

**A summary of members' major views and the Administration's responses
on major issues discussed by the Bills Committee on Chief Executive Election Bill**

<u>Major issues</u>	<u>Members' major views</u>	<u>Administration's response</u>
Overlapping membership in Election Committee	<ul style="list-style-type: none">- Majority members consider that the number of EC members should be as close to 800 as possible. The problem of overlapping membership of EC should be addressed. - A member has strong objection to the Administration's proposed CSA. He considers it unfair that persons being concurrently a LegCo Member and a Hong Kong deputy to the NPC are not affected.	The Administration proposes to move a CSA to the effect that once an elected or nominated EC member becomes an ex-officio member by virtue of his election to LegCo and/or NPC office, he will be deemed to have resigned from his membership in the elected or nominated subsector (LC Paper No. CB(2)1352/00-01(01) and 1405/00-01(01)).
Polling date to be appointed by CE within 6 months before the date on which the office of CE becomes vacant	<ul style="list-style-type: none">- The proposal may give an incumbent CE seeking re-election an added advantage of determining the polling date to his favour or to the disadvantage of his opponents.	The Administration agrees to work out a formula for fixing the polling date. It proposes to move a CSA to the effect that the election will be held on the first Sunday immediately before the 95 days before the office of CE becomes vacant (24 March 2002 is proposed) (LC Paper No. CB(2)1433/00-01(01)).

<u>Major issues</u>	<u>Members' major views</u>	<u>Administration's response</u>
BN(O) passport holders disqualified from being nominated	<ul style="list-style-type: none">- The proposal discriminates against BN(O) passport holders who acquire the passport for historical and political reasons.- It is unfair to violate the political rights of this category of persons.- As the BN(O) passport is regarded by the PRC Government as a travel document without nationality implication, the question of allegiance to the Queen of the UK does not arise.- The restriction is justified in view of the representational role of CE.	<p>The Administration's response is at LC Paper No. CB(2)1613/00-01(01).</p> <p>The Administration maintains its stance.</p>
Winning candidate to declare not a member of political party	<ul style="list-style-type: none">- The proposal discriminates against political parties and will retard the development of political parties.- There is no definition for the term "political party".- The requirement is not stipulated in the Basic Law.- A CE who is a member of political party or otherwise should have no direct bearing on whether he will act impartially and in the overall interests of the community.	<p>Speech by SCA to move Second Reading refers (LC Paper No. CB(2)1174/00-01(02)).</p> <p>The Administration maintains its stance.</p>

<u>Major issues</u>	<u>Members' major views</u>	<u>Administration's response</u>
	<ul style="list-style-type: none">- Majority of overseas systems have no such requirement.- It is ultimately a matter for electors to decide whether to vote for a candidate who is a member of policy party.	
Names of subscribers made public	<ul style="list-style-type: none">- The proposal is acceptable as the names of subscribers to candidates are made public in other local elections.- There was no such requirement for the election of the first term CE.- Given the electoral system and size of electorate of the CE election, the requirement to make public the names of subscribers would create pressure among members of EC to nominate an incumbent CE seeking re-election.- Given only 800 people can take part in the election, the Administration should not mislead the public that there is transparency in the election simply because the names of subscribers are made public.- The Administration should take appropriate measures to address the concern of some EC members in the commercial sector that a subscriber for an incumbent CE seeking re-election may be subject to allegations of being given preferential treatment if the subscriber, say, bid for government contracts or projects.	<p>Speech by SCA to move Second Reading refers (LC Paper No. CB(2)1174/00-01(02)).</p> <p>The Administration maintains its stance.</p>

<u>Major issues</u>	<u>Members' major views</u>	<u>Administration's response</u>
Withdrawal of candidature	<ul style="list-style-type: none">- Withdrawal mechanism should follow the requirement of the LegCo election.- The proposal might lead to unfair or corrupt practices at election.- The Administration should provide information on overseas practice.	The Administration is prepared to consider amending the Bill if a majority of the members of the Bills Committee do not support the proposal.
Election expenses limit	<ul style="list-style-type: none">- A ceiling should be imposed on election expenses for CE election to ensure a level playing field for all candidates.- It is not absolutely necessary to set a ceiling as many democratic countries do not have such a restriction.- In determining the basis for setting a ceiling, the small size of the electorate of CE election should be taken into account.- The Administration should provide information on overseas practice.	Administration's response is at LC Paper No. CB(2)1235/00-01(01). The Administration will revert to the Bills Committee on its position.

<u>Major issues</u>	<u>Members' major views</u>	<u>Administration's response</u>
<p>Clause 4 of the Bill</p> <p>Administration's proposed CSA (LC Paper No. CB(2)1587/00-01(01))</p>	<ul style="list-style-type: none">- The power of CPG to appoint CE is in substance. The power to appoint carries with it the power of removal.- Unlike some BL provisions relating to appointment of principal officials and judges, all BL provisions relating to the appointment of CE make no reference to the word "removal".- CPG should not have power to revoke an appointment of CE save for circumstances prescribed in the BL (Articles 52 and 73(9)). Otherwise, it would seriously undermine the principles of "one country, two systems" and "high degree of autonomy" of HKSAR.	<p>The Administration has explained the legal basis, legal source and constraints of CPG's power to revoke appointment of CE (LC Paper No. CB(2)1518/00-01(01)) and 1647/00-01(01)).</p> <p>The Administration has agreed to reconsider the drafting of clause 4 and Hon Audrey EU's proposal to amend clause 4.</p>