

立法會
Legislative Council

LC Paper No. CB(2)2161/09-10
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/08

Bills Committee on Arbitration Bill

Minutes of the 14th meeting
held on Tuesday, 1 June 2010, at 8:30 am
in Conference Room B of the Legislative Council Building

Members present : Dr Hon Margaret NG (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LAU Kong-wah, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Ronny TONG Ka-wah, SC
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon Paul TSE Wai-chun

Members absent : Hon Albert HO Chun-yan
Hon Miriam LAU Kin-yee, GBS, JP
Hon CHIM Pui-chung

Public Officers attending : Item I

Mr Frank POON
Deputy Solicitor General (General)

Ms Phyllis KO
Senior Assistant Law Draftsman

Mr LEE Tin-yan
Senior Government Counsel

Mr Christopher NG
Senior Government Counsel

Mr Peter SZE
Government Counsel

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Yvonne YU
Senior Council Secretary (2)5

Miss Maggie CHIU
Legislative Assistant (2)4

Action

I. Meeting with the Administration

[The Bill, LC Paper Nos. CB(2)2469/08-09(02) and CB(2)1620/09-10(01) to (02)]

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

2. The Administration took members through the Administration's papers setting out its response to issues raised at the meetings on 10 and 23 February 2010 as well as the Administration's proposed Committee Stage amendments ("CSAs") to the Arbitration Bill. According to the Administration, the proposed CSAs were primarily intended to address various issues discussed by the Bills Committee at the previous meetings.

3. The Chairman considered it unnecessary to provide for a definition of "respondent" in clause 2 of the Bill given that the term appeared only in the provisions of the UNCITRAL Model Law, although she held no strong views against the term and the proposed CSA to it. The Chairman also considered that the proposed CSA to clause 8(2) to add the reference to "other than section 2(5)" was unnecessary as the provision of section 2(5) was unambiguous. The Administration would consider the Chairman's view.

4. At the request of the Chairman, the Administration would consider further refining the Chinese rendition of "peremptory order" in the proposed CSAs to clauses 53(3) and 53(4).

Action

5. Members generally considered that the drafting of the proposed CSA to clause 60(5) could be revised to further improve the clarity of that clause. The Administration would revert to the Bills Committee on the proposed CSA to clause 60(5).

6. Members considered other CSAs proposed by the Administration acceptable. The legal adviser to the Bills Committee was requested to advise on the Chinese text of the Administration's proposed CSAs.

II. Any other business

7. On the legislative timetable, the Administration advised that it intended to resume the Second Reading Debate on the Bill at the next session.

8. Members agreed that the next meeting would be scheduled pending the Administration's response to the outstanding issues.

9. There being no other business, the meeting ended at 10:13 am.

Council Business Division 2
Legislative Council Secretariat
6 August 2010

**Proceedings of the 14th meeting of the
Bills Committee on Arbitration Bill
on Tuesday, 1 June 2010, at 8:30 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item 1 – Meeting with the Administration</i>			
000000 - 000934	Administration Chairman	The Administration's response to issues raised at the meetings on 10 and 23 February 2010 [LC Paper No. CB(2)1620/09-10(01)]	
000935 - 001134	Chairman Administration	The Administration's proposed Committee Stage amendments ("CSAs") to the Arbitration Bill [LC Paper No. CB(2)1620/09-10(02)]	
001135 - 001909	Chairman Administration	Proposed CSA to clause 2(1) The Chairman's concern about the need for providing for a definition of "respondent" in clause 2, although she held no strong view on it and the proposed amendment	Admin to consider
001910 - 002352	Administration ALA1 Chairman	Proposed CSA to clause 8(2) The Chairman's view that the proposed CSA to add the reference to "other than section 2(5)" was unnecessary as the provision of section 2(5) was unambiguous	Admin to consider
002353 - 002503	Chairman Administration	Proposed CSA to clause 18(2) Members raised no question on the proposed amendment	
002504 - 002617	Chairman Administration	Proposed CSA to clause 20(3) Members raised no question on the proposed amendment	
002618 - 002753	Chairman Administration	Proposed CSAs to clauses 32(1)(a) and 32(3) Members raised no question on the proposed amendment	
002754 - 003404	Chairman Administration ALA1 Mr Ronny TONG	Proposed CSAs to clauses 53(3) and 53(4) The Administration was requested to consider further refining the Chinese rendition of "peremptory order" in the proposed amendments to clauses 53(3) and 53(4)	Admin
003405 - 003436	Administration Chairman	Proposed CSAs to clause 54(2) Members raised no question on the proposed amendments	
003437 - 004001	Chairman Administration Mr Ronny TONG	Proposed CSAs to clause 55 Members raised no question on the proposed amendments	

Time marker	Speaker(s)	Subject(s)	Action required
004002 - 010940	Chairman Administration ALA1 Mr Ronny TONG Dr Priscilla LEUNG	Proposed CSA to clause 60(5) The Administration was requested to refine the drafting of the proposed amendment to clause 60(5) so as to further improve the clarity of that clause	Admin
010941 - 011009	Administration Chairman	Proposed CSA to clause 75 Members raised no question on the proposed amendment	
011010 - 011054	Administration	Proposed CSA to clause 77(3)(b)(ii) Members raised no question on the proposed amendment	
011055 - 011131	Chairman Administration	Proposed CSA to clause 86(2)(a) Members raised no question on the proposed amendment	
011132 - 011203	Chairman Administration	Proposed CSA to clause 90(1) Members raised no question on the proposed amendment	
011204 - 011229	Administration	Proposed CSA to clause 98 Members raised no question on the proposed amendment	
011230 - 011326	Chairman Administration	Proposal to add a new clause 100A to the Bill, and amend clause 101 in relation to the opt-in provisions Members raised no question on the proposed amendments	
011327 - 011449	Administration Chairman	Proposed CSAs to clauses 103 and 104 Members raised no question on the proposed amendments	
011450 - 011755	Chairman Administration	Proposed CSAs to Schedules 1, 2 and 4 to the Bill Members raised no question on the proposed amendments	
011756 - 011931	Chairman	The Administration would revert to the Bills Committee on the proposed CSAs to clause 60(5), and the legal adviser to the Bills Committee would advise on the Chinese text of the Administration's proposed CSAs	Admin ALA
011932 - 013202	Chairman Mr Ronny TONG Administration	Clause-by-clause examination of the Bill Clauses 1 - 98 of the Bill	
013203 - 013550	Chairman Administration Dr Priscilla LEUNG	Use of the expression "Mainland" in the Bill	
013551 - 013745	Chairman	Clauses 99 - 111 of the Bill	

Time marker	Speaker(s)	Subject(s)	Action required
013746 - 014124	Chairman Dr Priscilla LEUNG Administration	Schedules 1 - 4 to the Bill	
014125 - 014424	Chairman Administration Mr Ronny TONG	Legislative timetable	

Council Business Division 2
Legislative Council Secretariat
6 August 2010