

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 1292/03-04  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/10/02/2

**Bills Committee on Deposit Protection Scheme Bill**

**Fourteenth meeting on**  
**Friday, 5 March 2004, at 8:30 am**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Hon Albert HO Chun-yan (Chairman)  
Hon Fred LI Wah-ming, JP  
Hon Margaret NG  
Hon Bernard CHAN, JP  
Hon SIN Chung-kai  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Dr Hon Eric LI Ka-cheung, GBS, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon NG Leung-sing, JP  
Hon CHAN Kam-lam, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Abraham SHEK Lai-him, JP
- Public officers attending** : Hong Kong Monetary Authority  
  
Mr Raymond LI  
Executive Director (Banking Development)  
  
Mr Raymond CHAN  
Acting Division Head (Banking Development)  
  
Financial Services and the Treasury Bureau  
  
Mr Edmond LAU  
Principal Assistant Secretary (Financial Services)  
  
Mrs Millie NG  
Assistant Secretary (Financial Services)

Department of Justice

Mr Lawrence PENG  
Senior Assistant Law Draftsman

Ms Grace LEUNG  
Government Counsel

**Clerk in attendance** : Miss Becky YU  
Chief Council Secretary (1)1

**Staff in attendance** : Mr KAU Kin-wah  
Assistant Legal Adviser 6

Mrs Mary TANG  
Senior Council Secretary (1)2

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**I. Confirmation of minutes**

- (LC Paper No. CB(1) 1169/03-04 -- Minutes of the meeting held on  
10 February 2004  
LC Paper No. CB(1) 1189/03-04 -- Minutes of the meeting held on  
18 February 2004)

The minutes of the meetings held on 10 and 18 February 2004 were confirmed.

**II. Meeting with the Administration**

- (LC Paper No. CB(1) 1005/03-04(03) -- Second batch of draft Committee  
Stage amendments proposed by the  
Administration  
LC Paper No. CB(1) 1190/03-04(01) -- List of follow-up actions arising  
from previous meetings (as at  
3 March 2004)  
LC Paper No. CB(1) 1190/03-04(02) -- Administration's paper on  
"Flowchart Showing the Sequence  
of Events after the Occurrence of a  
Specified Event")

2. The Committee deliberated (Index of proceedings attached at **Annex A**).

3. The Administration was requested to provide further Committee Stage amendments (CSAs) as agreed at the meeting together with a revised flowchart showing the sequence of events after the occurrence of a specified event under different scenarios. Upon receipt of the CSAs, members would decide on the need for a further meeting.
4. The meeting ended at 10:10 am.

Council Business Division 1  
Legislative Council Secretariat  
15 March 2004

**Proceedings of the meeting of the  
Bills Committee on Deposit Protection Scheme Bill  
Meeting on Friday, 5 March 2004, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000544	Chairman Administration	Confirmation of minutes of meetings held on 10 and 18 February 2004 (LC Paper Nos. CB(1) 1169 and 1189/03-04 respectively)	
000545 - 001120	Chairman Administration	Examination of the second batch of Committee Stage amendments (CSAs) proposed by the Administration (LC Paper No. CB(1) 1005/03-04(03)) starting from Clause 23	
001121 - 001236	Chairman Administration Miss Margaret NG	Clause 36 - Subrogation Law Society of Hong Kong's had been made aware of the provisions relating to subrogation	
001237 - 001454	Chairman Ms Audrey EU Administration	Clause 38 - Establishment of Deposit Protection Tribunal (the Tribunal)	The Administration to introduce CSAs to -  (a) refine the drafting of clause 38(1A) on the functions of the Tribunal; and  (b) to allow for the appointment of more than one Tribunal in special circumstances
001455 - 001750	Chairman Administration	Clause 39 Review of decisions or assessments by Tribunal	The Administration to introduce CSAs to -  (a) replace the words "refer" and "reference" with "apply" and "application" respectively; and

Time marker	Speaker	Subject(s)	Action Required
			(b) amend the wordings of clause 39(8) such that the Tribunal could confirm, vary, set aside or remit the matter
001751 - 003541	Chairman Administration Miss Margaret NG ALA6	Clause 44 - Confidentiality  (a) discussion on whether “records in control/possession” should be added to clause 44(1)(a); and  (b) rationale for using the word “matter” in clause 44(1) and the word “information” in clause 44(3)	
003542 - 003643	Chairman Administration Miss Margaret NG ALA6	Clause 50 - Power of Chief Justice Clause 51 - Power of Monetary Authority to make rules	The Administration to introduce CSAs to replace the word “reference” under clauses 50(a) and 51(2)(h) with “application”
003644 - 004540	Chairman Administration Miss Margaret NG	Schedule 1 to 4	The Administration to introduce CSAs to section 3(6) of Schedule 4 regarding the ratio of contribution
004541 - 005332	Chairman Administration Miss Margaret NG	Re-triggering mechanism (LC Paper No. CB(1) 1190/03-04(02))	
005333 - 010631	Chairman Administration Miss Margaret NG ALA6	Section 5 of Schedule 3 regarding “Sitting”  Concern about the propriety of including provisions regarding sitting, which were not entirely procedural, in a schedule rather than the principal legislation	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
010632 - 011212	Chairman Administration Miss Margaret NG	Flowchart showing the sequence of events after the occurrence of a specified of event under different scenarios (LC Paper No. CB(1) 1190/03-04(02))	The Administration to provide a revised flowchart showing the sequence of events after the occurrence of a specified of event under different scenarios
011213 - 011341	Chairman Administration Miss Margaret NG	Deeming provisions under clause 22A	
011342 - 011530	Chairman Administration	Third batch of CSAs to be introduced by the Administration	
011531 - 011831	Chairman Administration	Legislative timetable	

Council Business Division 1  
Legislative Council Secretariat  
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