

**立法會**  
**Legislative Council**

Ref : CB4/BC/1/14

LC Paper No. CB(4)759/14-15  
(These minutes have been seen  
by the Administration)

**Bills Committee on Arbitration (Amendment) Bill 2015**

**Minutes of the second meeting**  
**held on Thursday, 12 March 2015, at 2:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon Kenneth LEUNG (Chairman)  
Hon James TO Kun-sun  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Dennis KWOK  
Hon Tony TSE Wai-chuen, BBS

**Members absent** : Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Cyd HO Sau-lan, JP

**Public officers attending** : Item I  
Department of Justice  
  
Mr Peter WONG  
Deputy Solicitor General  
  
Mr Byron LEUNG  
Assistant Solicitor General (Ag.)  
  
Mr Bernard YUE  
Senior Government Counsel (Ag.)  
  
Miss Queenie WU  
Government Counsel

**Attendance by invitation** : Item I

Hong Kong Bar Association

Mr SOO Kwok-leung

The Law Society of Hong Kong

Ms MUN Lee-ming  
Member of the Arbitration Committee

Mr WAN Hoi-tick

The Hong Kong Institute of Surveyors

Mr Gilbert KWOK  
Member of the Dispute Resolution Committee

Hong Kong International Arbitration Centre

Mr Daniel LAM  
Council member

**Clerk in attendance** : Miss Mary SO  
Chief Council Secretary (4)2

**Staff in attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1  
  
Cindy CHAN  
Senior Council Secretary (4)2  
  
Miss Vivian YUEN  
Legislative Assistant (4)2

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Action **I. Meeting with deputations and the Administration**

- File Ref.: LP 19/00/3C -- Legislative Council Brief  
(issued by Department of Justice  
on 21 January 2015)
- LC Paper No. CB(3)389/14-15 -- The Amendment Bill  
(issued on 23 January 2015)
- LC Paper No. LS37/14-15 -- Legal Service Division Report  
(issued vide LC Paper No.  
CB(2)799/14-15 on 5 February  
2015)
- LC Paper No. CB(4)609/14-15(01) -- Marked-up of the Amendment  
(attached) Bill prepared by the Legal  
Service Division (Restricted to  
members)
- LC Paper No. CB(4)609/14-15(02) -- Background brief on the  
(attached) Amendment Bill prepared by  
the Legislative Council  
Secretariat

*Meeting with deputations*

Members noted that the following deputations were supportive of the Bill:

- (a) Hong Kong Bar Association;
- (b) The Law Society of Hong Kong;
- (c) The Hong Kong Institute of Surveyors; and
- (d) Hong Kong International Arbitration Centre.

*Discussion*

2. On the justification to update the list of state parties to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) ("New York Convention") by amending the Schedule to the Arbitration (Parties To New York Convention) Order (Cap. 609 sub. leg. A), Deputy Solicitor General ("DSG") explained that it was to comply with the

obligations under the New York Convention to recognize and enforce arbitral awards made in contracting parties so that arbitral awards made in new contracting states to the New York Convention, such as Bhutan, could be enforced by Hong Kong courts and vice versa.

3. Dr Priscilla LEUNG asked whether the territory of "British Virgin Islands", proposed to be added to Cap. 609 sub. leg. A, also appeared in other local legislation. DSG replied in the positive. DSG explained that the reason for adding British Virgin Islands to the entry for the United Kingdom was that the United Kingdom had submitted a notification to extend territorial application of the New York Convention to the British Virgin Islands.

4. Members noted that the Secretary for Justice would move a Committee Stage amendment to add "State of Palestine" to Cap. 609 sub. leg. A, as the State of Palestine acceded to the New York Convention on 2 January 2015 and would become a new contracting party to the Convention on 2 April 2015. DSG said that the Administration had affirmed with the Ministry of Foreign Affairs of the People's Republic of China, being a contracting party to the New York Convention, that the proposed addition of "State of Palestine" to Cap. 609 sub. leg. A was acceptable.

5. On the question as to whether amending Cap. 609 sub. leg. A was the only way to update the list of parties to the New York Convention, DSG replied that, in addition to amending Cap. 609 sub. leg. A by a bill, another way was for the Chief Executive in Council to declare by order in the Gazette that any State or territory was a party to the New York Convention under section 90(1) of the Arbitration Ordinance (Cap. 609).

6. Responding to the Chairman's question as to when the Bill would come into operation, DSG said that as the Bill was introduced to address the concern of some users of arbitration, the Bill, if passed by the Legislative Council, would come into operation upon publication in the Gazette as soon as practicable.

#### *Way forward*

7. The Chairman said that the Bills Committee had completed scrutiny of the Bill. The Bills Committee supported the Administration to resume the Second Reading debate on the Bill. The Administration would decide when the Second Reading debate on the Bill would be resumed in due course.

8. Members agreed that no further meeting would be held.

**II. Any other business**

9. There being no other business, the meeting ended at 3:05 pm.

Council Business Division 4  
Legislative Council Secretariat  
9 April 2015

## Bills Committee on Arbitration (Amendment) Bill 2015

### Proceedings of the second meeting on Thursday, 12 March 2015, at 2:30 pm in Conference Room 3 of the Legislative Council Complex

Time Marker	Speaker(s)	Subject(s)	Action required
000057 – 000314	Chairman	Opening remarks by the Chairman	
000315 – 000325	Chairman Admin	The Chairman's enquiry about the commencement of the Amendment Bill.	
000326 – 000840	Chairman Admin	Briefing by the Administration on the Amendment Bill.	
000841 – 000947	Mr SOO Kwok-leung	Presentation of view by the Hong Kong Bar Association	
000948 – 001024	Ms MUN Lee-ming	Presentation of view by The Law Society of Hong Kong	
001025 – 001050	Mr Gilbert KWOK	Presentation of view by The Hong Kong Institute of Surveyors	
001051 – 001140	Mr Daniel LAM	Presentation of view by the Hong Kong International Arbitration Centre	
001445 – 002330	Chairman Admin	Examination of clauses 1 to 7	
002331 – 002450	Chairman Admin ALA1	Examination of clauses 8 and 9  Members noted that the Secretary for Justice would move a Committee Stage amendment to add "State of Palestine" to Cap. 609 sub. leg. A.	Admin
002451 – 002856	Chairman Admin	The Chairman's enquiry as to whether amending the Schedule to the Arbitration (Parties to New York Convention) Order (Cap. 609 sub. leg. A) was the only way to update the list of parties to the New York Convention.	
002857 – 003545	Chairman Dr Priscilla LEUNG ALA1	Dr Priscilla LEUNG's enquiry as to whether the territory of "British Virgin Islands", proposed to be added to Cap. 609 sub. leg. A, appeared in other local legislation.	
003546 – 003615	Chairman Clerk	Completion of scrutiny of the Amendment Bill	