

立法會
Legislative Council

LC Paper No. CB(2)1677/04-05
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by the Administration)

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Panel on Constitutional Affairs

**Minutes of special meeting
held on Saturday, 19 February 2005 at 9:30 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 Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
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 Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, JP
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP

Hon Alan LEONG Kah-kit, SC
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 Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon TAM Heung-man

**Members
absent**

: Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon Fred LI Wah-ming, JP
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon WONG Yung-kan, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon Frederick FUNG Kin-kee, JP
Hon WONG Kwok-hing, MH
Dr Hon Joseph LEE Kok-long
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, JP
Hon LEUNG Kwok-hung
Hon CHIM Pui-chung
Hon KWONG Chi-kin

**Public officers
attending**

: Item I

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Ms Julina CHAN Woon-yee
Principal Assistant Secretary for Constitutional Affairs

**Attendance by
invitation**

: The Hong Kong Federation of Electrical and Mechanical
Contractors

Mr Paul CHONG
Hon Secretary

New Century Forum

Mr Patrick TSANG
Member

Association of Engineering Professionals in Society Ltd.

Mr CHEUNG Yan-hong
Vice Chairman

Member of Yuen Long District Council

Mr SUNG Wai-ching

Vice Chairman of Yau Tsim Mong District Council

Mr LEUNG Wai-kuen

Contractor's Authorised Signatory Association

Mr LO Fu-wah
Chairman

Member of Islands District Council

Ms LEE Kwai-chun

The Hong Kong Progressive Alliance

Mr POON Chun-yuen
Convener of Subcommittee on Constitutional Affairs, Law &
Security

Power for Democracy

Mr TSOI Yiu-cheong
Convener

Hong Kong Democratic Foundation

Mr George Cautherley
Vice-Chairman

Hong Kong University Graduates Association

Ms Mary LAU
Convenor

Member of Wong Tai Sin District Council

Dr James LAU Chi-wang

Democratic Alliance for Betterment of Hong Kong

Mr Ben CHEUNG
Deputy Spokesperson of DAB's Constitutional Affairs

The Hong Kong Chinese Importers' & Exporters' Association

Mr LEE Kam Kai
Committee Member

香港中醫師政制改革關注組

馮玖女士
中醫師

Kowloon Federation of Associations

Mr LEUNG Ying-piu
President

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

Staff in attendance : Mrs Eleanor CHOW
Senior Council Secretary (2)4

Mrs Fonny TSANG
Legislative Assistant (2)3

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I. Methods for selecting the Chief Executive in 2007 (including the composition and operation of the Election Committee) and for forming the Legislative Council in 2008

(LC Paper Nos. CB(2)882/04-05(01) – (06), 870/04-05(01) – (06) and 900/04-05(01) – (05))

Meeting with deputations

At the invitation of the Chairman, representatives of the deputations made oral presentation on their submissions. A summary of views of the deputations is in **Appendix**.

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Response of the Administration

2. Secretary for Constitutional Affairs (SCA) thanked the deputations for giving views and said that he would like to respond to some of the specific comments made by them.

The Hong Kong Federation of Electrical and Mechanical Contractors (HKFEMC)

3. SCA clarified that “the terms subsequent to the year 2007” as provided in Article 7 of Annex I to the Basic Law referred to the terms of the Chief Executive (CE) starting from 2007 and thereafter.

New Century Forum (NCF) and Hong Kong University Graduates Association (HKUGA)

4. SCA said that the proposals put forth by NCF and HKUGA were similar in that both bodies suggested that the Election Committee (EC) which was responsible for selecting CE in 2007 be renamed as the nomination committee, and the membership of which should increase from 800 to 1 200. According to these proposals, the nomination committee was responsible for nominating candidates for the CE election only. The electors (200 000 under NCF’s proposal or 500 000 under HKUGA’s proposal) were responsible for electing members of the nomination committee and CE. SCA said that any changes to the membership of EC would require an amendment to Annex I to the Basic Law. He pointed out that under these two proposals, Legislative Council (LegCo) Members, being representatives of different sectors of the community and EC members would only have 60 votes out of the 200 000/500 000 votes.

Association of Engineering Professionals in Society Ltd. (AEPSL)

5. In response to the proposal of AEPSL that all District Council (DC) members should become members of EC, SCA said that he had visited several DCs recently and some DC members had expressed the view that participation of DC members in the CE election should be enhanced, although they had not specified how this could be achieved.

Mr SUNG Wai-ching, Member of Yuen Long DC

6. SCA noted that Mr SUNG Wai-ching supported the principle of balanced participation in the pursuit of constitutional development. As regards Mr SUNG’s concern about the media not making objective reporting on Government policies, SCA said that the Government respected freedom of the press and would not dictate the way they reported news relating to Government policies. In recent months, the Government had enhanced its publicity by arranging principal officials to exchange views with the public on policy issues on radio programmes.

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Mr LEUNG Wai-kuen, Vice Chairman of Yau Tsim Mong DC

7. In response to Mr LEUNG Wai-keun's request for a timetable for implementing universal suffrage, SCA said that the community had divided views on the issue and the Administration would continue to listen to the views of the community. From the point of view of the Administration, the pressing task was to formulate a mainstream proposal for the methods for selecting the CE in 2007 and for forming the LegCo in 2008 (the "electoral methods") having regard to the public views collected during consultation.

Contractor's Authorised Signatory Association (CASA)

8. SCA said that CASA's request for a construction functional constituency (FC) was not new. In fact, there was a host of suggestions on new FCs from different sectors and the Administration would consider these views carefully.

Ms LEE Kwai-chun, Member of Islands DC

9. SCA noted that Ms LEE Kwai-chun had proposed four conditions for the implementation of universal suffrage. SCA said that the Administration had tied in the promotion of the Basic Law with civic education, and would continue to put in more resources to enhance the community's understanding of the Basic Law in the coming year. For example, activities would be organized to commemorate the 15th anniversary of the promulgation of the Basic Law. As regards Ms LEE's suggestion to increase the number of LegCo seats in the 2008 LegCo election for the purpose of grooming political talents, SCA said that many people had expressed the same view which the Administration would take into account in considering the composition of LegCo in 2008. SCA further said that the Administration would continue to play an active role in the pan-Pearl River Delta regional cooperation and work closely with its counterparts in the Mainland to implement the cooperation initiatives covered in the Pan-Pearl River Delta Regional Cooperation Framework Agreement.

The Hong Kong Progressive Alliance (HKPA)

10. SCA noted HKPA's suggestion to include all DC members and all Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference as members of EC. As regards HKPA's view that the number of LegCo Members should be reduced in the longer term because the Member per population rate was on the high side in comparison with world standard, SCA said that he had reservation about this view. He pointed out that in comparison with the Parliament of the United Kingdom, which had 600 Members representing a population of 54 millions, the Member per population rate in Hong Kong was on the low side.

Power for Democracy (PD)

11. SCA noted that PD advocated universal suffrage for the 2007 and 2008 elections. He said that although Members of the democratic camp obtained 60% of

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the votes in the 2004 LegCo election, some 40% of the electors voted for Members of other parties and groups and individuals whose stance on the timetable for implementing universal suffrage was different from that of the pan-democratic Members. He said that the Government had the constitutional responsibility to take forward constitutional development based on the framework laid down in the Basic Law and the parameters set by the Standing Committee of the National People's Congress (NPCSC) in its decision on 26 April 2004 (the NPCSC Decision) that the elections in 2007 and 2008 should not be by means of universal suffrage. With the "electoral methods" now open to amendment, the question of whether constitutional development in Hong Kong would move forward or remain status quo would depend on the mainstream opinion of the community and the response of LegCo Members. The concerted effort of all the parties concerned was required if the electorate base for EC and LegCo elections were to be broadened to allow for wider public participation and representation.

Hong Kong Democratic Foundation (HKDF)

12. Addressing HKDF's concern on how the Administration would assess whether a package of proposal for the "electoral methods" reflected a consensus, SCA explained that in his view, the requirement for any amendments to the "electoral methods" to obtain the support of a two-thirds majority of LegCo Members could ensure that such amendments would reflect the views of the community of Hong Kong. He said that at the Council meeting on 15 December 2004, the Chief Secretary for Administration had made clear the stance of the Administration that it would not rule out the possibility of conducting an opinion poll on the package of proposals for the "electoral methods". SCA further said that he noted that HKDF had come up with a number of suggestions in its submission and the Task Force would keep them in view.

Dr James LAU Chi-wang, Member of Wong Tai Sin DC

13. SCA said that the suggestion of Dr James LAU Chi-wang that a ceiling should be set on the number of subscribers for nominating candidates for CE election so that more candidates could participate in an election had been raised by other members of public. The Task Force would consider the suggestion when formulating its mainstream proposal for the "electoral methods".

Democratic Alliance for Betterment of Hong Kong (DAB), The Hong Kong Chinese Importers' & Exporters' Association (HKCIEA) and Kowloon Federation of Associations (KFE)

14. SCA noted that DAB had made a number of suggestions in its submission. In respect of its suggestion to create a new FC for Chinese medical practitioners and Chinese enterprise, which was also raised by HKCIEA and KFE, SCA said that the Task Force had received a number of proposals on the creation of new FCs and the splitting of the existing FCs. He expected that there would be keen competition among the sectors concerned, if the number of FC seats was increased in the 2008 LegCo election.

香港中醫師政制改革關注組

15. SCA said that the suggestion to create a new FC for Chinese medical practitioners had been raised in 2003 when the electoral arrangements for the 2004 LegCo election were discussed but a consensus had not been reached. He said that if the number of FC seats was increased in the 2008 LegCo election, it would be necessary to examine and determine the number of FCs to be increased, the new FCs to be added and their respective electorates.

Issues raised by members

The Election Committee (EC)

16. Mr CHEUNG Man-kwong said that although NCF proposed to broaden the electorate of EC to 200 000, it was still a “small circle” election. He said that under the existing system, the Education Subsector had an electorate size of 60 000 to return 20 EC members, which meant that one EC member represented the view of 3 000 electors. The Hong Kong deputies to the National People’s Congress (NPC), on the other hand, were each entitled to one vote in a CE election. He queried the basis for each Hong Kong deputy to the NPC to represent the view of 3 000 electors. Mr CHEUNG pointed out that no matter how the existing system was modified, it remained an unfair system where “one person, one vote” was not practised. He referred to NCF’s proposal and said that it was difficult to explain why only 200 000 persons had the right to elect a CE and not the three million electors in Hong Kong. It was also unfair, undemocratic and immoral for the right to vote be given to the 200 000 electors at the expense of 2.8 million electors.

17. Mr TONG Ka-wah echoed the view of Mr CHEUNG and said that the information provided by NCF relating to the 2002 CE election indicated that there was an unfair distribution of votes among the subsectors of EC. For instance, the Education Subsector with an electorate size of 58 553 was to return only 20 EC members, the Agriculture and Fisheries Subsector with 159 corporate votes was to return 40 EC members, and all 36 Hong Kong deputies to the NPC were members of EC. Mr TONG pointed out that the proposals of NCF and HKUGA, which were modelled on the existing composition of EC, would not serve any meaningful purpose if they were not conducive towards achieving the goal of universal suffrage.

18. The representative of NCF explained that NCF’s proposal was based on the framework laid down in the Basic Law and the parameters set in the NPCSC Decision. He stressed that the NPCSC Decision could not be changed lightly. To facilitate constitutional development in Hong Kong, NCF considered it pragmatic and had tried its best to work out a proposal that would enhance democracy within the existing constraints. He was aware that the distribution of corporate and individual votes in EC subsector elections was uneven. In this connection, NCF suggested to confine the function of EC to that of nominating CE candidates and to broaden the electorate of CE election to 200 000, which in his view, was a big step forward.

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19. The representative of NCF further said that he doubted whether a proposal for universal suffrage in the 2007 and 2008 elections, which was advocated by pan-democratic Members, could gain the consensus support of LegCo Members, CE and NPCSC. If such a proposal failed, he cautioned that no progress would be made on the democratic development in Hong Kong in 2007 and 2008. For the interest of the people of Hong Kong, NCF submitted a proposal which was based on gradual and orderly progress for the purpose of stimulating discussion on the “electoral methods” and serving as a transition towards the ultimate aim of universal suffrage.

20. Ms Audrey EU noted that HKPA proposed that all DC Members should become members of EC. She pointed out that the proposal would give rise to problems such as complaint by potential DC candidates that they would have participated in the 2003 DC election had they known that one of their functions was to elect the third term CE, and complaint by electors that they would have voted for a different candidate had they known that DC Members had such a duty. Ms EU invited HKPA to give views on how to tackle these problems.

21. The representative of HKPA explained that HKPA considered it unfair that only some DC members were members of EC, given that many DC members were returned by direct election and represented the views of the public. If it was decided that all DC members should become members of EC, it was for the Administration and LegCo to consider ways to tackle the problems mentioned by Ms EU.

Functional constituencies (FC)

22. Ir Dr Raymond HO asked HKFEMC the basis for its suggestion to split the Real Estate and Construction FC into two FCs. The representative of HKFEMC said that HKFEMC did not insist on splitting the FC if the number of FCs in the 2008 election remained status quo. However, if the number of FC seats was to increase, HKFEMC would advocate a FC for the construction industry. He explained that although the business of real estate and construction was related, the two sectors were in fact holding different interests and values. The LegCo Member representing the two sectors would have difficulty in balancing the interest of the two sectors. He commended that Mr Abraham SHEK, who represented the Real Estate and Construction FC, had done a good job but one could not guarantee that his successor could do the same.

23. Mr LAU Kong-wah asked SCA to explain the yardsticks adopted by the Administration to determine the sectors to be added to FCs in the event that there was an increase in the number of seats returned by FC in 2008. He also asked about the sectors which had made such a request.

24. SCA said that the Fourth Report of the Task Force had set out in detail proposals received which called for the establishment of new constituencies in the 2008 LegCo election, among them were the women sector, the youth and students sector, the Chinese medicine sector, etc. There were also views that the existing FCs

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should be reorganized, split or merged. The Task Force was conducting consultation on the Fourth Report and would report its findings in the Fifth Report. SCA said that in the past, the main criterion to determine whether a particular sector should be included in the FC system was the contribution of the sector to the community.

25. Mr Howard YOUNG invited deputations to give views on how to replace corporate voting by individual voting in FC elections for the purpose of broadening the electorate size.

26. The representative of AEPSL said that the proposal to replace corporate votes by individual votes should be discussed by individual FCs.

27. The representative of HKUGA said that the replacement of corporate votes by individual votes could follow the principle of gradual and orderly progress. One of the ways to enlarge the electorate size was to allow people in the trade, instead of the corporations representing them, to vote. It was for the Task Force to devise such a mechanism.

28. The representative of HKDF said that the more one studied the FC system with the objective to reform it, the more one realized how unfair the system was. If the FC system could not be abolished for the time being, then broadening its electorate size could at least enhance its representativeness. One of the methods of decorporatizing was to allow all directors of a company duly registered with the Company Registry, or all partners registered at the Business Registration Office, or all office-bearers registered under the Societies Ordinance at a certain date before the compilation of the electoral register for the FCs to be entitled to vote. In further response to Mr Howard YOUNG's proposal on pro-rata allocation of votes based on staff establishment of companies as a means for decorporatising, the representative said that he could not comment on the proposal without giving it further thought.

Universal suffrage

29. Noting HKUGA's proposal that universal suffrage should be implemented in 2012, Ms Audrey EU asked whether HKUGA would change its position in the event that NPCSC made a decision that the elections in 2012 should not be by means of universal suffrage.

30. The representative of HKUGA said that HKUGA represented the middle class which supported the principle of gradual and orderly progress and the ultimate aim of universal suffrage. She believed that the Central Authorities would not reject universal suffrage indefinitely, although it had reservation in implementing universal suffrage in Hong Kong now. She said that there were reasons behind its reservation and Hong Kong should respect that reservation and make efforts to remove it. As regards the position of HKUGA in the event that NPCSC rejected the implementation of universal suffrage in 2012, the representative said that she could not answer the question as HKUGA had not discussed the matter. She personally believed that the road to universal suffrage was long. She cited for example that an elderly official in

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Beijing had once mentioned that universal suffrage would be implemented in Hong Kong in 2046. In her view, participation from members of the public, concerned groups and political parties was important in the pursuit of democracy. Each party should make the best endeavour to express their views and take constructive actions to remove doubts of the Central Authorities in implementing universal suffrage in Hong Kong.

31. Mr TONG Ka-wah asked NCF to define “universal suffrage” and ask whether increasing the number of FC seats in the 2008 LegCo election, as proposed by NCF, would lead to universal suffrage. The representative of NCF responded that the first question was a philosophical one to which he did not have an answer. He said that the definition could be discussed among academics, politicians and members of the public etc. To his understanding, the end result of universal suffrage was “one person, one vote”. He explained that the proposal to increase the number of FC seats had taken into account the principle of gradual and orderly progress, the parameters set in the NPCSC Decision, the need to groom more political talents and the need to enhance public participation at elections.

32. Ms Margaret NG said that having listened to the views of deputations, she was convinced that the NPCSC Decision had impeded people from pursuing constitutional development. Many of the deputations had expressed the view that they supported the aim of universal suffrage, and yet in a bid to follow the rule of game set by NPCSC, they presented proposals which departed from their belief. The proposal to increase the number of FC seats was such an example. She said that no matter how hard deputations had tried to modify the FC election system, its inherent weaknesses remained unsolved. In her view, the number of FC seats could only be reduced and abolished if universal suffrage was to be achieved.

33. Ms Emily LAU echoed the view of Ms NG and said that one should uphold one’s principle and belief. She cautioned deputations that introducing minor modifications to the existing electoral methods would not enhance public participation. On the other hand, they would have the effect of window-dressing the “small circle” election which was favoured by the Central Authorities, tycoons and consortia. While she appreciated the attendance of deputations at the Panel meeting to give views, she said that deputations were deceiving themselves if they thought they had a role to elect the third term CE by way of their proposals. She further said that the so-called mainstream proposal for the “electoral methods” was a deception.

34. The representative of HKFEMC said that he would like to respond to Ms LAU’s views from the standpoint of the Federation. He said that “values”, “reality” and “compromise” were three separate and yet interactive elements in politics. Sometimes HKFEMC had to make compromise by accepting certain view because of political reality even though it did not subscribe to it. A compromise involved a give and take process and was reached after careful deliberation. He would expect that Members, who represented the general public and different sectors in the community, to listen to the views expressed by deputations. He was disappointed that some Members only had regard to their own values and completely refused to listen to

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dissenting views of some deputations. He stressed that there were many voices in the community and Members should take note of those views, considered them and make a decision on how to follow up those views.

35. The representative of HKUGA said that the public would pass a fair judgment on its proposal. She said that deputations were invited by LegCo to give views and she would expect Members be receptive to the different voices in the community. She pointed out that a democratic system had its drawbacks. In a society as democratic as the United States, the control and manipulation of votes in an election by consortia and tycoons also existed. The Americans, however, had actively participated in elections despite these drawbacks because they were aware that problems would only aggravate if they kept silent. In her view, the people of Hong Kong should adopt a positive attitude towards the opportunity for them to give views on the “electoral methods”.

36. Dr YEUNG Sum said that he respected the views of deputations, although they might be different from his. While he did not share the views of HKUGA, he considered that its proposal was a progressive one. He said that the middle class usually adopted a pragmatic approach in dealing with constitutional development, and to this end, they would accept conciliatory proposal which might depart from their belief. Dr YEUNG said that such an approach was not conducive to upholding the principle of “one country, two systems”. In his view, the middle class should be vocal in its discontent over unreasonable proposals. For instance, the proposal to increase the number of FC seats should not be pursued because it would stall democratic development and was contrary to the ultimate aim of universal suffrage.

37. Mr LEE Wing-tat referred to the submission of DAB which set out four conditions for implementing universal suffrage after 2008, namely a sound economy, grooming of political talents to represent different sectors of the society, enhancing the public’s awareness on the concept of “one country” and universal suffrage through civic education, and consolidating the status of the Basic Law as the constitutional law of Hong Kong. Mr LEE asked about the indicators to measure and the parties to determine whether the four conditions had been fulfilled before universal suffrage could be proceeded. Mr LEE expressed concern that the conditions, being not quantifiable, would be used as an excuse by DAB for not implementing universal suffrage in 2012.

38. The representative of DAB considered that the four conditions were reasonable and should be accepted by the public in general. As regards the indicators for measuring whether the conditions had been fulfilled, they were opened for public discussion. He said that pursuing universal suffrage for the elections in 2007 and 2008 was unrealistic and disrespectful to the NPCSC Decision. A responsible LegCo Member should make the best endeavour to push forward democratic development in Hong Kong by suggesting practical proposal within the existing constraints. He said that the Democratic Party should put up a feasible proposal for the “electoral methods”, rather than blindly pursue an unattainable aim of universal suffrage for the 2007 and 2008 elections.

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39. Mr LEE Wing-tat responded that the Democratic Party was answerable to the public and not NPCSC. It had the responsibility to reflect public's aspiration for universal suffrage.

40. Mr CHAN Kam-lam said that the meeting provided a forum for members to exchange views with deputations and the latter's views should be respected. Although there were bound to be differences in opinion, there should also be common areas accepted by the parties concerned. The four conditions proposed by DAB for implementing universal suffrage were made on that basis. In the view of DAB, the society had to become more mature before universal suffrage could be implemented. DAB's proposal sought to provide room for public discussion with a view to reaching a consensus on the conditions for implementing universal suffrage. He sought the views of the deputations on DAB's proposal.

41. The representative of NCF said that the four conditions proposed by DAB were abstract in that they could not be measured. He suggested that these conditions be quantified. For instance, a sound economy could be measured in terms of gross domestic product, average per capita income, etc. He said that since NCF had not discussed DAB's proposal, he was not in a position to give further comments.

Other issues

42. Noting that the proposals put forth by DAB and HKPA were quite different, Ms Audrey EU asked whether they would revise their proposal following the merger of the two political parties.

43. The representatives of DAB and HKPA explained that the proposals were formulated before the merger of the two political parties. At that time each party had its own view and proposal for the "electoral methods". They said that they adopted an open attitude towards the "electoral methods" and would consider the public's views when the two parties held further discussion on the subject.

44. Ms Margaret NG asked HKPA whether its proposal to limit the proportion of Members who were not of Chinese nationality or who had the right of abode in foreign countries to 10% of the total membership of LegCo involved an amendment to Article 67 of the Basic Law. The representative of HKPA responded that given that the proposed 10% was lower than the threshold of 20% prescribed in the Basic Law, amendment to the Basic Law was not necessary.

45. Mr LAU Kong-wah referred to paragraph 3.2-3.6 of the submission of HKUGA concerning grooming of political talents and asked SCA the possibility of appointing non-civil servants as deputy bureau secretaries and administrative assistants. SCA said that by convention, directorate grade staff was promoted within the Civil Service system. Following the implementation of the accountability system for principal officials, political talents from the private sector or with political background were appointed by CE to serve as principal officials. He did not consider

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it appropriate to introduce new changes to the accountability system at this stage. Given that the system had only been implemented for a short period, more experience was required for making further improvements. SCA said that the Administration hoped that through constitutional development, more room would be created for political talents to participate in public affairs.

46. The Chairman thanked the deputations and the Administration for attending the meeting.

47. The meeting ended at 1:17 pm.

Council Business Division 2
Legislative Council Secretariat
27 May 2005

Panel on Constitutional Affairs
Special meeting on 19 February 2005
Summary of deputations' views on constitutional development after 2007

| Organizations/Individuals (Legislative Council Paper Nos.) | | Method for selecting the Chief Executive in 2007 (including the composition and operation of the Election Committee) | Method for forming the Legislative Council in 2008 | Others |
|---|---|--|--|--|
| 1. | Hong Kong Federation of Electrical and Mechanical Contractors (HKFEMC) (CB(2)882/04-05(01)) | <ul style="list-style-type: none"> • The number of members of the Election Committee (EC) can be increased. • The number of EC subsectors can be increased and the sizes of their respective electorate can be expanded. • The number of EC members required for nominating candidates for the office of Chief Executive (CE) can be reduced to 5% of the total number of EC members. | <ul style="list-style-type: none"> • Functional constituencies (FC) should be retained. • The electorate base of FCs should be broadened to enhance their representativeness. • If the number of seats in the Legislative Council (LegCo) is to be increased, consideration should be given to reorganising the existing FCs. HKFEMC requests that the feasibility of establishing a subsector for the construction industry be reviewed. | |
| 2. | New Century Forum (NCF) (CB(2)900/04-05(01)) | <ul style="list-style-type: none"> • The current composition of the EC and the method of returning its 800 members should be maintained. The EC should be renamed as the Nominating Committee and | <ul style="list-style-type: none"> • NCF proposes that for the 2008 LegCo election, the respective numbers of seats returned by FCs and geographical constituencies (GCs) should be increased to | <ul style="list-style-type: none"> • The number of subsectors of the Nominating Committee should be increased and their respective electorate bases be broadened in 2012. |

| Organizations/Individuals (Legislative Council Paper Nos.) | Method for selecting the Chief Executive in 2007 (including the composition and operation of the Election Committee) | Method for forming the Legislative Council in 2008 | Others | |
|---|--|---|--|--|
| | | <p>its function should be confined to nominating candidates for the CE office.</p> <ul style="list-style-type: none"> • The current proportion of EC members allocated to each of the EC subsectors should be maintained. However, the number of voters for the subsectors should be increased to 200 000 and subsector elections should be conducted for the nomination of CE candidates in accordance with the “proportional representation system”. • A candidate for the CE office must obtain more than half of the votes in order to be elected. • Persons who are interested in contesting the CE office should be nominated by a significant number of the EC members in order to be | <p>35, i.e. the total number of LegCo seats will accordingly be increased to 70.</p> | <ul style="list-style-type: none"> • The respective numbers of seats returned by FCs and GCs should be further increased to 40 in 2012. • The size of the electorate should be further expanded in 2017. Consideration may even be given to the implementation of universal suffrage on the basis of “one person, one vote” for the CE election in 2017. |

| Organizations/Individuals (Legislative Council Paper Nos.) | Method for selecting the Chief Executive in 2007 (including the composition and operation of the Election Committee) | Method for forming the Legislative Council in 2008 | Others |
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| | <p>qualified as candidates in the CE election. A decision on the specific number of subscribers required can be made in consultation with different sectors of the community.</p> | | |
| <p>3. Association of Engineering Professionals in Society Ltd. (AEPSL) (CB(2)882/04-05(02))</p> | <ul style="list-style-type: none"> • The number of EC members should be increased to 1 500. • All District Council (DC) members should be included in the EC with a view to enhancing the representation of the grassroots sector. • The number of EC members required for nominating candidates for the CE office should be maintained at the ratio of one-eighth of the total number of EC members. For the sake of fairness and to encourage competition, AEPSL is supportive of capping the number of subscribers required. | <ul style="list-style-type: none"> • AEPSL proposes that the number of LegCo seats should be increased to 70 by increasing the respective numbers of seats returned by FCs and GCs to 35. • Corporate voting should be replaced by individual voting in the FC election. AEPSL proposes that the number of FCs should be increased in order to broaden the electorate base. • AEPSL agrees that the provision which allows some LegCo Members not to be of Chinese nationality should be retained. | <ul style="list-style-type: none"> • AEPSL agrees that the Government should examine whether the CE should be allowed to have a political affiliation. • AEPSL considers that it is opportune to review in 2009 the method for selecting the CE with a view to achieving universal suffrage. • AEPSL agrees that the Government should examine the long-term future of FCs and explore different forms of universal suffrage. • AEPSL considers that it is most desirable to set a |

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| | <ul style="list-style-type: none"> • AEPSL is supportive of replacing corporate voting by individual voting in the subsector elections. It also proposes that the number of subsectors should be increased in order to expand the electorate base. | | <p>timetable for universal suffrage after the CE and LegCo elections in 2007 and 2008 respectively and that it is opportune to review in 2009 the method for forming the LegCo with a view to implementing universal suffrage.</p> |
| <p>4. Mr SUNG Wai-ching Member of Yuen Long District Council (CB(2)900/04-05(02))</p> | <ul style="list-style-type: none"> • It is necessary to uphold the principle of balanced participation in pursuing constitutional development in Hong Kong. • The number of EC members should be increased to 1 200 and the four sectors constituting the EC should each have 300 members. • New subsectors for women, youths and ethnic minorities should be established and corporate voting should be adopted. | <ul style="list-style-type: none"> • Mr SUNG proposes that the numbers of LegCo seats returned by FCs and GCs should each be increased by 3. • He proposes that new FCs should be established for Chinese medicine practitioners, Chinese enterprises and small and medium enterprises. | <ul style="list-style-type: none"> • FCs should be retained in the long run or at least till 2028. However, corporate voting should be gradually replaced by individual voting. • Nowadays, the media fail to report the merits and demerits of the Government's governance in an impartial and objective manner. Improvement is needed in this respect. |

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| | <ul style="list-style-type: none"> The number of EC members required for nominating candidates for the CE office should be maintained at the ratio of one-eighth of the total number of EC members. | | |
| 5. Yau Tsim Mong District Council (YTMDC) | <ul style="list-style-type: none"> YTMDC has no pre-determined position on this subject. | <ul style="list-style-type: none"> YTMDC has no pre-determined position on this subject. | <ul style="list-style-type: none"> The Government should examine in depth the political system it should adopt and provide the implementation timetable. Mr Leung opines that the number of DC seats can be increased. |
| 6. Contractor's Authorised Signatory Association (CASA) (CB(2)882/04-05(03)) | | <ul style="list-style-type: none"> CASA requests that a FC should be established for the construction industry. CASA hopes that corporate voting can be retained. On the other hand, the electorate base can be expanded to enhance representativeness. | |

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| <p>7. Ms LEE Kwai-chun Member of Islands District Council (CB(2)882/04-05(04))</p> | <ul style="list-style-type: none"> • The number of EC members should be increased from 800 to 1 200. • The number of subsectors should be increased. Ms LEE proposes that new subsectors for small and medium enterprises, Chinese medicine practitioners, youths and women should be included. • The number of EC members who are of foreign nationalities should be reduced gradually and eventually eliminated so that all EC members are of Chinese nationality. | <ul style="list-style-type: none"> • The number of LegCo seats should be increased from the existing 60 to 70. The respective numbers of seats returned by FCs and GCs should be increased to 35. • Ms LEE suggests that new FCs for small and medium enterprises, Chinese medicine practitioners, youths and women should be included. | <ul style="list-style-type: none"> • The Government should strive to create the conditions for implementing universal suffrage. These conditions include educating the public on the Basic Law by stepping up publicity; enhancing Hong Kong people's understanding of the concept of "one country, two systems", national awareness, Hong Kong's legal status and the meaning of universal suffrage by strengthening national education; nurturing adequate political talents; as well as laying a solid economic foundation for constitutional development by further integrating with the Pearl River Delta and Pan-Pearl River Delta Regions in respect of economic development. |
| <p>8. The Hong Kong Progressive Alliance (HKPA) (CB(2)870/04-05(01))</p> | <ul style="list-style-type: none"> • HKPA proposes that the number of EC members should be increased. | <ul style="list-style-type: none"> • The current ratio of LegCo Members to the population is on the high side. | <ul style="list-style-type: none"> • The election of CE and LegCo Members by universal suffrage should be |

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| | <ul style="list-style-type: none"> • HKPA proposes that all DC members and all Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference should be included in the EC. • HKPA proposes that the existing delineation of the four sectors should remain unchanged but the proportion of seats allocated to each sector can be changed. • The number of EC members required for nominating candidates for the CE office, i.e. 100, should remain unchanged. | <p>Consideration can be given to reducing the number of LegCo seats in the long run.</p> <ul style="list-style-type: none"> • The number of LegCo Members who are holders of foreign passports should be reduced to not more than 10% of the total number of LegCo Members. | <p>contemplated in the light of the actual situation in Hong Kong. A pre-determined timetable will undermine flexibility.</p> <ul style="list-style-type: none"> • The Government should examine the long-term future of FCs. |

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| | <ul style="list-style-type: none">• Candidates should achieve a certain level of support in each of the four sectors. The number of subscribers a candidate requires in each sector should not be more than one-third of the total number of EC members allocated to that particular sector, to ensure that there will be a certain number of candidates to contest the election. Each EC member may nominate one candidate only.• The CE designate shall relinquish his or her political affiliation upon the formal appointment by the Central Government so that he can remain neutral and impartial. | | |

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| 9. | Power for Democracy (PD) (CB(2)882/04-05(05)) | <ul style="list-style-type: none"> • The CE should be elected by universal suffrage in 2007. • Increasing the number of EC members to 1 200 or 1 600 is merely introducing minor modifications to the present arrangement and will not help address the existing problem of a lack of representativeness and legitimacy on the part of the CE. | <ul style="list-style-type: none"> • All LegCo Members should be elected by universal suffrage on a “one person, one vote” basis in 2008. • PD requests that FCs should be abolished. | |
| 10. | Hong Kong Democratic Foundation (HKDF) (CB(2)870/04-05(02)) | <ul style="list-style-type: none"> • The number of EC members should be increased to 6 400. • HKDF proposes that the composition of the sectors constituting the EC should be reorganised with a view to better reflecting the representativeness of each sector. • The number of EC members required for nominating candidates for the CE office | <ul style="list-style-type: none"> • The respective numbers of seats returned by GCs and FCs should be increased by 10 in 2008. • HKDF proposes that FCs should be reorganised and independent consultation be conducted on the new FCs upon reorganisation. • Corporate votes of FCs should be abolished. | <ul style="list-style-type: none"> • The number of LegCo seats should be increased to 100 in 2012 (with 20 additional seats for GCs) and 120 in 2016 (with another 20 additional seats for GCs). • Postal voting should be introduced for the CE and LegCo elections in 2007 and 2008 respectively. • The Government should study the need for a political party |

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| | <p>should not be less than 100, but should not be more than 500.</p> <ul style="list-style-type: none"> • HKDF proposes that corporate voting should be abolished and voting rights be given to the directors of corporations or office-bearers of organisations so as to broaden the electorate base of the EC. • HKDF proposes that compulsory voting and postal voting should be introduced for the CE election. The election will only be valid if the voter turnout rate attains 75%. A candidate for the CE office must obtain at least half of the votes cast in order to be elected. | <ul style="list-style-type: none"> • The requirement that the proportion of LegCo Members who are not of Chinese nationality should not exceed 20% of the total membership should be maintained. • The delineation of and the election method for GCs should be reviewed. | <p>legislation and the role of political parties and conduct public consultation in this respect. It should also expedite the introduction of political party legislation.</p> |

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| <p>11. Concern group for constitutional reform, Hong Kong University Graduates Association (HKUGA) (CB(2)870/04-05(03) & CB(2)900/04-05(05))</p> | <ul style="list-style-type: none"> • HKUGA proposes that the EC should be changed to a nominating committee which will have no role in the election of CE. The number of members of the nominating committee should be increased from the 800 to 1 200. • The nominating committee should still be composed of four sectors, but the number of subsectors constituting the four sectors should be increased. • Candidates for the CE office will only be validly nominated if their nominations are jointly made by not less than 150 but not more than 200 members of the nominating committee. • Members of the nominating committee should be elected by the electorate of the | <ul style="list-style-type: none"> • HKUGA proposes that the number of LegCo seats should be increased to 80 in 2008, with 40 seats to be returned by FCs and the remaining 40 seats to be returned by GCs. • HKUGA proposes that FCs should be reorganised. • HKUGA proposes that every elector for GCs should be entitled to vote in FC elections. | <ul style="list-style-type: none"> • The CE should be elected by universal suffrage upon nomination by the nominating committee in 2012. • HKUGA proposes that the number of LegCo seats returned by FCs should be reduced to not more than a quarter of the total number of seats in 2012. All seats returned by FCs should be replaced by those returned by GCs by 2016 at the latest. • The CE should be a political talent who loves his country and loves Hong Kong. |

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| | | <p>subsectors. Corporate votes should be replaced by individual votes so as to broaden the electorate base of subsectors to 500 000.</p> <ul style="list-style-type: none"> The 500 000 electors should be responsible for electing the CE in accordance with a system similar to the electoral vote system adopted in the US presidential election. Electoral votes should be distributed among the subsectors in proportion to the numbers of members of the nominating committee allocated to the subsectors. | | |
| 12. | Dr James LAU Chi-wang Member of Wong Tai Sin District Council (CB(2)900/04-05(03)) | <ul style="list-style-type: none"> Dr LAU proposes that the number of EC members should be increased to 2 000 and that DC members and other influential professional bodies in the community should be included in the EC. | <ul style="list-style-type: none"> The number of LegCo seats can be increased to 70, with 35 seats to be returned by GCs and the remaining 35 seats to be returned by FCs. Corporate votes should gradually be replaced by individual votes for some FCs. | <ul style="list-style-type: none"> A review of the methods for selecting the CE and for forming the LegCo should be conducted in 2009 with a view to implementing universal suffrage. |

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| | <ul style="list-style-type: none"> • Corporate votes should gradually be replaced by individual votes. • The number of EC members required for nominating candidates for the CE office should be maintained at the ratio of one-eighth of the total number of EC members. The number of subscribers required should be capped to avoid having too few candidates. | | |
| <p>13. Democratic Alliance for Betterment of Hong Kong (DAB) (CB(2)870/04-05(04))</p> | <ul style="list-style-type: none"> • The number of EC members should be increased from the existing 800 to 1 600, with 400 members in each sector. • The composition of the EC should be reorganised and the number of subsectors should be increased. • DAB proposes that the minimum number of EC members required for | <ul style="list-style-type: none"> • DAB proposes that the respective numbers of seats returned by FCs and GCs should be increased by 5. • New FCs should be created for the Chinese medicine industry and Chinese enterprises in Hong Kong. | <ul style="list-style-type: none"> • Efforts should be made to strive for the implementation of the election of the CE and LegCo Members by universal suffrage in 2012. • For the purpose of achieving the ultimate aim of the election of the CE and LegCo Members by universal suffrage, DAB advocates that conditions should be actively created and such conditions |

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| | <p>nominating candidates for the CE office, i.e. 100, should be maintained.</p> | | <p>include building a sound economy; grooming political talents; strengthening national education; enhancing Hong Kong people's understanding of the concept of "one country", national awareness, Hong Kong's legal status and the meaning of universal suffrage; as well as enhancing publicity on the Basic Law to further consolidate its status as the constitutional law.</p> |
| <p>14. The Hong Kong Chinese Importers' & Exporters' Association (HKCIEA) (CB(2)870/04-05(05))</p> | <ul style="list-style-type: none"> • The number of EC members should be increased from 800 to 1 200 or 1 600 and they should be evenly distributed among the four sectors. • The composition of the EC should be reorganised and the number of subsectors should be increased. | <ul style="list-style-type: none"> • HKCIEA proposes that the respective numbers of seats returned by FCs and GCs should be gradually increased by 5 to 10. • New FCs may be established for Chinese enterprises in Hong Kong, Chinese medicine practitioners and women. | |

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| | | <ul style="list-style-type: none"> HKCIEA proposes that the Transport FC should be split into two FCs, namely the Land Transport FC and the Sea and Air Transport FC. | |
| <p>15. 香港中醫師政制改革關注組 (CB(2)870/04-05(06))</p> | <ul style="list-style-type: none"> The CE election in 2007 should be conducted strictly in accordance with the interpretation and the decision made by the Standing Committee of the National People's Congress in this respect. | <ul style="list-style-type: none"> The LegCo election in 2008 should be conducted strictly in accordance with the interpretation and the decision made by the Standing Committee of the National People's Congress in this respect. The number of FCs should be increased and their representativeness should be enhanced. It is proposed that an FC for the Chinese medicine practitioners should be added. | |
| <p>16. Kowloon Federation of Associations (KFA) (CB(2)900/04-05(04))</p> | <ul style="list-style-type: none"> The composition of the EC should be reorganised and the numbers of sectors and subsectors should be | <ul style="list-style-type: none"> The number of LegCo seats should be further increased to attract more political talents to participate in public affairs. | |

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| | <p>increased. The electorate base should be broadened by replacing some of the corporate votes with individual votes.</p> <ul style="list-style-type: none"> • KFA proposes that the number of EC members should be increased to 1 600. • The minimum number of subscribers required for nominating candidates for the CE office should be increased to 200. | <ul style="list-style-type: none"> • The electorate base of FCs should be further broadened. • New FCs should created for the Chinese medicine industry and the Chinese enterprises in Hong Kong. • The provision allowing foreign nationals to run in LegCo elections should be phased out gradually. | |