

立法會  
*Legislative Council*

LC Paper No. CB(2) 907/02-03

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 12th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 10 January 2003**

**Members present :**

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon Kenneth TING Woo-shou, JP  
Hon James TIEN Pei-chun, GBS, JP  
Dr Hon David CHU Yu-lin, JP  
Hon Cyd HO Sau-lan  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon Martin LEE Chu-ming, SC, JP  
Hon Eric LI Ka-cheung, JP  
Dr Hon LUI Ming-wah, JP  
Hon NG Leung-sing, JP  
Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon HUI Cheung-ching, JP  
Hon CHAN Kwok-keung  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai  
Hon Andrew WONG Wang-fat, JP  
Dr Hon Philip WONG Yu-hong  
Hon WONG Yung-kan  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, JP  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS  
Hon LAU Kong-wah  
Hon LAU Wong-fat, GBS, JP

Hon Miriam LAU Kin-ye, JP  
Hon Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon SZETO Wah  
Hon Timothy FOK Tsun-ting, SBS, JP  
Hon LAW Chi-kwong, JP  
Hon TAM Yiu-chung, GBS, JP  
Dr Hon TANG Siu-tong, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, JP  
Hon Henry WU King-cheong, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Hon Albert CHAN Wai-yip  
Hon LEUNG Fu-wah, MH, JP  
Dr Hon LO Wing-lok  
Hon WONG Sing-chi  
Hon Frederick FUNG Kin-kee  
Hon IP Kwok-him, JP  
Hon LAU Ping-cheung  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok, JP

**Members absent :**

Hon LEE Cheuk-yan  
Dr Hon David LI Kwok-po, GBS, JP  
Hon James TO Kun-sun  
Hon LAU Chin-shek, JP

**Clerk in attendance :**

Mrs Justina LAM Clerk to the House Committee

**Staff in attendance :**

Mr Ricky C C FUNG, JP	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mr LAW Kam-sang, JP	Deputy Secretary General
Ms Pauline NG	Assistant Secretary General 1
Mr Ray CHAN	Assistant Secretary General 3

Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Assistant Secretary (Complaints)
Mr Simon WONG	Acting Chief Public Information Officer
Miss Odelia LEUNG	Chief Assistant Secretary (1) Select Committee
Mrs Constance LI	Chief Assistant Secretary (2)5
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Kitty CHENG	Assistant Legal Adviser 5
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Betty MA	Senior Assistant Secretary (2)1

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**I. Confirmation of the minutes of meeting of the 11th meeting held on 3 January 2003**

*(LC Paper No. CB(2) 812/02-03)*

The minutes were confirmed.

**II. Matters arising**

**(a) Report by the Chairman on her meeting with the Chief Secretary for Administration (CS)**

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**Debate on Motion of Thanks - grouping of policy areas for the five debate sessions**

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2. The Chairman informed Members that CS had said that the Administration planned to propose five broad policy programmes for debate, in accordance with the issues raised in the Chief Executive's Policy Address. CS hoped that in this way, the debate could be more focused.

3. The Chairman said that the Administration's proposed grouping had been received on 8 January 2003 and would be discussed under item IV(a) below.

**Progress Report on Policy Objectives (2001)**

4. The Chairman said that she had conveyed to CS that a Member had queried why no press conference on the Progress Report had been held as in the past, and why there was not more publicity to encourage public discussion.

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5. The Chairman further said that CS had clarified that the Administration had no wish to avoid discussion. The aim of the Administration was to tie in the Progress Report with the Chief Executive's Policy Address. The intention was to look ahead into the future, and not to merely review the past. The Chairman added that CS had suggested that the Progress Report could be discussed by Panels. CS hoped that the new policy programmes under the accountability system could be the focus of Members' discussion.

6. The Chairman informed Members that the Deputy Chairman had explained to CS that the subject had been raised not as an accusation that the Administration was trying to avoid discussion, but Members noted the difference of treatment as far as publicity was concerned. In response, CS had confirmed that the Administration would make the same publicity arrangements in respect of the Progress Report in future.

**Attendance by CS at the special meeting of the House Committee meeting on 7 February 2003**

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7. The Chairman asked whether Members had any suggestions for topics for the special meeting on 7 February 2003.

8. Ms Emily LAU suggested that the subject of "Sustainable development in Hong Kong" be discussed, as it was within CS's area of responsibility, and it straddled the policy areas of a number of Panels.

9. Ms Emily LAU asked whether the longer-term arrangements for debating the next Policy Address should also be discussed at the meeting. She said that the Administration had informed the Committee on Rules of Procedure (CRoP) that several options would be considered and the Administration would revert to CRoP in March 2003. Ms LAU suggested that CS should be invited to brief Members on the Administration's preliminary thinking before a decision was taken in March 2003.

10. Mr TSANG Yok-sing advised that at CRoP's last meeting, members had expressed concern about the timetable and scope of the Government's review of the arrangements for future Policy Addresses. The Director of Administration (D of Adm) had informed members that the Administration would conduct a review of the arrangements after the delivery of the Budget, and would present the outcome of its review to CRoP in March 2003. Mr TSANG considered it more appropriate for CRoP to discuss the matter first.

11. Ms Emily LAU said that at a previous meeting of CRoP, a member had expressed the view that the arrangements for the delivery of the Policy Address should only be referred to the House Committee for discussion after the outcome of the review conducted by the Administration was available. Ms LAU further said that CS should discuss with Members the pros and cons of

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the various options under consideration at the special meeting on 7 February 2003, as the Administration might have already made up its mind when it presented the outcome of its review to CRoP in March 2003.

12. Mr IP Kwok-him said that he was the member Ms Emily LAU was referring to, and his view was based on the understanding that the Administration would present its proposals for consultation with CRoP in March 2003, before taking a decision on the arrangements for the next Policy Address.

13. Ms Emily LAU said that if the Administration was prepared to consult CRoP on its proposals in March 2003, she would not pursue her suggestion of discussing the matter with CS on 7 February 2003.

14. Mr IP suggested that the subject of "Cooperation between Guangdong and Hong Kong" be discussed with CS at the special meeting on 7 February 2003.

15. Ir Dr Hon Raymond HO pointed out that the Chief Executive (CE) had said in his Policy Address 2003 that a high-level task force would be set up for improving the business environment. Dr HO asked whether the task force would be within the purview of CS, and whether this subject could also be discussed at the special meeting on 7 February 2003. Ms Emily LAU said that her understanding from CE's Policy Address was that the task force would be within the responsibility of the Financial Secretary (FS).

16. The Chairman said that she would ask CS if the task force was within his area of responsibility. The Chairman added that she would also ask CS whether he had any suggestions for other topics.

(b) **23 items of subsidiary legislation made under the Securities and Futures Ordinance tabled in Council on 18 December 2002**  
(*LC Paper No. LS 32/02-03 issued vide LC Paper No. CB(2) 796/02-03 dated 2 January 2003*)

17. The Chairman said that Members agreed at the last meeting on 3 January 2003 to defer a decision on these 23 items of subsidiary legislation to this meeting, pending the Administration's response to the recommendations of the Legal Service Division on the drafting of the Chinese text.

18. The Legal Adviser informed Members that the Legal Service Division had just received a written response from the Administration indicating that it accepted the comments of the Legal Service Division on certain points and would confirm as soon as possible how to effect amendments to the Chinese text of seven items of subsidiary legislation. The Division would provide a further report to the House Committee.

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19. Mr Henry WU said that the securities and futures industry had studied the English text of these 23 sets of subsidiary legislation, and had not raised any queries.

20. Members agreed that it was not necessary to set up a subcommittee to study any of these 23 items of subsidiary legislation.

21. The Chairman said that as agreed at the last House Committee meeting, she would move a motion at the Council meeting of 15 January 2003 to extend the scrutiny period of these 23 items to 12 February 2003.

### **III. Business arising from previous Council meetings**

#### **Legal Service Division report on subsidiary legislation gazetted on 27 and 28 December 2002**

*(LC Paper No. LS 36/02-03)*

22. The Legal Adviser said that 11 and two items of subsidiary legislation were gazetted on 27 and 28 December 2002 respectively.

23. The Legal Adviser said that the Designation of Libraries Order 2002 and the Designation of Libraries (No. 2) Order 2002 were to vest the management and control of the new Fanling Public Library and the Fu Shan Public Library in the Director of Leisure and Cultural Services. The Legal Adviser further said that the Designation of Libraries (No. 3) Order 2002 was to cancel the previous designation of the Hong Kong Central Library and substitute a new designation for it.

24. Referring to the Public Health and Municipal Services Ordinance (Civic Centres) (Amendment of Thirteenth Schedule) Order 2002, the Legal Adviser said that the Order set aside the premises specified in Schedule 2, i.e. certain premises of the building known as the Hong Kong Central Library and any other part of that building that was not designated as a library, for use as a civic centre.

25. Members did not raise any queries on the above three items of subsidiary legislation.

26. The Legal Adviser said that the Admission and Registration (Amendment) (No. 2) Rules 2002 reflected the requirement that a trainee solicitor should have accumulated the number of accreditation points required under the Continuing Professional Development Rules and attended the Risk Management Education courses during his employment as a trainee solicitor.

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27. The Legal Adviser further said that the Legal Practitioners (Risk Management Education) Rules provided for the implementation of the Risk Management Education Programme and empowered the Law Society of Hong Kong to provide guidelines in this connection. It also provided for related amendments to the Foreign Lawyers Registration Rules to make it a condition of a certificate of registration as a foreign lawyer that he must comply with the requirement of the Rules for the period he remained as an employee of a Hong Kong firm.

28. The Legal Adviser added that the two sets of Rules had been circulated to the Panel on Administration of Justice and Legal Services (AJLS Panel).

29. Miss Margaret NG said that the AJLS Panel had not raised any queries on the two sets of Rules, and it would be for the House Committee to decide whether a subcommittee was necessary. Miss NG added that she personally did not consider a subcommittee necessary as the Rules were not controversial.

30. The Legal Adviser informed Members that the Law Drafting Division of the Department of Justice had agreed to synchronize the Chinese rendition of the English term "organization" in the Legal Practitioners (Risk Management Education) Rules as "機構" instead of "組織" for consistency with other legislation. The Legal Adviser further informed Members that the Administration proposed to include the amendments in a miscellaneous amendments bill in future. The Legal Service Division was discussing with the Administration the most appropriate way to effect such amendments.

31. The Legal Adviser said that subject to Members' views that the amendments should be effected by resolution of the Council under section 34 of the Interpretation and General Clauses Ordinance (Cap.1), the Division would follow up the matter with the Administration accordingly. Members agreed that the Administration should be requested to effect the amendments by resolution of the Council before expiry of the scrutiny period of the Rules.

32. The Chairman said that to allow time for the Legal Service Division to discuss with the Administration and for the Administration to give notice for the resolution, she would give notice to move a motion at the Council meeting on 22 January 2003 to extend the scrutiny period of the two sets of Rules to 26 February 2003. Members agreed.

33. Regarding the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) (Amendment) Regulation 2002 and the Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee)(Amendment) Regulation 2002, the Legal Adviser said that the Electoral Provisions (Miscellaneous Amendments) Ordinance 2002

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was passed on 18 December 2002, which sought, inter alia, to adjust the cycle for the compilation and publication of electoral registers or register of voters under the Legislative Council Ordinance and the Chief Executive Election Ordinance. The Legal Adviser further said that these two Regulations were subsidiary legislation made by the Electoral Affairs Commission consequential to the new arrangements made by the Amendment Ordinance.

34. The Legal Adviser added that the Bills Committee on the Electoral Provisions (Miscellaneous Amendments) Bill 2002 had noted the Administration's proposal to adjust the cycle for the compilation and publication of the provisional register and final register of electors for geographical constituencies and functional constituencies, and those of voters for Election Committee subsectors. The intention was to reduce the time gap between the publication of electoral registers and the polling day as far as practicable, so as to ensure the data on electors contained therein would be more up-to-date.

35. The Legal Adviser said that the Legal Service Division was still studying the drafting and legal aspects of these subsidiary legislation, and a further report would be provided if necessary.

36. The Chairman said that to allow more time for the Legal Service Division to study these two items of subsidiary legislation, she would also give notice to move a motion at the Council meeting on 22 January 2003 to extend the scrutiny period of these two Regulations to 26 February 2003. Members agreed.

37. The Legal Adviser said that the Import and Export (General) (Amendment) Regulation 2002 (L.N. 179 of 2002)(Commencement) Notice 2002 and the Import and Export (Fees) (Amendment) Regulation 2002 (L.N. 180 of 2002)(Commencement) Notice 2002 specified 2 January 2003 as the day on which the two Amendment Regulations would come into operation.

38. The Legal Adviser explained that the Amendment Regulations were related to the implementation in Hong Kong the Kimberley Process Certification Scheme for rough diamonds, and setting of fees payable for registration as registered rough diamond traders and for issue of a licence for import and export of rough diamonds.

39. The Legal Adviser further said that the Import and Export (General) Regulations (Amendment of Seventh Schedule) Notice 2002 specified 53 countries or places for which the Kimberley Process Certification Scheme was effective, or where the import/export of rough diamonds was permitted by the Kimberley Process. The Notice had come into operation on 2 January 2003.



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40. The Legal Adviser explained that the Karaoke Establishments Ordinance (22 of 2002) (Commencement) Notice 2002 specified 8 January 2003 as the day on which the Karaoke Establishments Ordinance (22 of 2002) would come into operation. The Legal Adviser further explained that the Ordinance established a scheme for the regulatory control of karaoke establishments.

41. As regards the Banking Ordinance (Amendment of Third Schedule) Notice 2002, the Legal Adviser said that the Notice amended some of the provisions for the calculation of the capital adequacy ratio of an authorized institution under the Third Schedule to the Ordinance. The main purpose was to enable the Monetary Authority to approve certain capital instruments (namely perpetual subordinated debt, term subordinated debt, paid-up term preference shares and paid-up irredeemable cumulative preference shares), which permitted increase in the interest rate or dividends, to be included in the Supplementary Capital of an authorized institution.

42. The Legal Adviser added that no difficulties relating to the legal and drafting aspects of these items of subsidiary legislation had been identified.

43. Members did not raise any queries to these five items of subsidiary legislation referred to in paragraphs 37 to 41 above.

44. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 22 January 2003, or 26 February 2003 if extended by resolution.

**IV. Further business for the Council meeting of 15, 16 and 17 January 2003**

**(a) Administration's proposals on the grouping of policy areas for the five debate sessions of the debate on the Motion of Thanks**

*(Director of Administration's letter dated 8 January 2003 on "Proposed Grouping of Policy Areas for the Debate on the Motion of Thanks in respect of the Chief Executive's 2003 Policy Address" issued vide LC Paper No. CB(2) 853/02-03 dated 8 January 2003)*

45. The Chairman invited Members' views on the debate themes for the five debate sessions proposed in D of Adm's letter dated 8 January 2003. The Chairman also referred Members to Dr YEUNG Sum's letter dated 9 January 2003 (tabled at the meeting) proposing that the debate on the Motion of Thanks be deferred to enable policy briefings to be held during the three days set aside for the debate.

46. Ms Miriam LAU said that CE had stated in his Policy Address that the Administration would implement 24-hour passenger clearance at Lok Ma

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Chau/Huanggang and expedite economic integration with the Pearl River Delta. However, according to the five debate themes proposed by the Administration, it was not clear to which debate theme these transport issues belonged. Ms LAU further said that in her view, the policy area of transport should either fall under Session 1 (Vibrant Economy) or Session 4 (Environmentally Responsible Development). She suggested that either the Secretary for the Environment, Transport and Works should also attend Session 1, or it should be clearly stated that Session 4 also covered transport issues.

47. Miss Margaret NG said that she did not like the "slogan-type" debate themes proposed by the Administration. She suggested that the policy areas for each debate session should be clearly listed out, so that Members would know, for example, whether issues relating to the administration of justice system should be debated in Session 5 (Effective Governance) or in other debate sessions.

48. Referring to his letter tabled at the meeting, Dr YEUNG Sum explained that Members belonging to the Democratic Party were of the view that the Policy Address had only focused on the economy and budget deficit, and CE had spoken little on other policy areas. Moreover, the Policy Agenda had provided scanty information on the Government's new initiatives, and no Policy Objective booklets on each policy area had been produced as in the past. Dr YEUNG said that given that the accountability system for principal officials had been in operation for some months, the principal officials should let the Legislative Council (LegCo) and the public know more about their policy objectives and the new initiatives to achieve such objectives. He considered that with the very limited information provided in the Policy Address and Policy Agenda, it would be difficult for Members to have a meaningful debate on this year's Policy Address and to effectively monitor the Government's work in the coming year.

49. Dr YEUNG Sum further said that Members belonging to the Democratic Party proposed that policy briefings should be held by Panels to obtain more information on the new initiatives from the Administration before the debate on the Motion of Thanks. Dr YEUNG added that the debate on the Motion of Thanks should be deferred by one week, and the three days scheduled for the debate, i.e. 15 to 17 January 2003, should be used for holding the policy briefings instead.

50. Mr James TIEN said that Dr YEUNG's proposal of holding policy briefings before the debate on the Policy Address was not without reasons, as CE had stated in paragraph 3 of his Policy Address that the Directors of Bureaux would provide details of the Policy Agenda later. Mr TIEN, however, expressed concern that deferring the debate by one week would upset the work schedules of individual Members as they might have other commitments in the week of 20 January 2003.

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51. Mr TIEN enquired whether it was possible under the Rules of Procedure for the principal officials to first explain their policy objectives and new initiatives before Members spoke in each debate session. Mr James TIEN further pointed out that as most of the Directors of Bureaux had already attended meetings of the relevant Panels in the past few months to brief Members on their aspirations and new initiatives, some principal officials might not have much to add to what they had already said at those meetings.

52. In response to the Chairman, Mr TSANG Yok-sing said that when CRoP deliberated the format of debate on the Policy Address in the 2002-03 session, it had based its discussion on the new mode of debate adopted for the 2001 Policy Address and the assumption that the Policy Address would follow the format in 2001. Mr TSANG further said that the Administration had proposed to revise last year's "3+1" format to the "3-day-5-session" format. Two rounds of consultation were conducted and the majority of Members supported the "3-day-5-session" format and an overall speaking time limit of 20 minutes for each Member. Mr TSANG stressed that the arrangements proposed by CRoP were presented to the House Committee on 6 December 2002 after detailed consultation and consideration among Members belonging to different political parties or groupings.

53. The Chairman said that the House Committee had endorsed at its meeting on 6 December 2002 the debate arrangements for the Policy Address in the 2002-03 session proposed by CRoP. The Chairman pointed out that the House Committee had also accepted CRoP's recommendation that it was for individual Panels to decide whether policy briefings on the Policy Address should be conducted, and whether such briefings should be held before or after the debate.

54. Miss Margaret NG said that the deliberations and recommendations of CRoP on the debate arrangements for the Policy Address in 2002-03 session were based on the assumption that the format of the Policy Address would be similar to that in previous years. However, this year's Policy Address only provided the general policy directions, while information on the new initiatives would have to be provided by the responsible principal officials at a later stage. She pointed out that FS and some Directors of Bureaux had in the past few days announced some important new initiatives which were not detailed in the Policy Address or the Policy Agenda. She wondered whether it was appropriate for Members to debate the Policy Address before the Administration provided the necessary information on the new initiatives.

55. Mr Martin LEE agreed with Miss Margaret NG that the policy areas for each debate session should be listed out clearly. Mr LEE said that it had been the established practice that the Government's policy objectives and new initiatives for the following year were described in detail in the Policy Address. However, the Administration had changed the format of this year's Policy

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Address without informing Members. He doubted whether a meaningful debate could be held using the very scanty information available in the Policy Address and Policy Agenda.

56. Mr CHEUNG Man-kwong said that this year's Policy Address only focused on the economy, budget deficit and closer cooperation with cities in the Pearl River Delta. He considered that apart from Session 1 (Vibrant Economy), Members would have difficulty speaking on other debate themes as little information about the new initiatives under these other themes had been provided. Mr CHEUNG stressed that Members belonging to the Democratic Party had no intention to disrupt the debate arrangements for the Policy Address, but they considered it impracticable for Members to follow the "3-day-5-session" mode of debate, as the Administration had changed the format of this year's Policy Address without informing Members.

57. Regarding Mr James TIEN's suggestion of asking the principal officials to speak first in the debate sessions, Mr CHEUNG Man-kwong said that Members might not be able to make immediate response to what the principal officials said in the debate sessions. Mr CHEUNG pointed out that according to the Administration, the Policy Agenda covered the new initiatives for the next 18 months. Some of these initiatives, such as rationalising and simplifying the teaching grade structure of public sector school, were important issues which had not been discussed by the relevant Panel. He reiterated that it would be difficult to make a meaningful response if details of such new initiatives were announced on the spot.

58. Mr Martin LEE agreed with Mr CHEUNG. Mr LEE said that individual Members might need to consult their constituents and parties concerned before making a response to a specific initiative, particularly if it was an important one, or it had not been discussed previously.

59. Mr Martin LEE said that he was unhappy to learn that FS and the Secretary for Financial Services and the Treasury would brief the media at 3:00 pm on 10 January 2003 to explain the new initiatives under their portfolios, but they had no plans to brief LegCo. He wondered whether other Directors of Bureaux would also hold similar media briefings. Mr Martin LEE suggested that if Members did not agree to defer the debate on the Motion of Thanks, the alternative was for Panels to hold policy briefings on 13 and 14 January 2003, so that the responsible principal officials could explain to Members their policy objectives and initiatives, and also answer Members' questions. Mr LEE pointed out that the earlier agreement on the new mode of debating the Policy Address had been reached on the assumption that detailed information to supplement the Policy Address, such as the Policy Objectives booklets, would be available as in the past. Mr LEE added that it was important for Members to make considered and meaningful responses to the Government's policy directions and initiatives during the debate on CE's Policy Address.

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60. Ms Miriam LAU said that the arrangements for debating this year's Policy Address had been decided after detailed discussions by CRoP. She considered it inappropriate to change the arrangements or defer the debate by one week at such short notice simply because some Members were not happy with the content of the Policy Address. She also expressed doubt as to whether it was possible for all Panels to hold policy briefings on 13 and 14 January 2003. Ms LAU said that some initiatives had in fact been discussed by the relevant Panels. She further said that if some Members considered it necessary to obtain more information from the Administration on certain new initiatives, the relevant Panels could still hold policy briefings either before or after the debate. Ms LAU added that the arrangement of holding the debate on Motion of Thanks in the week immediately after the delivery of Policy Address should be reviewed in the light of this year's experience.

61. Ms Cyd HO expressed support for Dr YEUNG's proposal of deferring the debate on the Motion of Thanks. Ms HO pointed out that although no special arrangements had been made for holding policy briefings immediately before the debate on the 2001 Policy Address, the Administration had provided Policy Objective booklets setting out details of the objectives and timetable for achieving such objectives under the various policy programmes. However, this year's Policy Address and Policy Agenda only set out the broad directions and provided little details. Ms HO added that she did not object to holding policy briefings on 13 and 14 January 2003.

62. The Chairman advised that it might not be possible to cancel the Council meeting on 15 January 2003 if there was other business scheduled for the meeting. It was also not feasible under the current arrangements for debating the Policy Address to adopt Mr James TIEN's proposal of requesting the Directors of Bureaux to speak first in the debate sessions. The Chairman said that if Members considered that more information on the Policy Address or the Policy Agenda should be obtained from the Administration, Panels could consider holding policy briefings before the debate. She added that there were already five Panel meetings and one joint Panel meeting scheduled for 13 and 14 January 2003, and these meetings could be used for holding policy briefings if the Panels concerned so wished.

63. In response to the Chairman, the Secretary General said that the President had advised that the Council meeting on 15 January 2003 would be held as there was other business scheduled for the meeting, in addition to the debate on the Motion of Thanks.

64. Mr Kenneth TING said that arrangement had already been made for the Secretary for Commerce, Industry and Technology to attend the meeting of Panel on Commerce and Industry on 13 January 2003 to brief members on his policy objectives and initiatives, it was therefore not necessary for the Panel to hold another policy briefing.

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65. Mr Andrew CHENG said that CE had stated in his Policy Address that the Directors of Bureaux would present the details of Policy Agenda later. He pointed out that a number of principal officials had already held media briefings, but they had no plans to brief LegCo. Mr CHENG further pointed out that some important new initiatives, such as the proposed Digital Trade and Transportation Network System, had not been discussed by the relevant Panels and Members would need more information on these new initiatives. Mr CHENG expressed concern that there might not be sufficient time for all Panels to hold policy briefings before the debate on 15 January 2003. Mr CHENG stressed that the Democratic Party's proposal of deferring the debate aimed to obtain more information from the principal officials to make the debate more meaningful, and it was not intended to disrupt the debate arrangements.

66. Mr IP Kwok-him said that some of the initiatives had been discussed by the relevant Panels previously. However, individual Panels could hold policy briefings before the debate, if considered necessary. He further said that Members should adhere to the agreed arrangements for debating the Policy Address.

67. Miss Margaret NG said that it was the Administration, and not Members, who sought to disrupt the agreed arrangements for debating the Policy Address. She further said that when the Administration proposed that policy briefings should not be held by Panels before the debate under the new mode of debating the Policy Address, the Administration had not taken into account that details of the policy objectives and initiatives would not be provided to Members to supplement the Policy Address, as in the past. Miss NG also doubted whether it was possible for all Panels to arrange policy briefings on 13 and 14 January 2003, given the limited time available.

68. Mr James TIEN said that it should be possible for all Panels to hold special meetings within two days, as there were four time slots in a day and two meetings could be held concurrently. Mr TIEN added that Panels could also make use of lunch time to hold briefings, if necessary. Mr TIEN did not consider it desirable to defer the debate to the week of 20 January 2003.

69. Ir Dr Hon Raymond HO said that the Policy Address and Policy Agenda only provided brief information on the policy objectives and new initiatives, such as those relating to public works and infrastructural development. While he agreed that it would be difficult to change the debate arrangements within such a short time, he was inclined to support holding policy briefings before the debate.

70. Dr Philip WONG expressed support for Mr James TIEN's proposal that Panels should consider holding policy briefings on 13 and 14 January 2003, to enable Members to obtain more information on the Policy Address for the

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debate. Dr WONG said that the Directors of Bureaux should also provide information papers detailing the policy objectives and initiatives of their Bureaux as Members would not be able to attend all the briefings.

71. Mr SZETO Wah said that even though three more months had been allowed for its preparation, he was surprised that little information was provided in this year's Policy Address, and Members had to wait for the principal officials to announce details of the new initiatives for the coming year. Mr SZETO added that he was shocked to learn about FS's remarks made at a media session about possible tax measures to address the budget deficit, as no such details had been given in CE's Policy Address. He also pointed out that some important initiatives on education had not been discussed by the Panel on Education. He considered that without adequate information, it would be difficult for Members to express their views on these initiatives in the debate. He expressed support that the Directors of Bureaux should be asked to brief Members on the details of the new initiatives before the debate.

72. Mr SZETO also commented that the debate themes were unclear and he did not know, for example, whether education policies and issues should be debated in Session 3 (Enlightened People with a Rich Culture), or in another session. Mr SZETO said that LegCo should not be led by the Administration on matters which affected LegCo.

73. Mr CHEUNG Man-kwong said that the new initiatives set out in the Policy Agenda were for the next 18 months and some of them had far-reaching implications. Although it was for CE to decide what should be included in his Policy Address, Members should not rush into a debate on the Policy Address without actually knowing the details of these important initiatives. He hoped that Panels could arrange policy briefings before the debate, but he doubted whether Members would be able to attend all the briefings on 13 and 14 January 2003, and comprehend all the information obtained under such a tight schedule.

74. Dr LAW Chi-kwong said that he personally was not in favour of having a debate on the Motion of Thanks from 15 to 17 January 2003 using the debate themes proposed by the Administration. He pointed out that the Administration had not provided information on some important initiatives such as those under the social welfare portfolio. Dr LAW further said that while he agreed that policy briefings should be arranged as far as practicable, it would be unfair to some Panels if they already had meetings scheduled for 13 and 14 January 2003, and these meetings had to be deferred to make way for the policy briefings. He also wondered whether the principal officials could attend the policy briefings given such short notice. Mr Andrew CHENG and Ms Miriam LAU also expressed concern that the Panel on Home Affairs and Panel on Transport would have difficulty in rescheduling their respective meetings on 14 January 2003 as deputations had been invited to the meetings.

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75. Mr FUNG Kin-kee said that when the Directors of Bureaux attended meetings of the respective Panels after they assumed office on 1 July 2002, they had informed Members that their new initiatives would be announced in the Policy Address. However, some of the new initiatives announced by the Directors of Bureaux in the past few days had in fact not been mentioned by CE in the Policy Address, or featured in the Policy Agenda. He said that it was disrespectful to LegCo if information on the new initiatives was only made available to the media, and not to LegCo. He expressed support that the principal officials should be invited to brief Members on the initiatives under their portfolios before the debate on the Motion of Thanks.

76. Mr Henry WU said that being a Member not belonging to any political party or grouping, he welcomed the proposal of holding policy briefings before the debate. He added that the Administration should provide more comprehensive information on the various new initiatives. He suggested that the policy briefings be held on 13 and 14 January 2003, and each briefing session should last for about an hour.

77. Ms Audrey EU said that she did not agree that Members should adhere to the debate arrangements simply because the arrangements had been made after lengthy discussion and there was insufficient time to consider changes to this year's mode of debating the Policy Address. Ms EU pointed out that the delivery of the Policy Address had already been delayed by three months, and since it set out the broad policy directions of the second term Government of the Hong Kong Special Administrative Region, she saw no reasons why Members should be rushed into debating the Policy Address when there was insufficient information on the policy objectives and initiatives put forward by the Administration. She added that she had no objection to holding policy briefings on 13 and 14 January 2003.

78. Dr YEUNG Sum agreed that there was no need to rush into debating the Policy Address. Dr YEUNG proposed that the debate on the Motion of Thanks be deferred by one week, and the three days, i.e. 15 to 17 January 2003, scheduled for the debate be used by Panels for holding policy briefings.

79. Mr James TIEN suggested a break of five minutes to enable Members to discuss among themselves before taking a decision on Dr YEUNG Sum's proposal. Members agreed. The Chairman ordered a break of five minutes.

(The meeting resumed at 4:15 pm.)

80. The Chairman put Dr YEUNG Sum's proposal to vote. The result was 18 Members voted for the proposal and 24 voted against the proposal. The Chairman declared that the proposal was negatived.



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81. The Chairman said that Members generally agreed that arrangements should be made for all Panels to hold special meetings before the debate on the Motion of Thanks to receive policy briefings by the responsible principal officials. The meetings originally scheduled for the period would have to be cancelled to make way for the policy briefings where necessary. The Chairman further said that she would request CS's assistance to ensure that the principal officials concerned would attend the policy briefings.

82. As regards arrangements for all Panels to hold policy briefings, Assistant Secretary General 1 said that the LegCo Secretariat would liaise with the Administration and Panel Chairmen to draw up a consolidated timetable for Panels to receive policy briefings from the responsible principal officials on 13, 14 and the morning of 15 January 2003. Members agreed.

83. Ms Cyd HO and Dr YEUNG Sum proposed that each policy briefing should last for about one and a half hours, and the briefings should not be held concurrently as far as practicable. Ms Emily LAU agreed with the Chairman that the Directors of Bureaux should personally attend the briefings.

84. Referring to the concern raised by some Members, the Chairman invited Members' views on whether the policy areas for each debate sessions should be clearly set out, as this would ensure that when a Member spoke on an issue during a debate session, the responsible Director of Bureau would be present. Mr TSANG Yok-sing suggested that the policy areas should be worked out on the basis of the list of officials to be present in each debate session provided by the Administration. Members agreed.

(b) Members' motion

**Proposed resolution to be moved by Hon Mrs Selina CHOW LIANG Shuk-yee under section 34(4) of the Interpretation and General Clauses Ordinance relating to 23 items of subsidiary legislation**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 285/02-03 dated 9 January 2003.)

85. The Chairman said that as agreed at the last House Committee meeting, she would move a motion to extend the scrutiny period of the 23 items made under the Securities and Futures Ordinance to 12 February 2003.

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**V. Business for the Council meeting on 22 January 2003**

**(a) Questions**

*(LC Paper No. CB(3) 275/02-03)*

86. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 22 January 2003.

**(b) Bills - First Reading and moving of Second Reading**

87. The Chairman said that no notice had been received yet.

**(c) Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

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**Adaptation of Laws Bill 2001**

88. The Chairman said that the Bills Committee had reported to the House Committee on 13 December 2002, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(d) Government motion**

**Three proposed resolutions to be moved by the Secretary for the Environment, Transport and Works under the Public Bus Services Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 269/02-03 dated 3 January 2003.)

*(LC Paper No. LS 38/02-03)*

89. The Legal Adviser explained that the purpose of the three motions was to seek the Council's approval to exclude the application of the profit control scheme to the new franchises granted by CE in Council on 22 October 2002 to the Long Win Bus Company Limited (Long Win), New World First Bus Services Limited (New World) and Citybus Limited (Citybus).

90. The Legal Adviser pointed out that at its meetings on 24 May 2002 and 28 June 2002, the Transport Panel had considered matters relating to conditions in the new franchises that might be granted to Long Win, New World and Citybus.

91. The Legal Adviser said that no difficulties relating to the legal and drafting aspects of the proposed resolutions had been identified.

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92. Members did not raise objection to the Secretary for the Environment, Transport and Works moving the proposed resolutions to seek the Council's approval at the Council meeting on 22 January 2003.

(e) **Members' motions**

(i) **Motion on "Assisting low-income earners and the poor elderly"**

(Wording of the motion issued vide LC Paper No. CB(3) 284/02-03 dated 9 January 2003.)

(ii) **Motion on "Promoting the use of English in Hong Kong"**

(Wording of the motion issued vide LC Paper No. CB(3) 280/02-03 dated 8 January 2003.)

93. The Chairman said that the above motions would be moved by Miss CHAN Yuen-han and Mrs Selina CHOW respectively, and the wording of the motions had been issued to Members.

94. The Chairman further said that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 15 January 2003.

**VI. Report of Bills Committee and subcommittee**

**Position report on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 829/02-03)*

95. The Chairman said that there were 15 Bills Committees and five subcommittees in action as well as five Bills Committees on the waiting list.

**VII. Priority allocation of a debate slot to the Select Committee on Building Problems of Public Housing Units**

*(LC Paper No. CB(1) 628/02-03)*

96. Ms Miriam LAU, Chairman of the Select Committee on Building Problems of Public Housing Units, said that the House Committee was invited to consider the request of the Select Committee for priority allocation of a slot for debate on its first report at the Council meeting on 12 February 2003.

97. Ms Miriam LAU said that the Select Committee had held 70 public hearings and 115 meetings. As the Select Committee needed more time to examine the new information obtained recently in relation to the Tin Chung Court incident, it had decided to make its first report to the Council at the meeting on 22 January 2003. The first report covered the findings and

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recommendations of the Select Committee on the overall policies and system of public housing and the incidents on Shatin Area 14B Phase 2, Shek Yam Estate Phase 2 and Tung Chung Area 30 Phase 3. Ms LAU added that for the purpose of enabling Members and public officers to express views on the findings and observations of the Select Committee, it had decided that she as the Chairman should move a motion on the first report for debate on 12 February 2003.

98. Mr Martin LEE said that he fully supported the Select Committee's request for priority allocation of a slot to debate its first report at the Council meeting on 12 February 2003. Mr LEE further said that on behalf of Members belonging to the Democratic Party, he would like to thank Ms Miriam LAU for her excellent work.

99. Mr LAU Ping-cheung said that as a member of the Select Committee, he would like to thank Ms LAU and other members for their dedication to the work of the committee. He would also like to thank staff concerned of the Secretariat, including the Legal Adviser, Assistant Secretary General 1 and Chief Assistant Secretary (1) Select Committee, for their high quality work. Ms Emily LAU also expressed appreciation for the hard work of the Select Committee.

100. Ms Miriam LAU said that she would like to sincerely thank all members of the Select Committee for the time and efforts they had put into the work of the Select Committee during the past two years.

101. In response to Ms Emily LAU's enquiry about the speaking time limits for the motion debate, Ms Miriam LAU said that the Select Committee would discuss the matter at its meeting on 11 January 2003, and would make a recommendation to the House Committee at the meeting on 24 January 2003.

102. Members agreed to the request of the Select Committee in paragraph 7 of the paper. The Chairman added that the motion would take place before the other individual Member's motion to be debated at the Council meeting on 12 February 2003.

**VIII. Any other business**

103. There being no further business, the meeting ended at 4:46 pm.

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