

List of outstanding items for discussion
(as at 28 April 2009)

**Proposed timing
for discussion at
Panel meeting**

1. Briefing on the work of the Hong Kong Monetary Authority (HKMA)

The Chief Executive of HKMA briefs the Panel on the work of HKMA on a regular basis. Such briefings are normally held in February, May and November each year.

18 May 2009

2. Impact of banks' branch closure and fee-charging on the public

June 2009

The subject was discussed at the Panel meetings on 3 July 2006, 2 April 2007 and 5 May 2008.

At the Panel meeting held on 5 May 2008, members remained concerned about the provision of basic banking services to the elderly and the underprivileged. In addition to requesting further information on the utilization and accessibility of non-bank channels, the Panel passed a motion urging the Administration to establish a working group for recommending improvement initiatives to cater for the needs of the underprivileged groups for banking services, and report to the Panel in six months' time.

According to the Administration's response on 2 June 2008, it was considering an appropriate mechanism to effectively gauge the views and suggestions from different user groups of banking services. Relevant parties and organizations would be consulted and engaged in the process. The Administration would report to the Panel in due course.

Besides, on 17 December 2008, Mr KAM Nai-wai wrote to the Panel Chairman to express concern about charges and business practices related to banks credit card service. In this connection, Ms Emily LAU expressed concern about the drastic increases in fees and charges of banking services at the Panel meeting held on 5 January 2009. The information provided by the Administration/ HKMA in response to their concerns were issued to members vide LC Paper Nos. CB(1)511/08-09(02) and CB(1)688/08-09(01) on 2 January and 29 January 2009 respectively.

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3. Rewrite of the Companies Ordinance

The Administration proposes to brief the Panel on the Companies (Amendment) Bill 2009 and the latest progress of the rewrite of the Companies Ordinance. The Administration aimed to present the Bill to LegCo in the third quarter of 2010.

June 2009

4. Briefing by the Financial Secretary (FS) on Hong Kong's latest overall economic situation

The Panel has invited FS to brief the Panel and all other LegCo Members on macro economic issues on a regular basis since mid-1999. Such briefings are normally held in June and December each year. As proposed by the FS's office, members agreed at the Panel meeting held on 5 January 2009 that the next regular briefing be held in July 2009.

July 2009

5. Review of the Trustee Ordinance

The Administration proposes to brief the Panel on the latest progress of the review of the Trustee Ordinance for the purpose of facilitating the development of the financial services market. The Administration has advised that the consultation document on the review is scheduled to be issued in June 2009.

July 2009

6. Review of the Mandatory Provident Fund (MPF) Schemes Compensation Fund

During the scrutiny of the Mandatory Provident Fund Schemes (Amendment) (No.2) Bill 2007, some members of the Bills Committee raised concern about the mandatory contributions owed to employees if the employer companies became insolvent. A member suggested that to better protect the interest of employees, consideration might be given to extending the scope of the MPF Schemes Compensation Fund to cover default MPF contributions owed by insolvent employer companies. As the suggestion will not be pursued in the context of the Bill, members of the Bills Committee agreed to refer this to the Panel for follow-up.

July 2009

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7. Policy response to the review of HKMA's work on banking stability

HKMA will brief the Panel on the policy response to the review report. July 2009

8. Review of the "abscondee" regime under the Bankruptcy Ordinance (Cap.6) (BO)

In the course of deliberation, members of the Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2007 were advised by the Administration of its plan to review the "abscondee" regime (i.e. bankrupts who left Hong Kong and could not be contacted) under BO. The Administration further advised that taking into account the policy content involved in the review, and the fact that more time would be needed to study the issue and conduct necessary research into relevant developments in other common law jurisdictions and consultations, it was not appropriate or possible to include legislative amendment proposals with respect to the "abscondee" regime as a whole in the Bill. Any proposed legislative amendments to the "abscondee" regime should be taken forward in a separate exercise. To be followed up in 2009

Members of the Bills Committee were concerned about the timeframe for introducing the proposed legislative amendments to the "abscondee" regime and whether public consultation would be conducted. The Bills Committee agreed that the issues should be referred to the Panel for follow-up. The Administration subsequently advised that it was in the process of conducting a research on the "abscondee" regime. Depending on the results of the research in 2009, it will then be in a better position to assess the scope of necessary amendments to BO and the likely timing to pursue such amendments.

9. Scheme for outsourcing summary bankruptcy cases

The purpose of the Bankruptcy (Amendment) Bill 2004 is to empower the Official Receiver to outsource debtor-petition summary bankruptcy cases to private-sector insolvency practitioners. The Bills Committee on Bankruptcy (Amendment) Bill 2004 requested the Administration to review the outsourcing scheme after implementation of the scheme. The Secretary for Financial Services and the Treasury undertook in his speech during the resumption of To be followed up in the 2009-2010 session

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the Second Reading debate on the Bill at the Council meeting on 6 July 2005 that the Administration would review the outsourcing scheme 24 months after implementation of the scheme and report the outcome of the review to the LegCo. The relevant subsidiary legislation was approved in June 2007. The commencement notice was tabled at the LegCo meeting on 17 October 2007 for the Bankruptcy (Amendment) Ordinance 2005 to take effect on 10 December 2007. The Administration was invited to report the outcome of the review on the outsourcing scheme to the Panel in due course.

A pilot scheme for outsourcing 15% of the cases was implemented in May 2008. As the Administration has previously committed to review the outsourcing scheme 24 months after implementation, it will revert to the Panel in the next legislative session.

10. Briefing on the draft Companies (Amendment) Bill 2006

The Companies (Amendment) Bill 2006 aims to enable the introduction of a scripless securities market allowing securities to be issued and transferred electronically.

To be confirmed

As advised by the Administration, the Securities and Futures Commission (SFC) and the Hong Kong Exchanges and Clearing Limited are considering the best way forward regarding the implementation of a scripless securities market.

11. Issues related to the privatization of PCCW

Mrs Regina IP had written in on 9 April 2009 expressing concern about the issue of "share-splitting" and the protection of investors' interest during the privatization of listed companies under the existing legislation.

To be confirmed

At the instruction of the Panel Chairman, the Administration/SFC had been requested to provide information in relation to Mrs IP's concern.