

立法會
Legislative Council

LC Paper No. CB(1)155/05-06
(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 fifth meeting
held on Wednesday, 28 September 2005, at 10:45 am
in the Conference Room A of the Legislative Council Building

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

Ms 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

Action

I Meeting with the Administration

Follow-up issues and clause-by-clause examination of the Bill

Background information on the Bill

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(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)1596/04-05 -- Background brief on Revenue (Personalized Vehicle Registration Marks) Bill 2005

Papers provided by the Administration

LC Paper No. CB(1)2290/04-05(01) -- The Administration's response to issues raised by members at the meeting on 28 June 2005

- LC Paper No. CB(1)1907/04-05(01) -- The Administration's response to issues raised by members at the meeting on 14 June 2005
- LC Paper No. CB(1)1907/04-05(02) -- The Administration's response to questions raised by Hon Albert CHENG and Hon WONG Ting-kwong on 16 and 17 June 2005
- LC Paper No. CB(1)1760/04-05(03) -- The Administration's response to issues raised by members at the meeting on 24 May 2005
- LC Paper No. CB(1)1760/04-05(04) -- Reply dated 10 June 2005 from the Administration to Hon CHAN Kam-lam's letter of 27 May 2005
- LC Paper No. CB(1)1786/04-05(01) -- Administration's responses on deputations' submissions

Correspondences between the Administration and the Legal Service Division

- LC Paper No. CB(1)1760/04-05(05) -- Letter dated 25 May 2005 from the Assistant Legal Adviser (ALA) to the Administration
- LC Paper No. CB(1)1760/04-05(06) -- Reply dated 9 June 2005 from the Administration to ALA's letter of 25 May 2005
- LC Paper No. CB(1)1615/04-05(01) -- Letter dated 18 May 2005 from ALA to the Administration
- LC Paper No. CB(1)1640/04-05(01) -- Reply dated 23 May 2005 from the Administration to ALA's letter of 18 May 2005

Submissions previously received

- LC Paper No. CB(1)1772/04-05(01) -- Right Hand Drive Motor Association (HK) Ltd (Chinese version only)
- LC Paper No. CB(1)1760/04-05(01) -- Mr WONG Wang-tai, a member of Wan Chai District Council (Chinese version only)

LC Paper No. CB(1)1760/04-05(02) -- Dah Chong Hong (Motor Service Centre) Limited (English version only)

Other relevant papers

LC Paper No. CB(1)1693/04-05(01) -- Letter dated 27 May 2005 from Hon CHAN Kam-lam (Chinese version only)

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

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

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

Administration's response to issues raised by members at the meeting on 28 June 2005 (CB(1)2290/04-05(01)) and matters arising

2. On the issuance of a certificate of allocation for Personalized Vehicle Registration Marks (PVRMs), the Administration stated that while it was feasible to dispense with the certificate, it would prefer to issue such a certificate as originally proposed for reasons detailed in paragraph 5 of its paper (LC Paper No CB(1)2290/04-05(01)). The Chairman invited members' comments. Since members did not raise any query, the Chairman requested the Administration to finalize a decision on its own accord.

3. On the arrangement for applying for a recalled PVRM which was "revived" for sale, some members considered that the previous PVRM holder should be accorded priority to be re-allocated the concerned PVRM at the original auction price which he had paid to bid for the PVRM and was refunded to him upon recall of the PVRM. A public auction would be arranged only if the previous holder did not accept the re-allocation. The Administration was requested to provide relevant information on overseas practice and to revert to the Bills Committee on whether the right of first refusal should be granted to the previous PVRM holder as proposed by members.

4. Mr Albert CHENG suggested that the vehicle registration mark (VRM) combinations which began with or consisted of the letters "LC" should be released for auction or for application under the PVRMs Scheme; while the combinations consisting of the letters "LEGCO" would be reserved for assignment to vehicles owned by the Legislative Council Commission (LCC). The Administration agreed to

consider the proposal and revert to the Bills Committee.

(post-meeting note: To facilitate members' consideration and with the concurrence of the Chairman, the Bills Committee has requested the Administration to provide further information pertaining to the implications of the proposed arrangement, if implemented, such as the need to replace the existing VRMs for vehicles owned by the LCC, and the need to consult the LCC etc.)

Clause-by-clause examination

Clause 16 – Proposed amendments to Regulation 19 of the Road Traffic (Registration and Licensing of Vehicles) Regulations

5. On the requirement for the PVRM holder to notify the Commissioner for Transport within 72 hours after any change of his/her name, address or identity document, members considered that a more convenient, one-stop mechanism of notification should be provided to enable members of the public to report changes in personal particulars to all relevant government departments. The Administration took note of members' concern. It said that it would consider ways to streamline existing practice on reporting changes of particulars by vehicle licence holders and revert to the Bills Committee.

Clause 28 – Proposed amendments to Schedule 4 to the Road Traffic (Registration and Licensing of Vehicles) Regulations

6. To provide variety and more room for creativity, Mrs Selina CHOW and the Chairman considered that vehicle owners should be given greater choice in the fonts or types of letters and numerals displayed on VRMs provided that this would not bring about enforcement difficulties. In response, the Deputy Secretary for Financial Services and the Treasury (Treasury) agreed to refer the suggestion to the Environment, Transport and Works Bureau for consideration in the longer term. .

Date of next meeting

7. Members agreed that the next meeting of the Bills Committee would be held on Monday, 24 October 2005 at 10:45 am to consider the Committee Stage amendments (CSAs) proposed by the Administration to the Bill and the Administration's response to issues raised at the meeting.

(post-meeting note: With the concurrence of the Chairman, the next meeting has been re-scheduled to be held on Monday 31 October 2005 at 2:30 pm. Individual members have been advised to forward their proposed CSAs, if any, to the Secretariat on or before 17 October 2005 (vide LC Paper No. CB(1)2366/04-05)).

II Any other business

8. There being no other business, the meeting ended at 12:20 pm.

Council Business Division 1
Legislative Council Secretariat
26 October 2005

**Proceedings of the fifth meeting of the
Bills Committee on
Revenue (Personalized Vehicle Registration Marks) Bill 2005
on Wednesday, 28 September 2005, at 10:45 am
in the Conference Room A of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000000 – 000354	Chairman	Welcoming remarks and general introduction.	
000355 – 000700	Chairman Administration	The Administration introduced its response (CB(1)2290/04-05(01)) to issues raised by members at the meeting on 28 June 2005.	
000701 – 002635	Chairman Mr Albert CHENG Administration	<p>(a) Mr Albert CHENG's concerns about possible infringement of intellectual property rights and enforcement difficulties caused by the Personalized Vehicle Registration Marks (PVRMs) Scheme.</p> <p>(b) The Administration's advice that the mere use of certain company names or their acronyms such as HSBC, IBM etc as PVRMs would not constitute infringement of intellectual property rights. The companies concerned were free to apply for such PVRMs.</p> <p>(c) The Administration's reiteration that allowing eight characters without grouping restrictions for PVRMs would give vehicle owners more room for creativity and choices. According to the Hong Kong Police Force, the requirement would not bring about difficulties in law enforcement or adverse implications on road safety.</p> <p>(d) Mr Albert CHENG's view that it would be fairer to the previous holder of a recalled PVRM if he could be accorded priority to be re-allocated the PVRM concerned at the original auction price which he had paid to bid for the PVRM and which had been refunded to him upon recall of the PVRM. A public auction should only be arranged if the previous holder did not accept the re-allocation.</p>	The Administration to consider and follow up as per paragraphs 2 to 4 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>(e) The Administration's remark that the Transport Department could help notify the previous holder of the public auction for the "revived" PVRM if the person concerned could still be contacted.</p> <p>(f) Mr Albert CHENG's suggestion that the vehicle registration mark (VRM) combinations which began with or consisted of the letters "LC" should be released for auction or application under the PVRMs Scheme while the combinations consisting of the letters "LEGCO" would be reserved for assignment to vehicles owned by the Legislative Council Commission (LCC).</p>	
002636 – 003015	Chairman Administration	<p>The Bills Committee continued clause-by-clause examination of the Bill</p> <p><u>Clause 10 – Proposed Regulation 12N to 12Q of the Road Traffic (Registration and Licensing of Vehicles) Regulations</u></p> <p>Members raised no query.</p>	
003016 – 003320	Chairman Administration	<p><u>Clauses 11 to 15 – Regulations 13 to 17</u></p> <p>Members raised no query.</p>	
003321 – 004200	Chairman Administration Ms Audrey EU	<p><u>Clause 16 – Regulation 19</u></p> <p>The Administration was requested to</p>	The Administration to consider as per paragraph 5 of the

Time Marker	Speaker	Subject(s)	Action Required
	Mr WONG Ting-kwong	<p>consider providing a more convenient one-stop mechanism of notification through which members of the public could report changes in personal particulars to all relevant government departments.</p> <p><u>Clause 17 – Regulation 20</u></p> <p>Members raised no query.</p>	minutes.
004201 – 004533	Chairman Administration Assistant Legal Adviser	<p><u>Clause 18 – Regulation 22</u></p> <p>The Administration's explanation that at present, the PVRM holder should apply for a duplicate certificate of allocation if the original copy was lost, destroyed or defaced.</p>	
004534 – 005129	Administration Chairman	<p><u>Clause 19 – Regulation 34</u> <u>Clause 20 – Regulation 35</u> <u>Clause 21 – Regulation 37</u> <u>Clause 22 – Regulation 44</u> <u>Clause 23 – Regulation 59</u> <u>Clause 24 – Regulation 60</u></p> <p>Members noted the proposed new offences relating to the PVRMs Scheme.</p> <p><u>Clause 25 – Regulation 60A</u> <u>Clause 26 – Regulation 62</u> <u>Clause 27 – Schedule 2</u></p> <p>Members raised no query.</p>	
005130 – 011158	Administration Chairman Ir Dr Raymond HO Mrs Selina CHOW Mr WONG Ting-kwong	<p><u>Clause 28 – Schedule 4</u></p> <p>(a) Blank spaces in a PVRM combination. (b) Whether vehicle owners should be given greater choice in the fonts or types of letters and numerals displayed on VRMs provided that this would not bring about enforcement difficulties.</p> <p><u>Clause 29 – Schedule 5</u> <u>Clause 30 – Schedule 5A</u></p> <p>Members noted that Schedule 5A would be amended to enable VRMs of three or</p>	The Administration to consider and follow up as per paragraph 6 of the minutes.

Time Marker	Speaker	Subject(s)	Action Required
		<p>four identical letters to be made available for allocation upon sale by auction as PVRMs in the discretion of the Commissioner for Transport.</p> <p><u>Clause 31 – Schedule 6</u></p> <p>Members raised no query.</p>	
011159 – 011511	Administration Chairman	<p><u>Clauses 32 to 42 – Consequential amendments to different legislation</u></p> <p>Members raised no query.</p>	
011512 – 011818	Administration Chairman	<p>(a) Members did not raise any query on whether or not the proposal to issue certificates of allocation for PVRMs should be dispensed with.</p> <p>(b) On Mr Albert CHENG's suggestion that VRM combinations consisting of "LEGCO" should be reserved for vehicles owned by the LCC, other members had not given any view.</p>	The Administration to take action as per paragraphs 2 and 4 of the minutes.
011819 – 012308	Administration Chairman Mrs Selina CHOW	<p>(a) Members to forward their proposed Committee Stage amendments, if any, to the Bill.</p> <p>(b) Date of next meeting.</p>	