

**立法會**  
**Legislative Council**

LC Paper No. CB(1)1909/04-05  
(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 third meeting**  
**held on Tuesday, 14 June 2005, at 2:30 pm**  
**in the Conference Room B of the Legislative Council Building**

- Members present** : Hon CHAN Kam-lam, JP (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J.,JP  
Dr Hon David LI Kwok-po, GBS, JP  
Hon SIN Chung-kai, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Ting-kwong, BBS  
Hon Albert Jinghan CHENG
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Abraham SHEK Lai-him, JP
- Public officers** : Mr Martin GLASS, JP  
**Attending** Deputy Secretary for Financial Services and the  
Treasury (Treasury)2
- Miss Erica NG  
Principal Assistant Secretary for Financial Services  
and the Treasury (Treasury) (Revenue)
- Mr Edward MAK  
Assistant Secretary for Financial Services and the  
Treasury (Treasury)(Revenue)1

Miss Amy CHOW  
Acting Assistant Commissioner (Administration and  
Licensing)  
Transport Department

Miss Phyllis KO  
Senior Assistant Law Draftsman  
Department of Justice

**Attendance by Invitation** : Traffic and Transport Committee of Tuen Mun District Council

Mr SO Shiu-shing  
Chairman

Right Hand Drive Motor Association (HK) Ltd

Mr Paul LAW Siu-hung  
Founder Chairman

**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 Confirmation of minutes and matters arising**

(LC Paper No. CB(1)1761/04-05 -- Minutes of meeting held on  
24 May 2005)

The minutes of the meeting held on 24 May 2005 were confirmed.

**II Meeting with the Administration and deputations**

Submission from attending party

(LC Paper No. CB(1)1772/04-05(01) -- Right Hand Drive Motor  
Association (HK) Ltd  
(Chinese version only))

Submissions from parties not attending the meeting

- (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))

Meeting with the Administration

- LC Paper No. CB(1)1786/04-05(01) -- The Administration's responses to submissions received (*tabled and subsequently issued on 15 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)1693/04-05(01) -- Letter dated 27 May 2005 from Hon CHAN Kam-lam (Chinese version only)
- 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

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

Other relevant papers

- |                                  |   |
|----------------------------------|---|
| 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)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   |
| LC Paper No. CB(1)1596/04-05     | -- Background brief on Revenue (Personalized Vehicle Registration Marks) Bill 2005                        |

2. 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 24 May 2005 (CB(1)1760/04-05(03))

3. To facilitate members' consideration, the Administration was requested:
- (a) to provide further information on the maximum number of letters/numerals/blank spaces allowed for personalized vehicle registration marks (PVRMs) adopted by overseas jurisdictions with schemes similar to the PVRM Scheme, including the top ten economies in terms of Gross Domestic Product, and those jurisdictions which had adopted a PVRM combination of less than eight letters/numerals/blank spaces;

- (b) to report on the implementation arrangements for using the net proceeds from the sales of PVRMs for poverty-alleviation initiatives;
- (c) to provide further information on whether it was permissible for a letter and a numeral to be placed next to each other in a vehicle registration mark in overseas jurisdictions with schemes similar to the PVRM Scheme; and
- (d) to advise whether company names registered in accordance with the Companies Ordinance (Cap 32) were also subject to being recalled after approval for registration had been given.

4. Regarding some members' suggestion to also use the net proceeds from the current sales of special vehicle registration marks for poverty alleviation initiatives, the Chairman said that as this might fall outside the scope of the Bill, members might wish to reflect the request to the Administration in a separate context. Members also noted the Administration's response that the suggestion would have implications on the existing resources of the revenue for the Lotteries Fund.

The Administration's reply to the Assistant Legal Adviser (ALA) 3's letter of 25 May 2005 (CB(1)1760/04-05(06))

5. Regarding its intention not to propose any further compensation to the holder of a cancelled PVRM, the Administration was requested to clarify whether the holder of a cancelled PVRM might claim damages against the Government if the holder suffered loss or damage as a result of such cancellation by the Commissioner for Transport (C for T); and to advise whether the principle established in European jurisprudence that revocation of a licence in accordance with provisions of the law subject to which the licence was issued did not amount to a deprivation of property was equally applicable to cancellation of an allocated PVRM under the Bill which was not due to the fault or default of the PVRM holder.

Clause-by-clause examination of the Bill

*Clause 9*

6. The Administration would clarify whether it was necessary that registration marks should be reserved for vehicles owned by the Hong Kong Garrison of the People's Liberation Army.

*Clause 10 – Regulation 12A*

7. Some members considered that in drafting legislative provisions, the Administration should avoid expressions such as "The Commissioner shall, in such manner as he thinks fit ..." which seemed to confer arbitrary discretionary powers on the government officials concerned. The Administration noted members' view, but explained that it would be desirable to provide the flexibility so that the C for T might adopt the most appropriate means to give notice of the

result of balloting to the applicants.

*Clause 10 – Regulation 12C*

8. Members noted that the application for the allocation of a proposed PVRM which had, in its arrangement of the letters and numerals, more than four identical letters or numerals placed together side by side, would not be processed. They sought the reason for this requirement. In response, the Administration advised that it had considered that combinations of more than four identical letters or numerals placed side by side would cause confusion and affect law enforcement. In this connection, members agreed to invite representative(s) from the Hong Kong Police Force to attend the next meeting of the Bills Committee to answer questions relating to enforcement issues.

Clerk/  
Admin

Date of next meeting

9. Members noted that the next meeting of the Bills Committee would be held on 28 June 2005 at 8:30 am.

**III Any other business**

10. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 1  
Legislative Council Secretariat  
27 June 2005

**Proceedings of the third meeting of the  
Bills Committee on  
Revenue (Personalized Vehicle Registration Marks) Bill 2005  
on Tuesday, 14 June 2005, at 2:30 pm  
in the Conference Room B of the Legislative Council Building**

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 – 000219	Chairman	(a) Welcoming remarks. (b) Confirmation of minutes of meeting on 24 May 2005.	
000220 – 000732	Traffic and Transport Committee of Tuen Mun District Council  Right Hand Drive Motor Association (HK) Ltd (RHDMA)	Presentation of views.	
000733 - 01144	Chairman Mr Albert CHENG RHDMA	(a) Mr Albert CHENG's view that the proceeds from the auction of personalized vehicle registration marks (PVRMs) should be credited to the Lotteries Fund. He welcomed the Administration's recent announcement to use the net proceeds from the sales of PVRMs for poverty-alleviation initiatives. (b) The implementation of the PVRMs Scheme and law enforcement.	
001145 – 001550	Administration Chairman	(a) The Administration introduced its responses (CB(1)1786/04-05(01)) to deputations' submissions. (b) It would report to the Bills Committee on the implementation arrangements for using the net proceeds from the sales of PVRMs for poverty-alleviation initiatives.	The Administration to provide the information as per paragraph 3(b) of the minutes.
001551 – 002000	Chairman Administration	The Administration introduced its responses (CB(1)1760/04-05(03)) to issues raised by members at the meeting on 24 May 2005.	
002001 – 002113	Mr WONG Ting-kwong Administration Chairman	The Administration's clarification that if the Administrative Appeals Board maintained the decision of the Commissioner for Transport to recall the allocation of a PVRM, the PVRM holder	

Time Marker	Speaker	Subject(s)	Action Required
		<p>would be refunded the auction price paid for that PVRM and a new ordinary vehicle registration mark would be assigned to his vehicle. He could also apply for another PVRM in accordance with the normal procedures.</p>	
002114 – 003935	<p>Mr Albert CHENG Chairman Administration Ir Dr Raymond HO</p>	<p>(a) The Administration’s advice that a combination of eight letters/numerals/blank spaces was the maximum permissible combination for a PVRM for law enforcement.</p> <p>(b) The Administration’s information that there were at least 12 jurisdictions in Australia, the United States and Canada which allowed a combination of eight or more letters/numerals/blank spaces for PVRMs. A letter and a numeral were also permitted to be placed together side by side in the PVRMs.</p> <p>(c) Mr Albert CHENG’s view that the PVRM combinations should be restricted to no more than six letters/numerals/blank spaces to tally with the existing arrangement for vehicle registration marks. He understood that many states/provinces in Australia, the United States and Canada limited the PVRM combination to no more than six letters/numerals/blank spaces.</p> <p>(d) The impact of the implementation of the PVRMs Scheme on the auction prices of special vehicle registration marks (SVRMs).</p> <p>(e) Mr Albert CHENG’s suggestion to also use the net proceeds from the current sales of SVRMs for poverty-alleviation initiatives.</p>	<p>The Administration to provide information/consider as per paragraph 3(a) and (c) of the minutes.</p>
003936 – 004559	<p>Administration Chairman</p>	<p>The Administration introduced its reply (CB(1)1760/04-05(04)) to Hon CHAN Kam-lam’s letter of 27 May 2005.</p>	
004560 – 00	<p>Hon Albert CHENG Administration Chairman</p>	<p>Time limit on recall of a PVRM and whether company names registered in accordance with the Companies</p>	<p>The Administration to provide information as per</p>



Time Marker	Speaker	Subject(s)	Action Required
		Ordinance (Cap 32) were also subject to being recalled after approval for registration.	paragraph 3(d) of the minutes.
003827 – 010014	Chairman Administration	The Administration introduced its reply (CB(1)1760/04-05(06)) to the Assistant Legal Adviser (ALA) 3's letter of 25 May 2005.	
010015 – 010212	Chairman ALA3 Administration	<p>(a) Whether the holder of a cancelled PVRM might claim damages against the Government if the holder suffered loss or damage as a result of such cancellation by the Commissioner for Transport.</p> <p>(b) The Administration's remark that in general, the revocation of a licence in accordance with provisions of the law subject to which the licence had been issued would not amount to a deprivation of property.</p> <p>(c) Whether the principle in (b) would still apply in cases where a licence was cancelled not because of the fault or default on the part of the licence holder.</p>	The Administration to provide information as per paragraph 5 of the minutes.
010213 – 010740	Chairman Mr Albert CHENG Administration	The Administration's advice that a PVRM sold by auction to a person would only be transferable thereafter together with the vehicle to which it was assigned.	
010741 – 012234	Chairman Administration Mr Albert CHENG Mr SIN Chung-kai	<p><u>Clause-by-clause examination</u></p> <p><u>Clauses 1, 2, 3 and 5</u></p> <p>(a) Members raised no query.</p> <p><u>Clause 4</u></p> <p>(b) Interpretation and size of blank space.</p> <p>(c) The Administration's explanation that the letters "I" and "O" would not be allowed for PVRM combinations due to their resemblance to the numerals "1" and "0" which would likely cause enforcement problems.</p>	
012235 – 012559	Administration Chairman Mr Albert CHENG	<p><u>Clauses 6, 7 and 8</u></p> <p>Members raised no query.</p>	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
012600 – 013248	Administration Chairman Mr Albert CHENG Mr WONG Ting-kwong	<u>Clause 9</u>  Whether it was necessary to also reserve registration marks for assignment to vehicles owned by the Hong Kong Garrison of the People’s Liberation Army.	The Administration to clarify as per paragraph 6 of the minutes.
013249 – 013934	Administration Mr SIN Chung-kai Chairman Mr Albert CHENG	<u>Clause 10 – Regulation 12A</u>  (a) The Administration’s operational plan to implement the PVRMs Scheme. (b) Members’ suggestion that expressions such as "The Commissioner shall, in such manner as he thinks fit..." allowing arbitrary discretion of the officials concerned should best be avoided.	The Administration to note as per paragraph 7 of the minutes.
013935 – 014119	Chairman Administration	<u>Clause 10 – Regulation 12B</u>  The Administration’s explanation that the provision stipulating that no person should make more than one application for the allocation of PVRMs was to ensure fairness, in particular when the number of applications exceeded the pre-set limit and a ballot was required.	
014120 – 015335	Administration Chairman Mr SIN Chung-kai Mr Albert CHENG	<u>Clause 10 – Regulation 12C</u>  (a) Members’ query why the application for the allocation of a proposed PVRM which had, in its arrangement of the letters and numerals, more than four identical letters or numerals placed together side by side, would not be processed. (b) The Administration’s consideration that PVRM combination of more than four identical letters or numerals placed together side by side would cause confusion and affect law enforcement. (c) Arrangement of auctions for PVRMs and the number of applications.	The Administration to follow up as per paragraph 8 of the minutes.
015336 – 015814	Administration Mr SIN Chung-kai Hon Albert CHENG	<u>Clause 10 – Regulations 12D – 12G</u>  Members raised no query.	

<b>Time Marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
	Chairman		
015815 – 015838	Chairman Administration	Date of next meeting.	

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Legislative Council Secretariat  
27 June 2005