

立法會
Legislative Council

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**Legislative Council
Panel on Constitutional Affairs**

**Minutes of meeting
held on Tuesday, 10 October 2000 at 11:00 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon James TIEN Pei-chun, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon SZETO Wah

Member Absent : Hon Jasper TSANG Yok-sing, JP
Dr Hon YEUNG Sum

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

Staff in Attendance : Mrs Justina LAM
Assistant Secretary General 2

Mrs Eleanor CHOW
Senior Assistant Secretary (2)7

I. Election of Chairman and Deputy Chairman of the Panel

Mr James TIEN, the Member present who had the highest precedence, presided over the election of the Chairman of the Panel. He called for nominations for the chairmanship of the Panel, in accordance with the election procedures set out in rule 20(d) and Appendix IV of the House Rules.

2. Mr Andrew WONG was nominated by Miss Margaret NG and the nomination was seconded by Ms Emily LAU. Mr Andrew WONG accepted the nomination. As there were no other nominations, Mr James TIEN declared Mr Andrew WONG elected as Chairman of the Panel.

3. The Chairman took the chair and called for nominations for the deputy chairmanship of the Panel.

4. Ms Emily LAU was nominated by Mr HUI Cheung-ching and the nomination was seconded by Mr YEUNG Yiu-chung. Ms Emily LAU accepted the nomination. There being no other nominations, the Chairman declared Ms Emily LAU elected as Deputy Chairman of the Panel.

II. Schedule of meetings for the 2000-2001 session

5. Members agreed that regular meetings for the 2000-2001 session would be held on the third Monday of each month at 2:30 pm. As the third Monday of April 2001 was a holiday, members agreed that that meeting should be deferred to the fourth Monday, 23 April 2001. Members also agreed that the next meeting should be held on Tuesday, 31 October 2000 at 2:30 pm.

6. The Chairman reminded members that the briefing by the Secretary for Constitutional Affairs on the Chief Executive's Policy Address 2000 would be held on Saturday, 14 October 2000 at 8:45 am.

III. Discussion items for next meeting

(List of issues to be considered by the Panel and list of follow-up actions by the Administration)

7. Members discussed the list of issues to be considered by the Panel which was tabled at the meeting.

Application of certain provisions of the Prevention of Bribery Ordinance (Cap. 201) (POBO) to the Chief Executive (CE)

8. The Chairman advised that the Administration would introduce legislative amendments to extend the existing section 10 of POBO concerning the possession of unexplained property to include CE, and would revert to the Panel on the question of codification of the offence of bribery to apply to CE in November 2000. Members agreed that the Administration should be requested to give its view on the matter at the next meeting to be held at the end of October.

9. In reply to Miss Margaret NG's question concerning corrupt and illegal practices at CE election, the Chairman explained that the Elections (Corrupt and Illegal Conduct) Ordinance enacted in the last LegCo session would apply, inter alia, to an election to elect CE. Miss Margaret NG further expressed concern that new electoral legislation to regulate the election of CE should be introduced as soon as practicable, given that the Election Committee established for returning the six Members for the 2000 LegCo election might also be responsible for electing CE in 2002. The Chairman suggested and members agreed that the Administration should be requested to report progress in this respect at the next meeting.

Mechanism for amending the Basic Law

10. On the subject of mechanism for amending the Basic Law, members agreed that the Administration should be asked to report progress to the Panel at the next meeting. Having regard to the slow progress made by the Administration, Miss Margaret NG said that the Panel should have an internal discussion on the way forward.

The question of "important bill" under BL 50

11. Noting that the research study conducted by the Research and Library Services Division (RLSD) could only be completed by the end of March 2001, members expressed concern about the manpower situation of the Secretariat. Assistant Secretary General 2 responded that to her understanding, RLSD was engaged in a number of research projects during the summer recess and did not have yet the capacity to deal with this item. Members' concern would be conveyed to RLSD.

ASG2/Clerk

12. Given that there was no urgency to deal with the issue, members agreed that the item should be discussed with the Administration when the research report was available.

System of voting and voter registration for LegCo elections

13. Members noted that the Administration was considering the feasibility of implementing automatic voter registration and computerized voting system, pending the results of two studies conducted by the Immigration Department and the Registration and Electoral Office respectively. Members agreed that the Administration should be requested to brief members on the results once they were available.

Clerk

Development of the HKSAR's political system

14. Miss Margaret NG held the view that the development of HKSAR's political reform might be the most important item for the Panel in the current LegCo term. In order for any changes to the political system to be implemented after 2007, the consultation process would have to be completed in the current term so that the legislative process could be initiated before 2005. She said that while the Administration could be invited to state its position on the issue to the Panel, the Panel should devise an action plan for a review of the HKSAR's political system. Ms Emily LAU added that the Panel should consider issues such as timetable for the review, form of public consultation, and proposals for political reform with a view to having further discussions with the Administration and arriving at a consensus.

15. The Chairman said that in the last LegCo session, the Panel had conducted a public consultation and produced a report on the development of the HKSAR's political system. RLSD had also conducted a research study on the systems of government in some foreign countries. Unfortunately, the former Panel had no consensus on some of the issues considered such as direct election of the Chief Executive and LegCo. He hoped that in the current LegCo session, the Panel could further pursue with the Administration the issues which the former Panel had reached a consensus, such as implementing a more flexible contract system to enable principal officials to be politically accountable for their decisions, and developing constitutional conventions conducive to enhancing accountability of the executive to the legislature. Members agreed to the approach suggested by the Chairman. Members also agreed that the Panel should have an internal discussion on the way forward at the next meeting.

Other issues

Review of electoral system for LegCo election

16. Mr SZETO Wah said that in the light of the experience of the 2000 LegCo election, the Secretary for Constitutional Affairs had indicated that the Administration would review the electoral system with a view to allowing

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candidates to withdraw from an election after the nomination period and voters to vote for individual candidates on a list. Members agreed that the Administration should be invited to give its preliminary view on the subject at the next meeting.

17. The meeting ended at 11:25 am.

Legislative Council Secretariat
24 October 2000