

立法會  
*Legislative Council*

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Ref : CB2/PL/CA

**Panel on Constitutional Affairs**

**Minutes of meeting  
held on Tuesday, 12 October 2004 at 9:40 am  
in the Chamber of the Legislative Council Building**

**Members present** : Dr Hon LUI Ming-wah, JP (Chairman)  
Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon Fred LI Wah-ming, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon CHEUNG Man-kwong  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon WONG Yung-kan, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Tommy CHEUNG Yu-yan, JP

Hon Albert CHAN Wai-yip  
Hon Frederick FUNG Kin-kee, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Vincent FANG Kang, JP  
Hon WONG Kwok-hing, MH  
Hon LEE Wing-tat  
Hon LI Kwok-ying, MH  
Dr Hon Joseph LEE Kok-long  
Hon Daniel LAM Wai-keung, BBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon MA Lik, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Dr Hon KWOK Ka-ki  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHEUNG Hok-ming, SBS, JP  
Hon WONG Ting-kwong, BBS  
Hon TONG Ka-wah, SC  
Hon CHIM Pui-chung  
Hon Albert Jinghan CHENG  
Hon KWONG Chi-kin  
Hon TAM Heung-man

**Members absent** : Dr Hon David LI Kwok-po, GBS, JP  
Hon LAU Chin-shek, JP  
Hon Patrick LAU Sau-shing, SBS, JP

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mrs Justina LAM  
Assistant Secretary General 2  
  
Mrs Eleanor CHOW  
Senior Council Secretary (2)4  
  
Mr Paul WOO  
Senior Council Secretary (2)3

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Action

**I. Election of Chairman and Deputy Chairman**

Election of Chairman

Mr James TIEN, the member of the highest precedence, presided over the election of the Chairman of the Panel on Constitutional Affairs (CA). Dr YEUNG Sum proposed that a forum for presentation of platform and answering of questions by the candidates be held. Mr TIEN said that although the election procedure was silent on the holding of such a forum, he would respect members' wish as the Finance Committee held a similar forum at its meeting on 6 October 2004. Mr TIEN further said that given the limited time scheduled for this meeting, each candidate should speak for not more than two minutes, and that members' questions should be concise.

2. Mr TIEN called for nominations for the chairmanship of the Panel. Ms Emily LAU was nominated by Mr Albert HO and the nomination was seconded by Dr YEUNG Sum. Ms LAU accepted the nomination. Mr TIEN called for other nominations.

3. Dr LUI Ming-wah was nominated by Mr Abramam SHEK and the nomination was seconded by Mr LAU Kong-wah. Dr LUI accepted the nomination. Mr TIEN called for other nominations. As there was no other nomination, the Chairman declared that the meeting should proceed to the presentation of platform and answering of questions by the candidates nominated for the chairmanship.

4. Ms Emily LAU said that during all these years as a Legislative Council (LegCo) Member, she had been actively pursuing constitutional reform for Hong Kong, and had moved a number of motions for debate in the Council in this regard. She supported universal suffrage for the elections of the Chief Executive and LegCo Members in 2007 and 2008 respectively. Ms LAU further said that constitutional reform was a controversial issue attracting wide public interest. The Chairman of the CA Panel had the responsibility to ensure that the meetings were conducted in a fair and open manner and that LegCo Members, members of the public and the Administration were given ample opportunities and time to discuss this important issue. She hoped that thorough discussions would facilitate the Panel to come up with a proposal on constitutional reform which would be acceptable to all the parties concerned.

5. Dr YEUNG Sum said that over 60% of the electors had voted for candidates in the pro-democracy camp in the 2004 LegCo election, implying that the majority of the Hong Kong people were in support of universal suffrage for the elections of Chief Executive and LegCo Members. He asked Dr LUI Ming-wah to explain his political stance in this respect.

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6. Dr LUI Ming-wah said that he would describe himself as a progressive conservative. It had been and would continue to be his political stance that stability should be preserved while achieving progress in constitutional development. In his view, the role of the Chairman of the Panel was to ensure that meetings were conducted in a fair and open manner, and that persons attending the meetings were given opportunities to express their views.

7. Mr LEUNG Kwok-hung said that he was late for the meeting and would like to nominate himself for the chairmanship of the Panel. Mr James TIEN explained that as the procedure for nominating candidates had already been completed, his nomination could not be dealt with.

8. Mr LEE Cheuk-yan said that Dr LUI had never been a member of the CA Panel in the past, and asked why he had now decided to join the Panel and run for the chairmanship. Mr LEE also queried whether Dr LUI could chair meetings in a fair and impartial manner.

9. Dr LUI explained that in the past six years, his main focus was on the economy of Hong Kong. The fact that he was not a member of the CA Panel in the past did not mean that he was not concerned about constitutional development. Dr LUI said that given that constitutional development had now become an issue of wide public concern, he would like to take up the challenge to be the Chairman of the Panel. Members would be able to assess his performance as the Chairman should he be elected.

10. Ms Emily LAU said that there had been press reports that CE, senior officials of the Government of the Hong Kong Special Administrative Region (HKSAR) and the Liaison Office of the Central People's Government (CPG) in the HKSAR had expressed serious concern about the election of the Chairman of this Panel. She asked whether they had been involved in canvassing votes for Dr LUI. Dr LUI said that he did not consider it necessary to answer Ms LAU's question.

11. Mr LEUNG Kwok-hung asked whether Dr LUI had been approached by senior officials of the HKSAR Government, officials of the Liaison Office of the CPG in the HKSAR, Members belonging to the Liberal Party, and Members belonging to the democratic camp concerning the election of the Panel Chairman. If he had been approached, how many of them had approached him. Dr LUI said that he had been seeing many people in the past few weeks and had been away from Hong Kong for a few days. He did not keep a record of the persons whom he had met. He was therefore not in a position to answer Mr LEUNG's question. Mr LEUNG further asked whether Dr LUI had been approached by Mr WANG Rudeng, Mr LI Gang, Mr GAO Siren or other senior officials of the Liaison Office of the CPG in the HKSAR. Dr LUI replied in the negative.

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12. As members did not raise any more questions with the candidates, Mr James TIEN announced a vote by secret ballot. After all the members had cast their votes, Mr TIEN invited Mr Albert Ho and Mr Abraham SHEK, who had nominated the two candidates, to monitor the counting of votes.

13. Mr TIEN announced that 24 and 31 members voted for Ms Emily LAU and Dr LUI Ming-wah respectively, and declared Dr LUI elected as the Chairman of the Panel.

Election of Deputy Chairman

14. The Chairman took the chair and called for nominations for the deputy chairmanship of the Panel. Ms Emily LAU was nominated by Dr YEUNG Sum and the nomination was seconded by Mr LEE Cheuk-yan. Ms LAU accepted the nomination.

15. The Chairman called for other nominations. Mr Jasper TSANG was nominated by Mr Abraham SHEK and the nomination was seconded by Dr Philip WONG. Mr TSANG accepted the nomination. Mr LEUNG Kwok-hung was nominated by Mr Albert CHENG and the nomination was seconded by Miss TAM Heung-man. Mr LEUNG accepted the nomination. As there was no other nomination, the Chairman announced a vote by secret ballot.

16. The Chairman invited Dr YEUNG Sum, Mr Abraham SHEK and Mr Albert CHENG, who had nominated the three candidates, to monitor the counting of votes.

17. The Chairman announced that 2, 22 and 31 members voted for Mr LEUNG Kwok-hung, Ms Emily LAU and Mr Jasper TSANG respectively. The Chairman declared Mr TSANG elected as the Deputy Chairman of the Panel.

Late membership

18. The Chairman said that Mr LAU Chin-shek had applied for late membership of the Panel on the ground of his absence from Hong Kong. Members raised no objection to Mr LAU's application.

**II. Schedule of meetings for the 2004-2005 session**

19. Members agreed that regular meetings for the 2004-05 session would be held on the third Monday of each month at 2:30 pm. As the third Monday of May 2005 was a holiday, members agreed that that meeting would be rescheduled to Monday, 30 May 2005. Members also agreed that the next meeting would be held on Monday, 18 October 2004 at 2:30 pm.

Action

**III. Discussion items for the next meeting**

20. With reference to the “List of issues suggested to be considered” tabled at the meeting, members discussed the items to be included in the agenda of the next meeting.

Review on constitutional development after 2007

21. Ms Emily LAU proposed that the item be discussed at the next meeting. She said that the consultation exercise on the Third Report of the Constitutional Development Task Force would end on 15 October 2004, and that the Task Force should be invited to report progress to the Panel. The Panel should also discuss how it should proceed with its work on constitutional reform, such as whether deputations should be invited to give views on the item.

22. Dr YEUNG Sum said that the Chief Secretary for Administration should be invited to attend the meeting to brief members on the progress of the public consultation exercise and the way forward.

Review of the conduct of the 2004 Legislative Council election

23. Mr LEE Wing-tat proposed that the irregularities in polling arrangements and confusion on the polling day of the 2004 LegCo election should be discussed at the next meeting. He said that he was aware that the Electoral Affairs Commission (EAC) was conducting an internal investigation which was expected to be completed within three months after the election. He further said that the investigation was not conducted by an independent Commission of Inquiry, and that the time required for completing the investigation unacceptable. Mr LEE added that the EAC should be requested to explain the polling arrangements at the next meeting, pending the publication of its investigation report.

24. Ms Margaret NG agreed that the matter should be discussed at the next meeting as this would facilitate Members’ debate on the motion on “Public inquiry on irregularities in the 2004 Legislative Council Election” to be moved by her at the Council meeting on 27 October 2004.

List of outstanding items for discussion

25. Ms Emily LAU said that many items had remained on the outstanding list for several years. The Administration should be requested to report progress on these items and advise on the timetable for reverting to the Panel.

26. In view of the large membership of the Panel and the important issues to be discussed by the Panel, Mr James TIEN suggested that a maximum of two agenda items should be discussed at each meeting.

Action

27. Dr KWOK Ka-ki said that the Panel should allow time for thorough discussion by members. If it was anticipated that a lengthy discussion would be held on certain items, the duration of the meeting should be extended.

28. Mr Albert CHENG said that members of the Panel should be allowed sufficient time for discussion of important issues such as constitutional development, and that discussion should not be restricted by consideration of time.

29. The meeting ended at 10:30 am.

Council Business Division 2  
Legislative Council Secretariat  
27 October 2004