

立法會
Legislative Council

LC Paper No. CB(2)342/10-11
(These minutes have been
seen by the Administration)

Ref : CB2/BC/9/08

Bills Committee on Arbitration Bill

Minutes of the 15th meeting
held on Monday, 20 September 2010, at 10:45 am
in Conference Room A of the Legislative Council Building

Members present : Dr Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Paul TSE Wai-chun

Members absent : Hon Abraham SHEK Lai-him, SBS, JP
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun

Public Officers attending : Item I

Mr Frank POON
Solicitor General (Acting)

Ms Phyllis KO
Senior Assistant Law Draftsman

Mr LEE Tin-yan
Senior Government Counsel

Mr Christopher NG
Senior Government Counsel

Mr Peter SZE
Government Counsel

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 4

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Yvonne YU
Senior Council Secretary (2) 5

Miss Maggie CHIU
Legislative Assistant (2) 4

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I. Meeting with the Administration

[The Bill, LC Paper Nos. CB(2)2086/09-10(01) and CB(2)2262/09-10(01)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Administration took members through the Administration's responses to various issues raised at the last meeting arising from the draft Committee Stage amendments ("CSAs") to the Arbitration Bill as well as the revised draft CSAs [LC Paper No. CB(2)2086/09-10(01)]. Members were advised that the Administration would also propose to make a few additional technical amendments to the Bill as set out in its paper.

3. With reference to the proposed amendments to the Chinese version of clause 60(5) of the Bill, the Chairman said that while she raised no objection to the policy intent and the English drafting, she cast doubt as to whether the revised draft CSAs could reflect and define clearly the respective roles of the

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Court and the arbitral tribunal in relation to the orders concerned. After discussion, the Administration agreed to take into account members' views and further consider refining the Chinese version of clause 60(5). The Chairman added that the Secretary for Justice might wish to explain the policy intent of clause 60(5) in his speech to be delivered during the resumption of Second Reading debate on the Bill.

4. Members raised no question on other revised draft CSAs as well as the additional amendments proposed to the Bill.

5. The Chairman said that the Bills Committee had completed the scrutiny of the Bill and supported the resumption of the Second Reading debate on the Bill. Pending the Administration's response to members' suggested ways to further improve the Chinese version of clause 60(5) of the Bill, the Bills Committee would report its deliberations to the House Committee. Members agreed that the Administration's response would be circulated for consideration. Members also agreed that the Administration should highlight in its response the additional amendments proposed to the Bill, if any.

6. The Administration advised that it intended to resume the Second Reading debate on the Bill at the Council meeting on 3 November 2010. The Chairman advised that should members have no further comments on the Administration's response, the Bills Committee would submit its report to the House Committee on 22 October 2010. The Chairman added that the deadline for giving notice of CSAs would be 25 October 2010.

(Post-meeting note: Subsequent to the meeting, the Administration indicated that the proposed resumption date would be 10 November 2010.)

II. Any other business

7. There being no other business, the meeting ended at 11:27 am.

**Proceedings of the 15th meeting of the
Bills Committee on Arbitration Bill
on Monday, 20 September 2010, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000456	Chairman Administration	The Administration's response to various issues raised at the meeting on 1 June 2010 arising from the draft Committee Stage amendments ("CSAs") to the Arbitration Bill [LC Paper No. CB(2)2086/09-10(01)]	
000457 - 000514	Chairman Administration	The Administration's advice that no amendment to the draft CSAs in relation to clause 2(1) of the Bill was necessary	
000515 - 000637	Administration Chairman	The Administration's advice that it decided not to propose further change to the draft CSAs in relation to clause 8(2) of the Bill	
000638 - 000757	Administration Chairman	The Administration's suggestion of further refining the Chinese equivalent to the English expression "peremptory order" in clause 53(3) and (4) of the Bill as "最後敦促令"	
000758 - 002702	Administration Chairman Mr LAU Kong-wah Mr Ronny TONG Mr Albert HO Mr Paul TSE ALA1	The Administration was requested to further refine the drafting of the Chinese version of clause 60(5)	Admin
002703 - 003001	Chairman Administration Mr Paul TSE ALA1	The Administration's proposal to make a technical amendment to clause 13(3) of the Bill after taking into account further representation from the Hong Kong International Arbitration Centre on the clause	
003002 - 003139	Administration Chairman	The Administration's proposal to amend the term "交托" to "交託" in clause 24(1). The Administration also intended to change the term "委託" to "委託" in that clause. Members noted that the Administration would propose further similar amendments to the Bill to achieve consistency	
003140 - 003620	Administration Chairman ALA1	The Administration's proposal to introduce a further amendment to rule 10(1) of the Arbitration (Appointment of Arbitrators and Umpires) Rules (Cap. 341 sub. leg. B) in order to rectify an existing anomaly that was only discovered recently	

Time marker	Speaker(s)	Subject(s)	Action required
003621 - 003741	Administration Chairman	The Administration's proposal to revise the draft CSAs in relation to Schedule 4 to the Bill to include a technical amendment to rectify the citation of the references to rules 6 and 8 in the square brackets in the top right hand corner of the English text of the Schedule to Cap. 341 sub. leg. B	
003742 - 003902	Chairman Administration ALA1	Way forward	
003903 - 004231	Chairman Administration	Legislative timetable	

Council Business Division 2
Legislative Council Secretariat
18 November 2010