

立法會
Legislative Council

LC Paper No. CB(2)1751/00-01

Ref : CB2/BC/13/00

**Legislative Council
Bills Committee on Chief Executive Election Bill**

**Minutes of the first meeting
held on Wednesday, 28 March 2001 at 10:45 am
in the Chamber of the Legislative Council Building**

Members Present : Hon IP Kwok-him, JP (Chairman)
Hon Andrew WONG Wang-fat, JP (Deputy Chairman)
Hon James TIEN Pei-chun, JP
Hon David CHU Yu-lin
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
Hon NG Leung-sing
Prof Hon NG Ching-fai
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon CHAN Yuen-han
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon Ambrose LAU Hon-chuen, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Timothy FOK Tsun-ting, SBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon LAU Ping-cheung
Hon Audrey EU Yuet-mee, SC, JP

Members : Hon SZETO Wah
Absent Hon LEUNG Fu-wah, MH, JP

Public Officers : Mr Michael S M SUEN
Attending Secretary for Constitutional Affairs

Mr Robin IP
Deputy Secretary for Constitutional Affairs

Ms Doris HO
Principal Assistant Secretary for Constitutional Affairs

Mr Bassanio SO
Principal Assistant Secretary for Constitutional Affairs

Mr Peter WONG
Deputy Solicitor General (Constitutional) (Acting)

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting & Administration)

Ms Phyllis KO
Senior Assistant Law Draftsman

Mr Lawrence PENG
Senior Assistant Law Draftsman

Clerk in : Mrs Percy MA
Attendance Chief Assistant Secretary (2)3

Staff in : Mr Stephen LAM
Attendance Assistant Legal Adviser 4

Mr Paul WOO
Senior Assistant Secretary (2)3

I. Election of Chairman

Mr James TIEN called for nominations for the chairmanship.

2. Mr Tommy CHEUNG nominated Mr IP Kwok-him and the nomination was seconded by Mr David CHU. Dr YEUNG Sum nominated Mr Andrew WONG and the nomination was seconded by Ms Emily LAU.

3. Mr James TIEN then announced a vote by secret ballot. The number of votes received by Mr IP Kwok-him and Mr Andrew WONG was 18 and 9 respectively. Mr IP Kwok-him was declared elected as Chairman of the Bills Committee.

4. Mr Andrew WONG was elected Deputy Chairman of the Bills Committee.

II. Meeting with the Administration

(The Bill; the Legislative Council Brief issued by the Constitutional Affairs Bureau; the speech by Secretary for Constitutional Affairs to move the Second Reading of the Bill at the Council meeting on 14 March 2001)

5. Secretary for Constitutional Affairs (SCA) drew members' attention to his speech delivered at the Legislative Council meeting on 14 March 2001 when moving the Second Reading of the Chief Executive Election Bill. A copy of the speech had been circulated to members vide LC Paper No. CB(2)1174/00-01(02) before the meeting. The speech expounded the purpose and the major areas of the Bill. SCA requested members of the Bills Committee to complete the scrutiny of the Bill in an expeditious manner so as to allow sufficient time for the Administration to prepare the necessary subsidiary legislation in relation to the election of the Chief Executive.

Approach to study the Bill

Major areas of discussion

6. The Chairman suggested that to facilitate consideration of the Bill in a focused and orderly fashion, members might wish to identify some major and important areas for in-depth discussion and clarification with the Administration before proceeding to clause-by-clause examination of the Bill.

7. Ms Emily LAU pointed out that the speech of SCA mentioned above had highlighted seven major areas of the Bill. She opined that those areas could form a general basis for the discussion of the Bills Committee, subject to

Action
Column

the inclusion of other issues which members might consider as important matters as well.

8. After some discussion, members agreed on the following eleven major areas on which discussion of the Bill should focus in the first place -

- (a) Election Committee;
- (b) Polling date;
- (c) Eligibility criteria for being a candidate for CE election;
- (d) Nomination;
- (e) Withdrawal of candidature;
- (f) Voting method;
- (g) Election petition and judicial review;
- (h) Election expenses limit;
- (i) Application of anti-bribery legislation to CE election;
- (j) Regulation of election-related activities; and
- (k) Guidelines on participation of senior government officials in electioneering activities of CE election.

Preliminary discussion

9. Members requested the Administration to provide written responses to the following issues for further discussion at the next meeting -

Regulation of election-related activities

- (a) How would the election-related activities in respect of the CE election be regulated? For example, would electoral guidelines be issued as in the Legislative Council election and District Councils election?
- (b) How would the electioneering activities of an incumbent CE be regulated in order to avoid any potential conflict of roles as a CE and as a candidate?

- (c) Would there be any restriction imposing on election campaigning undertaken by members of a political party to a fellow member being a candidate?

Application of anti-bribery legislation to CE election

- (d) Explain the application of anti-bribery legislation to the CE election;

Guidelines on participation of senior government officials in electioneering activities of CE election

- (e) Would there be any guidelines governing the participation of senior government officials in the electioneering activities of the CE election?

Eligibility criteria for being a candidate for CE election

- (f) Whether judicial officers in foreign countries were required to resign before running in elections?

Election expenses limit

- (g) Would there be any ceiling set on the election expenses for CE election?

Election petition and judicial review

- (h) Explain the differences between the leapfrog procedure proposed in the Bill vis-à-vis that proposed in the Hong Kong Court of Final Appeal (Amendment) Bill to be introduced.

(Post-meeting note : The Administration's written responses to the above issues have been circulated vide LC Paper Nos. CB(2)1217/00-01(03), 1235/00-01(01) and 1352/00-01(02))

10. Mr Martin LEE requested the Legal Services Division of the Secretariat to prepare a paper to highlight those provisions of the Bill which were not prescribed under the Basic Law.

(Post-meeting note : A paper prepared by the Legal Services Division in response to Mr Martin LEE's request has been circulated vide LC Paper No. LS 83/00-01))

III. Schedule for future meetings

11. Members discussed future meeting arrangements and agreed that regular meetings of the Bills Committee should be held on every Tuesday at 8:30 am, except 10 and 17 April 2001, up to the end of June 2001.

Public consultation

12. Members agreed that the Bills Committee should invite submissions on the Bill from the public. Members also agreed that meeting sessions should be held to receive oral representation on the Bill. After discussion, two separate sessions for such purpose were tentatively scheduled for 5 May 2001 and 12 May 2001 respectively.

(Post-meeting note : The second session to receive oral submissions was subsequently re-scheduled for 8 May 2001)

IV. Date of next meeting

13. The next meeting was scheduled for 3 April 2001 at 8:30 am.

14. The meeting ended at 12:05 pm.

Legislative Council Secretariat

7 June 2001