

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1742/08-09  
(These minutes have been seen  
by the Administration)

Ref : CB2/SS/12/08

**Subcommittee on  
Subsidiary Legislation Relating to Consular Matters**

**Minutes of meeting  
held on Friday, 22 May 2009, at 8:30 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon James TO Kun-sun (Chairman)  
Dr Hon Margaret NG  
Hon LAU Kong-wah, JP

**Member absent** : Dr Hon Priscilla LEUNG Mei-fun

**Public Officers attending** : Item II  
  
Miss Agnes WONG  
Deputy Director of Administration  
  
Mr Lawrence PENG  
Senior Assistant Law Draftsman  
  
Mr Y K LEE  
Deputy Director of Protocol  
  
Mr James DING  
Senior Government Counsel  
  
Ms Angie LI  
Government Counsel

**Clerk in attendance** : Ms Betty FONG  
Chief Council Secretary (2)2

**Staff in attendance** : Ms Clara TAM  
Assistant Legal Adviser 9

Ms Janet SHUM  
Senior Council Secretary (2)2

Ms Anna CHEUNG  
Legislative Assistant (2)2

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**I. Election of Chairman**

Mr James TO was elected Chairman of the Subcommittee on Subsidiary Legislation Relating to Consular Matters (the Subcommittee).

**II. Meeting with the Administration**

Ref No. : SF (1), SF (2) & SF (4) to -- Legislative Council Brief  
PROT CR 6/1126/98 issued by the Chief Secretary  
for Administration's Office on  
28 April 2009

LC Paper No. LS65/08-09 -- Legal Service Division Report  
on the subsidiary legislation  
relating to consular matters

LC Paper No. CB(2)1627/08-09(01) -- Members' brief

LC Paper No. CB(2)1627/08-09(02) -- Letter dated 6 May 2009 from  
Assistant Legal Adviser 9  
(ALA9) to the Administration

LC Paper No. CB(2)1627/08-09(03) -- The Administration's response  
dated 7 May 2009 to ALA9's  
letter dated 6 May 2009

LC Paper No. CB(2)1627/08-09(04) -- Legal Notices Nos. 53 and 56  
of 2005

LC Paper No. CB(2)1627/08-09(05) -- Marked-up copy of the  
subsidiary legislation

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- LC Paper No. CB(2)1627/08-09(06) -- Background Brief prepared by LegCo Secretariat
- LC Paper No. CB(2)1627/08-09(07) -- Vienna Convention on Consular Relations
- LC Paper No. CB(2)1627/08-09(08) -- Administration of Estates by Consular Officers Ordinance (Cap. 191)
- LC Paper No. CB(2)1627/08-09(09) -- Consular Conventions Ordinance (Cap. 267)
- LC Paper No. CB(2)1627/08-09(10) -- Consular Relations Ordinance (Cap. 557)
- LC Paper No. CB(2)1627/08-09(11) -- Agreement Constituted by Exchange of Notes Between the Government of the People's Republic of China and the Government of the Republic of India on Matters Concerning the Consular Convention Between the People's Republic of China and the Republic of India
- LC Paper No. CB(2)1627/08-09(12) -- Agreement Constituted by Exchange of Notes Between the Government of the People's Republic of China and the Government of the Republic of Italy Regarding the Maintenance of the Italian Consulate General in the Hong Kong Special Administrative Region (Note of Reply of the Ministry of Foreign Affairs of the People's Republic of China)  
*(Chinese version only)*
- LC Paper No. CB(2)1627/08-09(13) -- Agreement on Consular Relations Between the People's Republic of China and New Zealand

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LC Paper No. CB(2)1627/08-09(14) -- Consular Convention  
(*Chinese version only*) Between the People's  
Republic of China and the  
Russian Federation

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

Additional privileges and immunities

3. The Administration briefed the Subcommittee on some examples of the additional privileges and immunities (Ps&Is) accorded to consular posts and personnel of India, Italy and the Russian Federation as set out in the Schedules to -

- (a) the Consular Relations (Additional Privileges and Immunities) (India) Order (L.N. 73 of 2009);
- (b) the Consular Relations (Additional Privileges and Immunities) (Italy) Order (L.N. 76 of 2009); and
- (c) the Consular Relations (Additional Privileges and Immunities) (Russia) Order (L.N. 79 of 2009).

4. The Subcommittee requested the Administration to provide a comparison of Ps&Is under the Vienna Convention on Consular Relations and the additional consular Ps&Is set out in the relevant subsidiary legislation.

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Scrutiny period of the subsidiary legislation

5. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 3 June 2009 to extend the scrutiny period of the subsidiary legislation to 24 June 2009.

**III. Date of next meeting**

6. The next meeting was scheduled for 5 June 2009 at 8:30 am.
7. The meeting ended at 8:57 am.

Council Business Division 2  
Legislative Council Secretariat  
2 June 2009

**Proceedings of the meeting of the  
Subcommittee on  
Subsidiary Legislation Relating to Consular Matters  
on Friday, 22 May 2009, at 8:30 am  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
000000 - 000317	Dr Margaret NG Mr James TO Mr LAU Kong-wah	Election of Chairman	
000318 - 000815	Chairman Admin	<ul style="list-style-type: none"> <li>- General introduction of the nine pieces of subsidiary legislation relating to consular matters gazetted on 30 April 2009 (L.Ns. 73 to 81 of 2009)</li> <li>- Examples of additional privileges and immunities (Ps&amp;Is) accorded to consular personnel of India, Italy and the Russian Federation set out in the Schedules to L.Ns. 73, 76 and 79</li> </ul>	
000816 - 001202	Dr Margaret NG Admin Chairman	The Administration was requested to provide a comparison of Ps&Is under the Vienna Convention on Consular Relations (VCCR) and the additional consular Ps&Is set out in the relevant subsidiary legislation.	<b>Adm to provide a written response</b>
001203 - 002544	Chairman Admin Dr Margaret NG	<ul style="list-style-type: none"> <li>- Schedule to L.N. 73 relating to Articles 28 and 29 of the 1991 Consular Convention between the People's Republic of China and the Republic of India (the Convention)</li> <li>- Comparison between Article 31(4) of VCCR and Article 28(2) of the Convention</li> <li>- Role of the Administration Wing of the Chief Secretary for Administration's Office in the implementation of local legislation to underpin the bilateral agreements applicable to HKSAR</li> <li>- The need for the Administration to highlight the additional Ps&amp;Is to facilitate the scrutiny of the subsidiary legislation</li> </ul>	
002545 - 002652	Chairman Admin Dr Margaret NG	Meeting arrangements	