

立法會  
*Legislative Council*

LC Paper No. CB(2) 2047/02-03

Ref : CB2/H/5

**House Committee of the Legislative Council**

**Minutes of the 24th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 9 May 2003**

**Members present :**

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP (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

Ir Dr Hon Raymond HO Chung-tai, JP

Hon Martin LEE Chu-ming, SC, JP

Hon Eric LI Ka-cheung, JP

Dr Hon David LI Kwok-po, GBS, JP

Dr Hon LUI Ming-wah, JP

Hon NG Leung-sing, JP

Hon Margaret NG

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon HUI Cheung-ching, JP

Hon CHAN Kwok-keung

Hon Bernard CHAN, JP

Hon CHAN Kam-lam, JP

Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP

Hon LEUNG Yiu-chung

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 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 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 Fred LI Wah-ming, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon CHAN Yuen-han, JP  
Hon SIN Chung-kai  
Hon LAU Chin-shek, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-ye, JP  
Hon Abraham SHEK Lai-him, 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)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Betty LEUNG	Chief Assistant Secretary (3)1
Miss Anita HO	Assistant Legal Adviser 2
Miss Betty MA	Senior Assistant Secretary (2)1

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**I. Confirmation of the minutes of the 23rd meeting held on 2 May 2003**  
(*LC Paper No. CB(2) 1962/02-03*)

The minutes were confirmed.

**II. Matters arising**

Bills Committee on Foreshore, Sea-bed and Roads (Amendment) Bill 2003

2. The Chairman said that she had briefed CS on Members' misgivings about the introduction of the Foreshore, Sea-bed and Roads (Amendment) Bill 2003 and the Administration's subsequent request for the consideration of the Bill to be held in abeyance.

3. The Chairman further said that CS had explained that the objective of the Bill was to shorten the objection period, which he considered reasonable in the light of technological developments and more effective communication through the Internet. CS also considered that the competitive environment of capital works projects required a speedy process. The Administration had requested for the work of the Bills Committee to be held in abeyance only because of Members' strong opposition.

4. The Chairman informed Members that she had queried why the Administration had still introduced the Bill despite the unanimous objection of those who had been consulted earlier. She had also pointed out that if the Administration considered that the scrutiny of the Bill should be held in abeyance, a request should have been made at the Bills Committee's first meeting, and Members' time would not have been wasted.

5. The Chairman further informed Members that CS had clarified that the Administration considered the proposed one-month objection period reasonable and had hoped to convince Members. Had the Administration realized the strength of Members' objection, the Bill might not have been

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introduced. CS had expressed his regret for what had happened and pledged to avoid similar situations in future as far as possible.

Introduction of bills

6. The Chairman said that she had advised CS that out of the 25 bills in the Legislative Programme, only seven had been introduced into the Legislative Council (LegCo), and notice had been given for only three others to be introduced. She had reminded CS to avoid "bunching" as far as possible.

7. The Chairman further said that the Director of Administration (D of Adm) had clarified that it would not be necessary to expedite scrutiny work on bills to be introduced in June/July. These bills could be placed on the waiting list, and scrutiny work could commence or continue in the next session. The Chairman added that CS had undertaken to avoid "bunching" towards the end of the Council's term in 2004.

8. The Chairman said that she had reminded CS that "bunching" would be undesirable particularly when there were controversial bills which needed more time to study.

9. The Chairman further said that in response to CS's enquiry, both the Deputy Chairman and herself had pointed out that creating more bills committee slots would not help, as Members would find it difficult to cope.

10. The Chairman informed Members that D of Adm had commented that more subcommittees had been formed to study subsidiary legislation. The Chairman further informed Members that in response to CS's suggestion that subsidiary legislation might be studied by Panels, she had explained that Panels had already too many issues to consider and that scrutiny by subcommittees was in fact more expeditious.

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

**(a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)**

**Merchant Shipping (Liability and Compensation for Oil Pollution)  
(Amendment) Bill 2003**  
(LC Paper No. LS 94/02-03)

11. The Legal Adviser explained that the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance was enacted to implement the

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International Convention on Civil Liability for Oil Pollution Damage, 1992 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

12. The Legal Adviser further explained that on 18 October 2000, the Legal Committee of the International Maritime Organisation adopted two resolutions to increase by some 50% the limits of the shipowners' liability, as well as the maximum amounts of compensation payable under the Fund. The Bill sought to implement these two resolutions.

13. The Legal Adviser pointed out that the Panel on Economic Services was consulted on 24 February 2003 on the proposed Bill, and was generally in support of the proposal. The Legal Adviser further pointed out that in response to a member's enquiry, the Administration advised that the protection and indemnity clubs had indicated that a corresponding higher premium or contribution would not be imposed.

14. The Legal Adviser said that no difficulties relating to the legal and drafting aspects of the Bill had been identified.

15. The Chairman informed Members that Ms Miriam LAU, who was unable to attend the meeting, had earlier advised her that the shipping industry supported the Bill, and a Bills Committee was not necessary.

16. Members did not raise objection to the resumption of the Second Reading debate on the Bill.

**(b) Legal Service Division report on subsidiary legislation gazetted on 2 May 2003 and tabled in Council on 7 May 2003**  
*(LC Paper No. LS 106/02-03)*

17. The Legal Adviser said that two items of subsidiary legislation were gazetted on 2 May 2003 and tabled in Council on 7 May 2003.

18. On the Births and Deaths Registration Ordinance (Amendment of First Schedule) Order 2003, the Legal Adviser said that the amendments reallocated the districts to different registration offices after the closing down of those offices at Tsuen Wan, Yuen Long and Fanling, and the amendments were technical in nature. The Legal Adviser added that the Order would come into operation on 29 June 2003.

19. Regarding the Foreign Lawyers Practice (Amendment) Rules 2003, the Legal Adviser said that the Amendment Rules were made by the Council of the Law Society of Hong Kong to require a principal of a foreign firm to ensure that the name or any other description of the firm stated on any

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business letter issued in connection with the firm's practice in more than one language should correspond with each other.

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20. Miss Margaret NG said that the Panel on Administration of Justice and Legal Services had sight of the Amendment Rules at its meeting on 28 April 2003, and considered that it was not necessary for the Rules to be studied in detail by a subcommittee.

21. Members did not raise any queries on these two items of subsidiary legislation.

22. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 28 May 2003, or 25 June 2003 if extended by resolution.

**IV. Further business for the Council meeting on 14 May 2003**

**Questions**

*(LC Paper No. CB(3) 609/02-03)*

23. The Chairman informed Members that three questions had been replaced.

**V. Business for the Council meeting on 21 May 2003**

**(a) Questions**

*(LC Paper No. CB(3) 610/02-03)*

24. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the Council meeting on 21 May 2003.

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

**(i) Town Planning (Amendment) Bill 2003**

**(ii) United Nations (Anti-Terrorism Measures) (Amendment) Bill 2003**

25. The Chairman said that the above two Bills would be introduced into the Council on 21 May 2003 and considered by the House Committee on 23 May 2003.

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

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**Interest on Arrears of Maintenance Bill 2001**

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26. The Chairman said that the Bills Committee reported to the House Committee on 25 April 2003, and Members did not raise objection to the resumption of the Second Reading debate on the above Bill.

27. Miss Margaret NG urged Members to vote for the Committee Stage amendments proposed by the Bills Committee to give the court the discretion to impose a surcharge of up to 100% ceiling on the total amount of arrears of maintenance in cases where the maintenance payer repeatedly defaulted without reasonable excuse.

**(d) Government motion**

28. The Chairman said that no notice had been received from the Administration.

**(e) Members' motions**

- (i) Motion on "Expediently implement the election of the Chief Executive and all Members of the Legislative Council by universal suffrage"**

(Wording of the motion issued vide LC Paper No. CB(3) 616/02-03 dated 7 May 2003.)

- (ii) Motion on "Independence of statutory organizations handling public complaints"**

(Wording of the motion issued vide LC Paper No. CB(3) 617/02-03 dated 9 May 2003.)

29. The Chairman said that the above motions would be moved by Mr Albert HO and Ms Cyd HO respectively and the wording of the motions had been issued to Members.

30. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 14 May 2003.

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

- (a) Position report on Bills Committees/subcommittees**  
(LC Paper No. CB(2) 1973/02-03)

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



**(b) Report of the Subcommittee on subsidiary legislation relating to Village Representative elections**

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32. Mr Andrew WONG, Chairman of the Subcommittee, reported that the Subcommittee had completed scrutiny of the Maximum Amount of Election Expenses (Village Representative Election) Regulation and the Electoral Procedure (Village Representative Election) Regulation.

33. Regarding the Maximum Amount of Election Expenses (Village Representative Election) Regulation, Mr Andrew WONG said that the majority of the Subcommittee members had expressed concern that the maximum amount of election expenses stipulated in the Regulation might not be adequate to meet the expenses to be incurred by candidates in Village Representative (VR) elections.

34. Mr Andrew WONG further said that as the Administration had refused to raise the maximum amount, Subcommittee members agreed that he should move a motion at the Council meeting on 21 May 2003 to amend section 2 of the Regulation to increase the maximum amount of election expenses for an election to elect VRs -

- (a) from \$14,000 to \$18,000 for a village where there were not more than 1 000 electors; and
- (b) from \$20,000 to \$28,000 for a village where there were over 1 000 electors.

35. As regards the Electoral Procedure (Village Representative Election) Regulation, Mr Andrew WONG said that Subcommittee members had suggested that the photographs of candidates should be printed on the ballot papers for ease of identification, as some electors might be illiterate and some candidates in a village might have the same name. Mr WONG further said that the Administration had pointed out that printing the black and white photographs of candidates on the ballot papers might not be acceptable to some people of the rural community. If colour photographs of candidates were to be used, an additional amount of about \$1.9 million would be incurred, and such an amount was beyond the existing budget planned for the 2003 VR elections.

36. Mr Andrew WONG added that while Subcommittee members had no strong views on the matter, he personally considered that the photographs of candidates should be printed on the ballot papers. He would consult Heung Yee Kuk on the matter and might move amendments to the Regulation, depending on the view of Heung Yee Kuk.

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37. Mr Andrew WONG informed Members that the Subcommittee had requested that the votes cast should be counted at individual polling stations, so as to avoid any unnecessary delay in the announcement of election results. The Administration had explained that since the 2003 VR elections would be held under a statutory framework for the first time, it was necessary to have an officer of appropriate seniority to assume the post of the Returning Officer. In view of the limited resources and manpower available, it would not be possible for votes to be counted at individual polling stations for the 2003 VR elections. The Administration had, however, undertaken to consider the request in the review to be conducted after the 2003 VR elections.

38. Mr Andrew WONG further said that Subcommittee members had expressed regret over the Administration's refusal to consider their request, given that votes were conducted at individual polling stations in the previous rounds of VR elections, and the Administration had proposed that for the coming 2003 District Council elections, votes would be counted at individual polling stations.

39. Mr Andrew WONG informed Members that the Director of Home Affairs (DHA) was empowered under the Electoral Procedure (Village Representative Election) Regulation to make arrangements for polling for one or more than one village to take place at a polling station. Mr WONG said that Subcommittee members were of the strong view that the Regulation should be amended to the effect that DHA could only designate a polling station for one village, in order to avoid confusion to the electors. As such an amendment was likely to have a charging effect, Subcommittee members had requested the Administration to move the amendment.

40. Mr Andrew WONG further said that the Administration had explained that the Home Affairs Department would be responsible for making all the arrangements for the conduct of elections for 707 village constituencies during six weekends, and seven polling officers would need to be deployed at each polling station. Taking into account the financial and manpower considerations, the Administration considered it not feasible to designate one polling station for one village only. Mr WONG added that Subcommittee members had requested the Administration to designate as many polling stations as possible. As some villages might not need to hold an election, if the candidates were returned uncontested, Subcommittee members considered that the Administration should retain the number of polling stations as originally planned, so that one polling station would cover fewer villages.

41. Mr Andrew WONG informed Members that the Subcommittee would submit a written report as soon as possible. He reminded Members that the deadline for giving notice of motion to amend these two Regulations was

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Wednesday, 14 May 2003.

**VII. Paper of the Committee on Rules of Procedure**

**Future timetable for delivering the Policy Address and Budget**  
(*LC Paper No. CROP 55/02-03*)

42. Mr TSANG Yok-shig, Chairman of the Committee on Rules of Procedure (CRoP), said that the paper reported on the current position of the discussion between CRoP and the Administration on the future timetable for delivering the Policy Address and the Budget.

43. Mr TSANG pointed out that in meeting the House Committee on the revised timetable for the current session, the Administration undertook to review the future timetable for delivering the Policy Address and the Budget in the light of the experience of the 2003 exercise. CRoP was invited by the House Committee to follow up the matter. At CRoP's meeting held on 7 April 2003, the Administration informed CRoP of the findings of its review, which were detailed in paragraph 3 of the paper.

44. Mr TSANG Yok-sing said that having discussed the Administration's paper on the review, CRoP wished to report that -

- (a) most CRoP members considered that the Administration had not established a convincing case for narrowing the time gap between the delivery of the Policy Address and the Budget to two months;
- (b) most CRoP members considered that delivering the Policy Address in October was a more suitable arrangement for the operation of LegCo; and
- (c) the current definition of "financial year" should remain unchanged, as there was a link between its definition and that of tax assessment year as defined in the Inland Revenue Ordinance. Changing the definition of financial year would have considerable impact on the public at large.

45. Mr TSANG further said that CRoP had urged the Administration to take account of its views and reconsider the timeframe for delivering future Policy Addresses.

46. Mr TSANG Yok-sing added that in his letter dated 30 April 2003, D of Adm informed CRoP that the Administration was still considering CRoP's

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views and would report back to CRoP once it had completed its further deliberations on the future timetable for delivering the Policy Address.

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47. Mr TSANG said that on 2 May 2003, 19 LegCo Members sent a joint letter to the Chief Executive (CE) setting out their views on the matter. In short, these Members requested CE to revert to the previous practice of delivering the Policy Address and the Budget in October and March respectively.

48. Ms Emily LAU said that as the meetings of CRoP were held in camera, she had suggested that the current position of the discussion between CRoP and the Administration should be reported to the House Committee, so as to keep other Members and the public informed of the developments on such an important matter. Ms LAU pointed out that the views of most CRoP members on the future timetable for the Policy Address and the Budget were different from those of the Administration's, as detailed in paragraph 5 of the paper. She hoped that the Administration would listen to CRoP's views, given that the membership of CRoP was broadly representative of that of the Council.

49. Ms LAU pointed out that in paragraph 14 of the Administration's paper on its review findings, the Administration admitted that if the Policy Address and the Budget were to be delivered in January and March respectively, there would be a null period of LegCo activities between the start of a session in October, and the time when the Policy Address was delivered, posing difficulties for LegCo to plan its work. The null period would pose an even greater problem to LegCo when a LegCo term lapsed. Ms LAU said that despite these problems, the Administration had still come to the conclusion that the 2003 timetable, i.e. delivering the Policy Address in January and the Budget in March, should continue.

50. Ms Emily LAU further said that according to the research report on "Commencement of Legislative Session and its Relationship with the Timing of Policy Address and Budget Speech in Selected Overseas Jurisdictions" prepared by the LegCo Secretariat, the policy address in places such as Australia, the United States and the United Kingdom was delivered at the beginning of a legislative session or shortly afterwards. Ms LAU added that it was laughable that the Administration could still not come to a conclusion as to when the next Policy Address would be delivered.

51. Mr Andrew WONG said that he shared the view of the 19 Members who wrote to CE and did not understand why he was not asked to sign the letter. Mr WONG pointed out that in changing the timing for the delivery of the 2003 Policy Address, the Administration had put forward two reasons, viz to allow time for the new principal officials to settle in at their posts, and to narrow the time gap between the Policy Address and the Budget. Mr WONG stressed that the delivery of the Policy Address and the Budget should be separate, and he objected to the delivery of the Policy Address in January.

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Mr WONG further said that only with good institutional arrangements could the Council operate smoothly. If such arrangements were inappropriate, the operation of the Council would be affected.

52. Mr Andrew WONG added that he did not have any strong view as to whether CRoP or the House Committee should discuss the matter. However, if the House Committee was to take over discussion of the matter, CRoP should submit a full report and the Secretariat should also provide Members with the necessary background information.

53. The Chairman said that the purpose of CRoP's paper was to provide Members with an update on the discussion between CRoP and the Administration on the matter. CRoP would continue discussion with the Administration upon receiving the latter's reply, and a report would be provided to the House Committee when CRoP had completed its deliberation on the matter. The Chairman added that she had no intention of inviting Members to discuss the matter at this meeting.

54. Dr YEUNG Sum expressed agreement that the matter should not be discussed at this meeting. Dr YEUNG further said that Members belonging to the Democratic Party considered the institutional arrangements of the Council very important; hence CE should deliver his Policy Address in October, i.e. at the beginning of a legislative session.

55. Mr IP Kwok-him shared the Chairman's view that the future arrangement for delivering the Policy Address and the Budget should not be discussed at this meeting. Mr IP said that Members belonging to the Democratic Alliance for the Betterment of Hong Kong did not find the delivery of the 2003 Policy Address in January a bad arrangement. They therefore did not consider delivering the Policy Address in October the only appropriate option.

56. Ms Emily LAU said that she did not consider it appropriate for such an important matter to be discussed at closed meetings. The House Committee should take over discussion of the matter from CRoP, and the Administration should provide its reply to the House Committee. Ms LAU added that she was worried that the Administration would already have made a decision on the matter, when it reverted to Members.

57. The Chairman pointed out that it was the existing practice for procedural matters to be referred to CRoP for consideration first, and that CRoP would make a report to the House Committee upon completion of its deliberation. The Chairman said that the Administration should be asked to revert to CRoP as soon as possible, so that CRoP could conclude its deliberation of the matter and then report to the House Committee. The

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Chairman added that she would ask the LegCo Secretariat to check whether CRoP had ever held open meetings.

58. Mr Andrew WONG said that Members should not discuss the various options on the future timetable for delivering the Policy Address and the Budget at this House Committee meeting, as there was no prior notice. Mr WONG further said that discussion with the Administration on the matter should continue as soon as possible, but he did not share Ms LAU's concern that the discussion should be held at open meetings. Mr WONG added that if Members considered that the House Committee should take over discussion of the matter, it should be placed on the agenda of the next House Committee meeting. If Members considered that CRoP should continue to discuss the matter, CRoP should hold a meeting for this purpose as soon as possible.

59. Referring to Ms Emily LAU's worry that the Administration would revert to CRoP with a decision, Mr WONG pointed out that CE had already made it very clear that his next Policy Address would not be delivered in October 2003. Should the Administration agree to revert to the pre-2003 practice of delivering the Policy Address in October, it would only be implemented in October 2004.

60. Mr TSANG Yok-sing said that the Chairman should convey to CS that some CRoP members had expressed concern that the Administration would revert to CRoP with a decision, and not a proposal. Mr TSANG further said that the Administration should consult Members before taking a decision on the future timetable for delivering the Policy Address and the Budget.

61. Mr James TIEN said that Members belonging to the Liberal Party were of the view that the shortened interval of two months between the Policy Address and the Budget in 2003 was a better arrangement than the six-month interval adopted in the pre-2003 practice. Mr TIEN further said that the Liberal Party also considered it preferable for the Policy Address and the Budget to be delivered in October and December of the year respectively, and hoped that the Administration would consider adopting this arrangement in 2004. Mr TIEN pointed out that should the arrangement of delivering the Policy Address in January continue, the third term CE, after assuming office in July 2007, would not deliver his Policy Address until six months later in January 2008. Mr TIEN added that such a situation would be undesirable, and it would not be appropriate for the principal officials to talk about their plans and initiatives in the interim period, prior to the delivery of the Policy Address.

62. Mr TIEN further said that he understood that the Administration had expressed concern about keeping the current statutory definition of "financial year" which had implications on the tax assessment year, if the Budget was

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not delivered in March. Mr TIEN pointed out that while the Budget could be delivered in December, the current definition of "financial year" could remain unchanged.

63. Dr YEUNG Sum said that as the timing for delivering the next Policy Address and Budget should be decided as early as possible, CRoP should hold a meeting to discuss the Administration's reply, if available, in the following week and provide a report to the House Committee at its next meeting on 16 May 2003. Dr YEUNG further said that at the same time, D of Adm should be invited to attend a meeting of the House Committee to explain the Administration's proposal, given that a change in the timing for delivering the Policy Address and the Budget was a very important change to the institutional arrangements of the Council.

64. The Chairman said that a special meeting of the House Committee should be convened for the purpose, if Members considered it necessary to invite the Administration to discuss the matter.

65. Ms Emily LAU said that the Chairman should raise with CS that the Administration's response should still be a proposal, and not a decision, and Members should have the opportunity to give their views on the Administration's proposal, when CRoP submitted its report to the House Committee.

66. Mr IP Kwok-him said that if a special meeting of the House Committee was to be held to discuss the matter, CS as well as D of Adm should be invited to attend the meeting.

67. Dr YEUNG Sum expressed support for holding a special meeting of the House Committee to discuss the matter.

68. Mr TSANG Yok-sing pointed out that it was for CE to decide on the timing for the delivery of his Policy Addresses. It would therefore be difficult for CS to give an undertaking that CE would not make a decision until he had obtained the agreement of LegCo. Mr TSANG asked the Legal Adviser whether his understanding was correct.

69. Mr Andrew WONG said that under Rule 13(1A) of the Rules of Procedure, CE was expected to deliver his Policy Address to the Council at the first meeting of a session. Unless the Rule was changed, it would be disrespectful to LegCo if CE decided to deliver his Policy Addresses in January. Mr WONG added that the Administration should give a reply in the coming week, preferably before Wednesday, 14 May 2003.

70. The Legal Adviser responded that under Article 73(4) of the Basic



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Law, one of the functions of LegCo was "to receive and debate the policy addresses of the Chief Executive", and under Article 64, the Government of Hong Kong Special Administrative Region "shall present regular policy addresses to the Council". The Legal Adviser pointed out that the Basic Law did not contain any provisions regarding the timetable for the delivery of CE's Policy Addresses. The Legal Adviser added that Rule 13(A) reflected the practice of CE delivering his Policy Address at the first Council meeting in a session when the rule was made.

71. The Chairman proposed that she would raise with CS that the Administration should revert to CRoP with its response, which should be a proposal and not a decision, as soon as possible. The Chairman further proposed that the House Committee should discuss the way forward at the next meeting on 16 May 2003, i.e. whether CRoP should continue to discuss the matter, or whether a special House Committee meeting should be held for the purpose. The Chairman added that if the Administration was able to revert in the following week, and if CRoP could hold a meeting to discuss the Administration's response before the next House Committee meeting on 16 May 2003, CRoP should provide a report to the House Committee on that day. Members did not raise objection to the Chairman's proposals.

**VIII. Any other business**

72. There being no other business, the meeting ended at 3:20 pm.