

立法會
Legislative Council

Ref : CB2/SS/3/04

LC Paper No. CB(2)2199/04-05
(These minutes have been seen by
the Administration)

Subcommittee on Subsidiary Legislation Relating to Consular Matters

**Minutes of the first meeting
held on Thursday, 12 May 2005 at 2:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon James TO Kun-sun
Hon LI Kwok-ying, MH
- Public Officers attending** : Miss Eliza LEE
Deputy Director of Administration
- Ms Lena CHI
Deputy Law Officer (International Law)
- Mr David LEUNG
Assistant Director of Administration
- Mr Davis HUI
Deputy Director of Protocol
- Mr Lawrence PENG
Senior Assistant Law Draftsman
- Ms Francoise LAM
Senior Government Counsel
- Clerk in attendance** : Mrs Percy MA
Chief Council Secretary (2)3
- Staff in attendance** : Miss Kitty CHENG
Assistant Legal Adviser 5

Mr Paul WOO
Senior Council Secretary (2)3

I. Election of Chairman

Ms Margaret NG was elected Chairman of the Subcommittee.

II. Meeting with the Administration

(CSO/ADM CR/3/2071/97(05) – Legislative Council Brief

LS56/04-05 – Legal Service Division Report

LC Paper No. CB(2)1496/04-05(02) – Background Brief prepared by the Legislative Council Secretariat

LC Paper No. CB(2)1496/04-05(03) – Marked-up copies for L.Ns. 53 and 54

LC Paper No. CB(2)1497/04-05(01) – Vienna Convention on Consular Relations

LC Paper No. CB(2)1497/04-05(02) – Vienna Convention on Diplomatic Relations

LC Paper No. CB(2)1497/04-05(03) – Consular Relations Ordinance

LC Paper No. CB(2)1497/04-05(04) – Agreement on Consular Relations Between the People's Republic of China and Australia

LC Paper No. CB(2)1497/04-05(05) – Agreement Constituted by Exchange of Notes Between the Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning the Establishment of a British Consulate-General in the Hong Kong Special Administrative Region of the People's Republic of China

LC Paper No. CB(2)1497/04-05(06) – Agreement Between the Government of the People's Republic of China And the Government of the United States of America Regarding the Maintenance of the United States Consulate General in the Hong Kong Special Administrative Region

LC Paper No. CB(2)1497/04-05(07) – Consular Convention Between the Socialist Republic of Vietnam And the People's Republic of China)

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

Clause by clause examination of the subsidiary legislation

3. The Subcommittee completed clause by clause examination of –
 - (a) the Consular Relations (Additional Privileges and Immunities) (United Kingdom) Order (L. N. 51 of 2005); and
 - (b) the Consular Relations (Additional Privileges and Immunities) (United States of America) Order (L.N. 52 of 2005).

4. The Subcommittee requested the Administration to provide written response to the following issues raised by members at the meeting –
 - (a) comparison of the privileges and immunities under the Vienna Convention on Consular Relations with the additional consular privileges and immunities set out in the relevant subsidiary legislation;
 - (b) the meaning of “residences of consular officers” and action to be taken if a consular officer’s residence was different from the residence on the official record;
 - (c) the number of members of the consular posts of the United Kingdom, the United States of America, Australia and Vietnam in Hong Kong; and
 - (d) the purpose of signifying “Council Chamber” of the Executive Council at the end of the subsidiary legislation made under the Consular Relations Ordinance (Cap. 557).

(Post-meeting note : The Administration’s response was issued to the Subcommittee on 27 May 2005 vide LC Paper No. CB(2)1697/04-05(01)).

Scrutiny period of the subsidiary legislation

5. The Subcommittee agreed that the Chairman should move a motion at the Council meeting on 25 May 2005 to extend the scrutiny period of the subsidiary legislation to the Council meeting on 15 June 2005.

III. Date of next meeting

6. The date of the next meeting was scheduled for 31 May 2005 at 8:30 am.
7. The meeting ended at 4:30 pm.

**Proceedings of the first meeting of the Subcommittee on
Subsidiary Legislation Relating to Consular Matters
on Thursday, 12 May 2005 at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
000000 – 000037	Ms Margaret NG Mr James TO Mr LI Kwok-ying	Election of Chairman	
000038 – 000225	Clerk Chairman	Legislative timetable	
000226 – 001122	Admin Chairman Mr James TO	General introduction on the seven pieces of subsidiary legislation relating to consular matters (L.Ns. 51 to 57 of 2005). Additional privileges and immunities accorded to the consular posts of the United Kingdom of Great Britain and Northern Ireland in Hong Kong set out in the Schedules to L. N. 51.	
001123 – 002209	Mr James TO Admin Chairman Mr LI Kwok-ying	Additional consular privileges and immunities set out in Schedule 2 to L.N. 51.	Admin to provide written response (paragraphs 4(a) and (b) of the minutes refer).
002210 – 002626	Chairman Admin	Clause by clause examination of the subsidiary legislation. Clauses 1 to 3 of Consular Relations (Additional Privileges and Immunities) (United Kingdom) Order (L.N. 51).	
002627 – 002947	Chairman Admin Mr James TO	Schedule 1 to L.N. 51 relating to provision of the 1996 Agreement on exemption from dues and taxes accorded to consular premises and residences of consular officers.	
002948 – 004517	Chairman Admin Mr James TO	Schedule 2 to L.N. 51 relating to Article 3 of the 1984 Agreement on inviolability of consular premises and residences of consular officers.	
004518 – 012437	Chairman Admin Mr LI Kwok-ying Mr James TO	Schedule 2 to L.N. 51 relating to Article 7 of the 1984 Agreement on additional privileges and immunities of members of the consular post and members of their families.	Admin to provide written response (paragraphs 4(c) and (d) of the minutes refer).

Time Marker	Speaker	Subject(s)	Action required
012438 – 012555	Chairman Admin	Clauses 1 to 3 of Consular Relations (Additional Privileges and Immunities) (United States of America) Order (L.N.52).	
012556 – 013511	Chairman Admin Mr James TO	Schedule to L.N. 52 relating to additional consular privileges and immunities provided in the 1997 Agreement.	
013512 – 014837	Chairman Admin Mr James TO Mr LI Kwok-ying	Clauses 1 to 2 of Administration of Estates by Consular Officers Ordinance (Amendment of Schedule) Order 2005 (L.N.53).	
014838 – 015331	Chairman Mr James TO Mr LI Kwok-ying	Extension of scrutiny period of the subsidiary legislation. Date of next meeting.	

Council Business Division 2
Legislative Council Secretariat
6 July 2005