing his decision.	
004204 – 004440	Chairman ALA3 The Administration	The Administration’s explanation on the existing six conditions listed in the memorandum of sale of vehicle registration mark (VRM) to be signed by the successful bidder of the VRM, and whether it was necessary to set out the conditions of sale in the Bill.	
004441 – 004805	Chairman ALA3 The Administration	Whether the mode of giving notices under regulations added by clause 10 (new regulations 12D(1), 12F(3) and (4), 12G(3) and 12Q(1)) should be expressly specified under the Bill, as in the case for notices given under the proposed regulation 12L(2).	
004806 – 010229	Chairman Mr Albert CHENG The Administration Mr WONG Ting-kwong	(a) On new regulation 12G, whether, upon review, the Commissioner for Transport’s decision to reverse his previous determination to approve a proposed PVRM would also be subject to appeal. (b) The Administration’s explanation that a person aggrieved by the decision of the Commissioner to recall the allocation of a PVRM might appeal to the Administrative Appeals Board against such decision in accordance with the Administration Appeals Board Ordinance and Road Traffic (Registration and Licensing of Vehicles) Regulations. (c) Apart from making a refund of the auction price on recall of a PVRM,	The Administration to consider as per paragraph 4(d) and (e) of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>whether an aggrieved PVRM holder could claim compensation for loss or damage.</p> <p>(d) Discussion on the Administration's assumption that the average price of each auctioned PVRM was in the region of \$23,300.</p>	
010230 – 011557	<p>Mr Albert CHENG Chairman The Administration Mr WONG Ting-kwong</p>	<p>(a) Members' suggestion that to provide for certainty, the Administration should make public the PVRMs approved for allocation. If no objection was received after a specified period of time, the PVRMs, once allocated, should not be recalled.</p> <p>(b) The Administration's confirmation that the Commissioner for Transport would publish the proposed PVRMs which were approved for allocation and consider public views, if any, before auctioning the PVRMs.</p> <p>(c) The Administration's advice that the acceptance or otherwise of applications for PVRMs would be made in a prudent manner, the power of recall would be necessary for smooth administration of the scheme and incidence of recall was expected to be rare.</p> <p>(d) Compensation, if any, to the PVRM holder in the event of recall as buying and selling of PVRMs could be seen as a form of investment activity.</p>	
011558 – 012838	<p>Mr Albert CHENG Chairman The Administration</p>	<p>(a) Whether the proposed PVRM combinations of up to eight letters/numerals/blank spaces were practicable.</p> <p>(b) The Administration's advice that according to information obtained from car dealers, more than 80% of the car models had a vehicle number plate which could accommodate the display of PVRMs consisting of a maximum of eight letters/numerals/blank spaces in a single row. The proposed arrangement aimed at providing more choice and encouraging creativity.</p>	<p>The Administration to consider/follow-up as per paragraph 4(f) of the minutes.</p>

Time Marker	Speaker	Subject(s)	Action Required
		(c) Mr Albert CHENG's remark that in some overseas territories with schemes similar to PVRM, a letter and a numeral were not allowed to be placed together side by side in a VRM. Instead, only groups of letters and numerals were allowed in the arrangement of the letters and numerals of a VRM.	
012839 – 012901	Chairman	Date of next meeting.	

Council Business Division 1
Legislative Council Secretariat
13 June 2005