

LEGISLATIVE COUNCIL PANEL ON CONSTITUTIONAL AFFAIRS

**Proposed Timetable for Discussion of Issues
in the 2004/2005 Legislative Session**

This paper briefs Members on our proposed timetable for discussion of issues with the Legislative Council (LegCo) Panel on Constitutional Affairs during 2004 and 2005.

Constitutional Development after 2007

2. Our major task for the coming two years is to deal with the methods for selecting the Chief Executive (CE) in 2007 and for forming the LegCo in 2008 in accordance with the Basic Law and the decision of April 26 made by the Standing Committee of the National People's Congress. We will continue to work closely with the Panel by seeking Members' views on the relevant issues and keeping Members informed of the progress of our exercise.

3. The Constitutional Development Task Force is currently studying the public views received during the consultation exercise for the Third Report. Before the end of the year, the Task Force will publish its Fourth Report based on the public views collected. We hope that around mid-2005 a consensus on the methods for selecting the CE in 2007 and for forming the LegCo in 2008 will emerge from the community. We shall then release the Fifth Report setting out a mainstream proposal to facilitate further public discussion and to canvass the support of the LegCo and of the public. Thereafter, we will proceed with the amendment of Annexes I and II to the Basic Law and undertake the

necessary legislative work with regard to local enactments.

Review on District Councils

4. After a consensus has been reached over the package of electoral proposals for 2007 and 2008, we hope to discuss with the Panel in October 2005 issues relating to the review of the District Councils (DCs). In the meantime, Constitutional Affairs Bureau (CAB) will work closely with the Home Affairs Bureau (HAB) and other relevant bureaux and departments to make suitable preparations for the review, taking into account the experience of the operation of the second term DCs since January 2004.

Political Party Law

5. When the Panel last discussed the case for a political party law in June 2004, we advised Members that the Government considered it unnecessary to introduce a political party law to regulate the operation of political parties at this stage. At the Panel meeting on 18 October 2004, some Members suggested that the Panel should re-examine the issue. We are prepared to participate in Members' deliberations. If Members consider it appropriate, the item may be included in the agenda for the Panel meeting in December 2004. We will put a paper to the Panel to explain the Government's position. We will also cover in this paper the operation of the two new measures adopted in the LegCo election. These two measures are the "\$10 per vote" financial assistance scheme and the printing of candidates' photos on ballot papers.

Prorogation of the Legislative Council

6. We note that the Panel has agreed to discuss further, in the third term of the Legislative Council, the constitutional issues pertaining to prorogation of the Council. Subject to other agenda items to be discussed by the Panel, we propose that the issue may be considered by Members in January 2005. We will put a paper to the Panel to explain the Government's position.

Mechanism for Amending the Basic Law

7. We will revert to the Panel after we have completed discussion with the Central Authorities.

The Question of "Important Bill" under Article 50 of the Basic Law

8. We will provide an update to the Panel in the first quarter of 2005.

Application of Certain Provisions of Prevention of Bribery Ordinance (Cap. 201) to the Chief Executive

9. The Administration Wing will revert to the Panel once it is in a position to do so.

Issues relating to the Chief Executive

10. As for the issues relating to the restrictions on activities of former holders of the office of the CE and the review of the remuneration

for the third term CE^{Note 1}, our present priority is to deal with the methods for selecting the CE in 2007 and for forming the LegCo in 2008. When we have set the overall direction for the electoral methods for 2007 and 2008, we will deal with these two issues concerning remuneration for the CE and restrictions on activities of former holders of the Office of the CE.

Composition, Functions and Operation of the Electoral Affairs Commission

11. We are prepared to listen to Members' views on the composition, functions and operation of the Electoral Affairs Commission in future meetings.

Constitutional Affairs Bureau
November 2004

^{Note 1} During the 2002-03 legislative session, the last term LegCo considered the "Twelve-month Report on Implementation of the Accountability System for Principal Officials". The report has outlined three issues requiring follow-up action. The review on the remuneration of the third term CE is one of such issues. The other two are the review of the statutory powers and functions of the Chief Secretary for Administration (CS) and the Financial Secretary (FS), as well as the review of statutory and advisory boards and committees.

As regards the review of the statutory powers and functions of CS and FS, on 17 November 2003 the Administration Wing and the Financial Services and Treasury Bureau briefed the Panel on Constitutional Affairs the outcome of an internal review as well as the general guidelines on transfer of statutory power. Policy bureaux are formulating legislative proposals in accordance with these guidelines. They will brief the relevant LegCo Panels on their transfer proposals and timetables before introduction of the respective legislative proposals.

As for statutory and advisory boards and committees, HAB is conducting the review and will report progress to the Home Affairs Panel on a regular basis.