

立法會
Legislative Council

LC Paper No. CB(2)2027/03-04

(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

**Minutes of meeting
held on Monday, 16 February 2004 at 2:30 pm
in the Chamber 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, GBS, JP
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Martin LEE Chu-ming, SC, JP
Hon Fred LI Wah-ming, JP
Hon NG Leung-sing, JP
Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon SIN Chung-kai
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah
Dr Hon LAW Chi-kwong, JP
Hon TAM Yiu-chung, GBS, JP
Hon Michael MAK Kwok-fung
Hon IP Kwok-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP

Member attending : Hon LEE Cheuk-yan

- Members absent** : Dr Hon LUI Ming-wah, JP
Hon Bernard CHAN, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon LEUNG Fu-wah, MH, JP
Hon WONG Sing-chi
Hon LAU Ping-cheung
- Public officers attending** : Item IV - VI

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Clement C H MAK
Permanent Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Item VI & VI

Miss May CHAN Wing-shiu
Principal Assistant Secretary for Constitutional Affairs

Mr LI Wing
Chief Electoral Officer

Item V only

Mr Raymond TAM Chi-yuen
Principal Assistant Secretary for Constitutional Affairs

Ms Julina CHAN Woon-yee
Principal Assistant Secretary for Constitutional Affairs
- Clerk in attendance** : Mrs Percy MA
Chief Council Secretary (2)3
- Staff in attendance** : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Miss Millie WONG
Senior Council Secretary (2)4
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I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1314/03-04)

The minutes of the meeting held on 15 December 2003 were confirmed.

II. Information papers issued since the last meeting

(LC Paper Nos. CB(2)691/03-04(01), 694/03-04(01), 710/03-04(01), 769/03-04(01) - (02), 920/03-04(01), 971/03-04(01) and 1216/03-04(01))

2. Members noted that the following papers had been issued since the last meeting -

- (a) LC Paper No. CB(2)691/03-04(01) - Administration's letter dated 12 December 2003 enclosing a copy of the SAE 200;
- (b) LC Paper No. CB(2)694/03-04(01) - Administration's response to paragraphs 9 and 16 of the paper prepared by the Legal Service Division on "Opinion on the nature of the Chief Executive's power of appointing District Council members under the District Councils Ordinance" (LC Paper No. LS25/03-04);
- (c) LC Paper No. CB(2)710/03-04(01) - Response from the Director of Home Affairs on the issues raised by members at the joint meeting on 8 December 2003;
- (d) LC Paper No. CB(2)769/03-04(01) - Issues raised by Hon Michael MAK relating to the Health Services functional constituency;
- (e) LC Paper No. CB(2)769/03-04(02) - Written submission from the Democratic Alliance for Betterment of Hong Kong on "Guidelines on election-related activities issued by Electoral Affairs Commission";
- (f) LC Paper No. CB(2)920/03-04(01) - Opening statement made by the Chief Secretary for Administration on the issue of constitutional development after 2007 at a post Policy Address press conference on 7 January 2004;
- (g) LC Paper No. CB(2)971/03-04(01) - Administration's response to issues raised by Hon Michael MAK relating to the Health Services functional constituency; and
- (h) LC Paper No. CB(2)1216/03-04(01) - Article by "畢流香" published in Hong Kong Economic Times on 2 February 2004, written in response to the Administration's letter dated 26 January 2004 issued vide LC Paper No. CB(2)1093/03-04.

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III. Items for discussion at the next meeting

(LC Paper Nos. CB(2)1309/03-04(01) and (02))

3. Ms Emily LAU suggested and members agreed that the review on constitutional development after 2007 should be included as an agenda item for future regular meetings. The Chairman said the arrangement could be reviewed in future in the light of further developments.

4. Members agreed that the following items should be discussed at the next meeting on 15 March 2004 -

- (a) Research report on "Operation of electoral regulatory bodies in selected places";
- (b) Publicity for 2004 voter registration campaign (proposed by the Administration);
- (c) Review on constitutional development after 2007; and
- (d) Guidelines on election-related activities issued by the Electoral Affairs (paragraph 62 below refers).

(Post-meeting note : At the request of the Administration, the item "Polling and counting arrangements for 2004 Legislative Council elections" was included in the agenda. On the instruction of the Chairman, the item "Research report on 'Operation of electoral regulatory bodies in selected places'" was deferred to the meeting in April 2004.)

IV. Polling and counting arrangements for 2004 Legislative Council elections

(LC Paper No. CB(2)1309/03-04(03))

Briefing by the Administration

5. Chief Electoral Officer (CEO) briefed members on the polling and counting arrangements proposed by the Electoral Affairs Commission (EAC) for the 2004 LegCo elections to be held in September 2004 (LC Paper No. CB(2)1309/03-04(03)). Members noted that EAC had proposed that vote counting for geographical constituencies (GCs) should be decentralized to individual polling stations as in the 2003 District Council (DC) election, and some minor changes would be made to the polling arrangements for functional constituencies (FCs). In addition, EAC was considering using optical mark reader (OMR) machines to count FC votes in the 2004 LegCo elections. CEO said that a demonstration session would be arranged for Members before the Panel was formally consulted on the proposal at the next meeting.

(Post-meeting note : A demonstration of the operation of OMR machines for counting FC ballot papers was arranged for Members on 25 February 2004.)

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Vote counting arrangements for GCs

6. Mr TAM Yiu-chung said that in view of the large number of counting stations under the proposed decentralized counting arrangements for GCs, some candidates, particularly independent candidates, might have difficulties to deploy adequate manpower to monitor the counting process at each and every counting station within a GC.

7. CEO responded that the counting process would be conducted in an open and transparent manner. As members of the public and the media were allowed to observe the entire counting process, they would play a part in monitoring the process. In addition, candidates could consider appointing their polling agents to be counting agents to monitor the counting process as well.

8. The Chairman said that mixing ballot papers from polling stations within a GC before counting was an important principle in safeguarding the integrity of the electoral process. He objected to the current arrangement in DC election that only the ballot papers of the small polling stations (with less than 200 registered electors) and the main counting station within the same constituency would be mixed before counting. He insisted that for the 2004 and future LegCo GC elections, vote counting, if decentralized, should be on the basis of one counting station per constituency, or, at least, a number of counting stations per constituency (say one per district within the same constituency).

9. In response to the Chairman on the report on the 2003 DC election, CEO said that EAC was required to submit the report to the Chief Executive (CE) within three months after the conclusion of the election. The report would be submitted to CE by the end of February 2004, and would include a review on the counting arrangements adopted in the DC election.

10. Ms Emily LAU said that she was inclined to support the proposal to decentralize counting of GC votes to individual counting stations. However, she pointed out that the experience of the 2003 DC election had shown that the performance of the decentralised counting stations varied from station to station. The Ping Shek counting station was particularly unsatisfactory as the counting process did not commence until midnight.

11. Mr Fred LI shared Ms Emily LAU's view and pointed out that the counting process at some counting stations in the 2003 DC election was not efficient as some polling stations took a long time to convert into counting stations. He said that the time required for converting polling stations into counting stations should be reviewed and shortened.

12. CEO responded that the average time for the conversion process was one hour. However, the conversion process of some polling stations had taken longer than expected. This might be due to the fact that Presiding Officers (PrOs) had to spend considerable time to deal with some paperwork after the close of poll. Consideration was being given to delegating such duties to the Deputy PrOs so that PrOs could be relieved to supervise the conversion.

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13. Ms Cyd HO suggested that the public should be allowed to be present during the process of converting a polling station into a counting station. CEO agreed to convey her suggestion to EAC for consideration.

14. Ms Cyd HO said that some candidates, in particular independent candidates who had relatively less resources, would find it difficult to deploy a sufficient number of agents to monitor the counting process at each of the counting stations. She proposed that EAC should consider installing CCTV in the central counting station to live broadcast the counting process at all the counting stations to enhance transparency. She considered that her proposal should be pursued before implementation of the proposed decentralized counting arrangements for GCs.

Handling of questionable GC ballot papers

15. Mr TAM Yiu-chung and Ms Emily LAU expressed concern that if the candidates or their agents could not be present at certain counting stations, they would not be able to raise objection to the admission or rejection of a questionable ballot paper. Ms LAU requested CEO to provide the number of questionable ballot papers to which candidates or their agents had raised objection in the 2003 DC election.

16. CEO said that over 80% of the questionable ballot papers in the 2000 LegCo elections were not genuine questionable ballot papers, and no major problem was encountered in determining the validity of questionable ballot papers in the 2003 DC election. On Ms LAU's request, CEO agreed to provide the information if available.

17. Mr TAM Yiu-chung expressed concern that the 500 PrOs might adopt different standards in determining the validity of questionable ballot papers.

18. Mr Howard YOUNG supported in principle the proposal to decentralize counting of GC votes to individual counting stations. However, he considered that the standard adopted by PrOs in determining the validity of questionable ballot papers should be consistent. He enquired whether sufficient legal advisers would be available to give advice on questionable ballot papers in case of dispute.

19. CEO responded that sample questionable ballot papers (valid and invalid) had been used in training for PrOs and included in the PrO manual. In view of the new design of ballot papers to be used for the 2004 GC elections, new samples of questionable ballot papers would be prepared for reference of PrOs and candidates. CEO added that each of the 18 districts would be provided with a Government counsel who could offer on the spot advice if necessary. However, the decision of a PrO on the validity of a questionable ballot paper was final. A candidate was at liberty to seek his own legal advice and if he objected to the acceptance or rejection of a ballot paper by the PrO, the ballot paper would be marked "acceptance objected to" or "rejection objected to" as appropriate.

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20. The Chairman asked whether candidates and their agents were allowed to inspect the questionable ballot papers which were determined to be invalid. CEO said that questionable ballot papers would be placed in transparent plastic boxes on the table. Candidates or their agents present might request to inspect a questionable ballot paper or raise objection to the admission or rejection of a questionable ballot paper.

21. Mr IP Kwok-him expressed concern that since the ballot papers for the 2004 GC elections would be in A3 size but folded into A4 size, the folding could cause ink overprints with the result that some ballot papers could be regarded as questionable and rejected.

22. CEO explained that it was an existing arrangement to require an elector to fold the ballot paper to conceal the marking thereon. The number of questionable ballot papers due to ink overprints was not many in past elections, and the Registration and Electoral Office (REO) was experienced in identifying ballot papers with ink overprints as a result of the folding of the ballot papers.

23. In view of the concern over consistency of standard adopted by PrOs in determining questionable ballot papers, Mr Fred LI suggested that EAC should consider using web cameras to transmit the images of questionable ballot papers identified at counting stations to the central counting station for determination by the respective Returning Officers. CEO agreed to convey the suggestion to EAC for consideration.

Vote counting arrangements for FCs

24. Mr Howard YOUNG noted that the PrO at the counting station would open the GC ballot boxes and identify any misplaced FC ballot papers, and would arrange the misplaced FC ballot papers to be delivered together with the ballot boxes and ballot paper accounts for FCs to the central counting station. He expressed concern whether this arrangement would delay the counting process for FC votes.

25. CEO responded that the ballot papers for GCs and FCs were in different colours to facilitate sorting of any misplaced FC ballot papers, and with the use of OMR machines, the process of counting FC votes would be speeded up.

26. Mr NG Leung-sing said that the proposal to use OMR machines for counting FC votes should be carefully considered, in terms of both the effectiveness and efficiency of the counting process. He asked how the validity of questionable ballot papers would be determined if OMR machines were used for counting of FC votes. CEO responded that questionable ballot papers would be brought up as digital images for determination by the Returning Officer.

27. Mr NG asked about the amount of compensation paid by the contractor to the Government for the human error in the design stage of the OMR machines used for counting of votes at the 2000 Election Committee subsector election. CEO agreed to provide information on the amount of compensation to the Panel after the meeting.

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Way forward

28. SCA said that the views and suggestions made by members would be conveyed to EAC for consideration. EAC would issue the proposed guidelines on election-related activities in respect of the 2004 LegCo elections in March/April 2004 for public consultation. The relevant subsidiary legislation would be introduced into LegCo for consideration afterwards.

(Post-meeting note : The item was discussed at the meeting on 15 March 2004. The Administration had provided a paper to respond to comments made by members at this meeting and the demonstration session.)

V. Review on constitutional development after 2007

(LC Paper Nos. CB(2)1299/03-04(01) - (07), 1347/03-04(01) and letter dated 16 February 2004 from SCA to Members)

Progress of work of the Task Force on Constitutional Development (Task Force)

29. SCA said that both the Chief Secretary for Administration (CS) and the Secretary for Justice could not attend this meeting due to other official commitments. CS had made a statement to inform Members of the first visit of the Task Force to Beijing from 8 to 10 February 2004 at the Council meeting on 11 February 2004 (CS's Statement). A copy of CS's Statement on the visit and further written submissions received from organizations and individuals met by the Task Force had been issued to Members (LC Paper No. CB(2)1347/03-04(01) and written submissions attached to letter dated 16 February 2004 from SCA to Members).

30. SCA further said that as at 12 February 2004, the Task Force had a total of 19 meetings with organizations and individuals from different sectors of the community, including LegCo, DC Chairmen and Vice-Chairmen, political parties and groups, the legal profession, the academia, trade unions as well as chambers of commerce. The Task Force had also met with six academics on economics on 14 February 2004. Arrangement was being made for the Task Force to meet with more than 30 organizations and individuals until early March 2004. SCA added that the Task Force would launch a website to facilitate the public to give views on issues of principle and legislative process. The Task Force would also liaise with the Central Authorities at an appropriate time, to report on the progress made and to reflect the views of the public.

Controversies over "patriotism"

31. Dr YEUNG Sum said that according to press reports on 12 February 2004, a government source had quoted a Beijing official as saying that the people who participated in the procession on 1 July 2003 protesting against the enactment of legislation to implement Article 23 of the Basic Law (BL23) were unpatriotic. He expressed serious concern that such remarks would effectively spell the end to the principles of "One Country, Two Systems" and "Hong Kong people ruling Hong Kong".

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Dr YEUNG sought clarification as to whether any Beijing official had indeed made such remarks during the visit of the Task Force to Beijing, and if so, who was the official. He also urged CS to clarify the matter with the Central Authorities on a formal basis.

32. SCA responded that during the visit of the Task Force to Beijing, discussions with the relevant departments of the Central Authorities mainly focused on the future constitutional development of the Hong Kong Special Administrative Region (HKSAR). Since CS had made a detailed statement on the visit at the Council meeting on 11 February 2004, he did not have any further details to add.

33. On the question of patriotism, SCA said that it was clear that Hong Kong people loved their country and identified with the overall development of the country. They took a positive view of how well China was doing internationally. Hong Kong people and Hong Kong community as a whole welcomed the reunification and supported the implementation of "One Country, Two Systems" in accordance with the Basic Law. Referring to CS's Statement in paragraph 11 that -

"The relevant departments of the Central Authorities reiterated that in the 1980s, China had set out the basic policies for Hong Kong, and that was that the people who manage the affairs of Hong Kong should be those Hong Kong people who love their country and who love Hong Kong",

SCA said that "the people who manage the affairs of Hong Kong" referred to the people who had a part to play in the administration of Hong Kong's public affairs, not the Hong Kong public in general.

34. SCA further said that the Hong Kong community as a whole supported the need for enactment of national security legislation. In the light of its handling of the National Security (Legislative Provisions) Bill, the Government would ensure that any legislative proposals on national security to be introduced would have the support of the community as a whole. SCA also pointed out that the question of constitutional review and national security legislation were two different issues and should be dealt with separately.

35. Referring to paragraph 11 of CS's Statement, Ms Emily LAU asked whether the Central Authorities had implied that the people who were currently managing the affairs of Hong Kong did not love their country and Hong Kong. SCA responded that during the visit to Beijing, the relevant departments of the Central Authorities had merely reiterated to the Task Force the basic policies set out by the Central Authorities for Hong Kong in the 1980s. They did not make any comment on the current situation in Hong Kong.

36. Ms Emily LAU pointed out that the recent discussions in the community on constitutional development had become very chaotic. The various remarks and criticisms made by some members of the Standing Committee of the National People's Congress, which might not represent the views of the Central Authorities, had

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complicated the situation. Several newspapers published on that day even reported that the Central Authorities had already ruled out the election of CE and LegCo by universal suffrage in 2007 and 2008 respectively (universal suffrage in 2007/08), and would set up an "alternative legislature" in Hong Kong in October 2004 if necessary. Ms LAU expressed concern that labeling certain named LegCo Members as unpatriotic would not be conducive to rational discussions on constitutional development. Ms LAU asked whether -

- (a) the present consultation exercise conducted by the Task Force was merely a 'show';
- (b) the Government had any plan to ensure that the discussions would proceed in an orderly manner; and
- (c) the Central Authorities had decided to establish an "alternative legislature" and had decided against universal suffrage in 2007/08.

37. SCA said that the vast majority of people of Hong Kong were patriotic and identified with the overall development of the country, despite the fact that they might have different political backgrounds. However, he did not wish to comment on the remarks made by individuals.

38. SCA added that discussions with the Central Authorities and legal experts during the visit of the Task Force to Beijing had been open and sincere, and focused on issues of principle and legislative process within the framework of the Basic Law. So far, there had been no discussion on specific proposals. Regarding the future composition of LegCo as reported in the newspapers on that day, SCA said that he had neither heard of any such statement from the relevant authorities nor been informed of such an idea. Moreover, the source of information quoted by the newspapers was from an individual, not a Government official. SCA reiterated that the Task Force would continue its discussions with the relevant departments of the Central Authorities with a view to achieving a common understanding and a sound foundation for the work ahead.

39. Mr CHEUNG Man-kwong said that if a Beijing official did comment that Hong Kong people not in support of the legislation to implement BL23 were unpatriotic during the visit of the Task Force, CS should advise Members and the public so that they would know the views of the Central Authorities on the types of people who should participate in the political system in Hong Kong. Referring to newspaper reports that the Central Authorities had ruled out universal suffrage in 2007/08 and would set up an "alternative legislature" in Hong Kong, Mr CHEUNG asked whether the Task Force had reflected to the Central Authorities the wish of the Hong Kong people for universal suffrage in 2007/08, and what the attitude or stance of the Central Authorities was on this option.

40. SCA responded that the written submissions from ten organizations and individuals met by the Task Force were provided to the Central Authorities during its visit to Beijing, and the results of public opinion polls were mentioned in some of the

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submissions. SCA reiterated that discussions with the Central Authorities had focused on issues of principle and legislative process, and no discussion on specific proposals, e.g. methods for selecting CE and forming LegCo after 2007, had taken place so far.

The question of seeking independence for Hong Kong

41. Mr Martin LEE said that he had asked CS, at the Council meeting on 11 February 2004, whether CS had informed the Central Authorities during his visit to Beijing that nobody in Hong Kong wanted to seek independence for Hong Kong. However, CS had tactfully evaded the question by answering that he had not advised the Central Authorities that Hong Kong people wanted to seek independence for Hong Kong. Mr LEE did not think that CS had answered his question, and requested SCA to provide an answer.

42. SCA responded that CS had made a statement on the first visit of the Task Force to Beijing to the Council, and he had no further details to add to CS's Statement. SCA advised members that the Central Authorities were aware that the people of Hong Kong supported the reunification and supported the implementation of "One Country, Two Systems" in accordance with the Basic Law.

Issues of principle

43. The Chairman commented that some issues of principle and legislative process identified by the Task Force were explicitly provided in the Basic Law, but some were not. He pointed out that some issues of principle which had been written in the provisions of the Basic Law, e.g. constitutional development must accord with "the actual situation of the HKSAR" and "the principle of gradual and orderly progress", were matters for political judgment and had nothing to do with the legal interpretation of the Basic Law. Views on these issues of principle could differ. He also considered that discussions on issues of principle which had not been written into the provisions of the Basic Law, e.g. "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "love for the country, love for Hong Kong" could arouse debates and controversies. These would create obstacles in the work of the Task Force.

44. The Chairman further said that "a proposal which is consistent with the Basic Law" could be different from "a proposal which does not contravene the Basic Law". In his view, the latter was a more liberal approach and should be adopted in pursuing constitutional development in Hong Kong. The Chairman requested the Task Force to discuss with the Central Authorities the adoption of a liberal approach in considering the issues of principle and legislative process, in the context of constitutional development, i.e. a proposal should be acceptable as long as it "does not contravene the Basic Law".

45. SCA responded that as stated in paragraph 17 of CS's Statement, the Central Authorities had expressed their wish that the various sectors of the community should discuss the issues of principle rationally and thoroughly and strive for consensus. The Central Authorities had also emphasized that when considering these issues, a wide

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perspective should be adopted, taking into account in a holistic manner the national interests, the long-term interests of Hong Kong, the legal status of Hong Kong, the economic development in Hong Kong, the implementation of the Basic Law and its actual operation, and the interests of the various strata and sectors of the Hong Kong community.

46. SCA further said that in drafting the Basic Law in preparation for the reunification of Hong Kong with China, the policy intention was to preserve the systems practised in Hong Kong before 1997. The political structure of HKSAR constituted an important element of the Basic Law. In considering the development of the political structure of Hong Kong, reference should be made to the explanation given by Mr JI Pengfei in 1990 on the design of the political structure as enshrined in the Basic Law.

47. The Chairman expressed the view that as the explanation given by Mr JI had not been included in the provisions of the Basic Law, it could only serve to clarify the legislative intent of the Basic Law, and should not override the Basic Law.

Universal suffrage in 2007/08

48. Mr Martin LEE said that according to Annex I and Annex II to the Basic Law, electing CE and LegCo by universal suffrage in 2007 and 2008 respectively was allowed. In view of the latest controversies surrounding the issue of constitutional development as reported in the media, Mr LEE asked SCA to advise the public unequivocally that this remained a feasible option.

49. SCA responded that according to Annex I and Annex II to the Basic Law, amendments to the methods for selecting CE and for forming LegCo after 2007 might be considered. Any proposed amendments would have to be dealt with in accordance with the Basic Law, e.g. BL45 and BL68 stipulated that the two methods must be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. In further response to Mr LEE on whether universal suffrage in 2007/08 was permitted under the Basic Law, SCA said that any proposed amendments must be made with the endorsement of a two-third majority of all LegCo Members and the consent of CE, and should be reported to the Standing Committee of the National People's Congress for approval and record respectively.

50. Mr Martin LEE sought clarification as to whether the phrase "subsequent to the year 2007" in Annex I to the Basic Law included the third term CE. SCA responded that the internal study carried out by the Government had concluded that, if there was a need, amendments to the method for selecting the third term CE in 2007 might be considered. However, if there were other views in the community about this subject, the Task Force would be pleased to listen to them.

51. Mr LEE pointed out that since there were clear aspirations in the community for universal suffrage in 2007/08, the public had expected that discussions on constitutional development would focus on specific options. Mr LEE was surprised

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that following the CE's 2004 Policy Address and the visit of the Task Force to Beijing, various issues of principle and legislative process relating to constitutional development had been raised. Mr LEE asked whether other major issues straddling the policy portfolios of other LegCo Panels, e.g. education and economic issues, would be considered to be related to constitutional development and required further examination.

52. SCA said that following the CE's Policy Address delivered on 7 January 2004, the Administration had provided a paper for the Panel setting out the major issues of principle and legislative process which required to be addressed in considering the constitutional development in Hong Kong. During the visit of the Task Force to Beijing, the Central Authorities agreed that these issues were appropriate and should be dealt with. SCA was of the view that the major issues had been identified. If any other issues which required examination had come up following consultation with the public and the Central Authorities, the Task Force would inform the Panel.

Timetable and consultation document for constitutional review

53. Dr YEUNG Sum welcomed the Government's initiative in launching a website to collect views from the public. He asked when the Task Force could announce the timetable for constitutional review and publish a consultation document. He suggested that the Government should invite academics to propose various options on constitutional development and set out the pros and cons of each option. Setting out specific options in the form of a consultation document would facilitate the public to give views and assessment of public views by independent institutions. In his view, a consultation document was a better alternative than the current arrangements of meeting with different sectors of the community and collecting views from the public through the website.

54. SCA said that although the Task Force was currently meeting with different sectors of the community to listen to their views on issues of principle and legislative process, some organizations and individuals had given views on specific proposals. Any written submissions or papers on specific proposals received by the Task Force would be kept for future reference. Upon completion of the first stage of its work, the Task Force would work out a plan for future work and inform LegCo. On the timetable for constitutional review and the release of a consultation document, SCA said that he could not provide an estimate at this stage, as the Task Force would have further meetings with organizations and individuals and would draw conclusions on the views received before proceeding to the next stage of work. The Central Authorities had also expressed the view that the issues of principle and legislative process should be thoroughly discussed before proceeding further.

Role of the Task Force

55. Mr CHEUNG Man-kwong said that the Task Force should not confine its role to that of "a messenger" in simply relaying the views of the Hong Kong people to the Central Authorities and vice versa. The Task Force should convey to the Central

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Authorities the aspirations of the Hong Kong people for universal suffrage in 2007/08 and request the Central Authorities to respect these aspirations which were within the confine of the Basic Law. As the meetings between the Task Force and the Central Authorities were held behind closed door, Mr CHEUNG expressed concern that the Task Force might withhold sensitive issues discussed during these meetings, and that the Task Force might be well aware of the outcome of the discussions regarding the future constitutional development of HKSAR.

56. SCA reiterated that no discussion had taken place on specific proposals on constitutional development. The Task Force had informed the Central Authorities that the Hong Kong people had a common expectation that there should be improvements in constitutional development, and that the entire discussion process should be highly transparent. The written submissions of organizations and groups met by the Task Force had been provided to the Central Authorities in their entirety. The Central Authorities had a clear understanding of the different views contained in the submissions.

57. Miss Margaret NG said that the Task Force had failed to achieve an important objective during its visit to Beijing. Firstly, the Task Force did not clearly reflect to the Central Authorities that the people of Hong Kong had no intention of seeking independence for Hong Kong. This would alleviate any concerns of the Central Authorities on the matter. Secondly, the Task Force did not reflect to the Central Authorities that the majority of the Hong Kong people had strong aspirations for universal suffrage in 2007/08. Hence, there was a pressing need for constitutional review. Miss NG further said while CS's Statement had mentioned that the Mainland legal experts considered that the issues of principle were complicated, CS had not elaborated on their views to facilitate the interested parties to deliberate on them.

58. SCA responded that during the meetings in Beijing, CS had asked the relevant departments of the Central Authorities about their specific areas of concerns. They indicated that the Central Authorities had serious concern over Hong Kong's future constitutional development because the matter would affect the implementation of the principle of "One Country, Two Systems" and the Basic Law, the relationship between the Central People's Government and the HKSAR, the interests of various strata and sectors of the community, and the long term prosperity and stability of Hong Kong. CS's Statement had provided a detailed account of their views on these areas of concerns. Miss NG remained of the view that the Task Force did not take the opportunity to reflect to the Central Authorities the important issues raised by her.

VI. Guidelines on election-related activities issued by the Electoral Affairs Commission
(LC Paper No. CB(2)1309/03-04(05))

59. CEO informed members that the proposed Guidelines on election-related activities in respect of the 2004 LegCo elections would be published at the end of March 2004 for public consultation.

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60. Ms Emily LAU suggested that legal advice should be provided to assist candidates to complete the nomination form in respect of the period of absence from Hong Kong (paragraphs 40-41 of the paper). CEO responded that candidates could refer to the guidelines attached to the nomination form, or consult the Nominations Advisory Committees for advice.

61. Mr Howard YOUNG disagreed with EAC's view that candidates should share the expenses equally of the production and display of an election advertisement (paragraphs 20-22 of the paper). He remained of the view that the amount of expenses incurred by the candidates of a joint election advertisement should be calculated in proportion to their respective election expense limits.

62. As time was running out, the Chairman suggested and members agreed to defer the discussion of the item to the next meeting.

63. The meeting closed at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
16 April 2004