

**立法會**  
**Legislative Council**

Ref : CB2/BC/1/05

LC Paper No. CB(2)1699/05-06  
(These minutes have been seen  
by the Administration)

**Bills Committee on Chief Executive Election and Legislative Council Election  
(Miscellaneous Amendments) Bill 2006**

**Minutes of the second meeting  
held on Tuesday, 21 March 2006 at 4:30 pm  
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon Howard YOUNG, SBS, JP (Chairman)
  - Hon LI Kwok-ying, MH (Deputy Chairman)
  - Hon James TIEN Pei-chun, GBS, JP
  - Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
  - Hon Margaret NG
  - Hon WONG Yung-kan, JP
  - Hon Jasper TSANG Yok-sing, GBS, JP
  - Hon LAU Kong-wah, JP
  - Hon Timothy FOK Tsun-ting, GBS, JP
  - Hon TAM Yiu-chung, GBS, JP
  - Hon Abraham SHEK Lai-him, JP
  - Hon LEE Wing-tat
  - Hon Daniel LAM Wai-keung, BBS, JP
  - Hon MA Lik, GBS, JP
  - Hon LEUNG Kwok-hung
  - Hon WONG Ting-kwong, BBS
  - Hon Ronny TONG Ka-wah, SC
  - Hon CHIM Pui-chung
- Members absent** :
- Dr Hon LUI Ming-wah, SBS, JP
  - Hon CHEUNG Man-kwong
  - Dr Hon YEUNG Sum
  - Hon LAU Wong-fat, GBM, GBS, JP
  - Hon Patrick LAU Sau-shing, SBS, JP

**Public Officers** : Item I  
**attending**

Mr Stephen LAM  
Secretary for Constitutional Affairs

Ms Joyce HO  
Principal Assistant Secretary for Constitutional Affairs  
(Special Duties)

Mr Gilbert MO  
Deputy Law Draftsman (Bilingual Drafting &  
Administration)

Mr Alan CHONG  
Government Counsel

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

**Staff in** : Mr Arthur CHEUNG  
**attendance** Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

---

Action

**I. Meeting with the Administration**

Clause by clause examination of the Bill

(LC Paper No. CB(3)400/05-06 – The Bill

LC Paper No. CB(2)1433/05-06(01) – Marked-up copy of the Bill)

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee discussed the following proposals put forth by some members –

- (a) the requirement that the Chief Executive (CE) should not be a member of a political party under section 31 of the Chief Executive Election Ordinance should be abolished;

- (b) an upper limit should be imposed on the number of subscribers required for nominating candidates for the office of CE; and
- (c) the electorate base of the Election Committee should be expanded.

3. On proposal (a), Members belonging to the Liberal Party considered that an elected CE should have the discretion to maintain or relinquish his political affiliation. They had no strong view on proposal (b). On proposal (c), they considered that giving voting rights to not more than six directors from each corporation was an acceptable option to expand the electorate of the Election Committee.

4. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong did not support proposals (a) and (b). Members of the Democratic Party and some members expressed support for all three proposals.

5. The Bills Committee also discussed whether Committee Stage amendments (CSAs) could be moved to the Bill to give effect to these proposals, and noted the response of Senior Assistant Legal Adviser 2 that, subject to the actual wording of the proposed CSAs, the matters covered by proposals (a) and (c) did not appear to relate directly to any provision of the Bill. He reiterated that it was for the President of the Legislative Council to make a ruling on any proposed CSAs based on the principles set out in Rule 57(4) and 57(6) of the Rules of Procedure of the Legislative Council.

## **II. Any other business**

- 6. The next meeting would be held on 23 March 2006 at 8:30 pm.
- 7. The meeting ended at 5:42 pm.

Council Business Division 2  
Legislative Council Secretariat  
11 April 2006

**Proceedings of the second meeting of the Bills Committee on  
Chief Executive Election and Legislative Council Election  
(Miscellaneous Amendments) Bill 2006  
on Tuesday, 21 March 2006 at 4:30 pm  
in the Chamber of the Legislative Council Building**

| Time Marker     | Speaker(s)                         | Subject(s)   | Action required |
|-----------------|------------------------------------|--|-----------------|
| 000000 - 000238 | Chairman<br>Mr Ronny TONG          | Recap of the major issues raised at the last meeting   |                 |
| 000239 - 000649 | Chairman<br>Mr James TIEN          | <p>Invitation for views on the following three issues discussed at the last meeting –</p> <p>(a) abolishing the requirement that the Chief Executive (CE) should not be a member of a political party (proposal (a));</p> <p>(b) imposing an upper limit on the number of subscribers required for nominating candidates for the office of CE (proposal (b)); and</p> <p>(c) the electorate base of the Election Committee should be expanded (proposal (c))</p> <p>The views of the Liberal Party that –</p> <p>(a) an elected CE should have the discretion to maintain or relinquish his political affiliation;</p> <p>(b) the electorate base of the Election Committee could be expanded by giving voting rights to not more than six directors from each corporation; and</p> <p>(c) it had no strong view on the proposal to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE</p> |                 |
| 000650 - 001213 | Chairman<br>SALA2<br>Mr James TIEN | <p>In the absence of the wording of the proposed Committee Stage amendments (CSAs) to the Bill, the tentative legal advice was as follows –</p> <p>(a) the Bill did not seek to change the policy regarding the requirement for CE to relinquish his political affiliation. Any CSA with the effect of changing this policy might be outside the scope of the Bill, although</p>   |                 |

| Time Marker     | Speaker(s)  | Subject(s)  | Action required |
|-----------------|---|---|-----------------|
|                 |   | <p>the question of charging effect should not arise; and</p> <p>(b) it would appear that a CSA to give effect to proposal (c) would not be relevant to the subject matters of the Bill</p>  |                 |
| 001214 - 001539 | Chairman<br>Mr Ronny TONG                             | Stance on proposals (a) and (c)   |                 |
| 001540 - 001948 | Chairman<br>SALA2<br>Mr Ronny TONG                    | <p>Advice of SALA2 that CSAs to bills, irrespective of whether they were proposed by the Administration or a Member, must comply with Rule 57(4) and (6) of the Rules of Procedure of the Legislative Council (LegCo), i.e. CSAs must be within the scope of the Bill and should not have any charging effect</p> <p>Differences in the opinion of the Administration and LegCo on Article 74 of the Basic Law (BL 74) –</p> <p>(a) the Administration held the view that BL 74 applied to bills and CSAs to bills proposed by Members; and</p> <p>(b) LegCo held the view that BL 74 applied only to bills proposed by Members</p> |                 |
| 001949 - 002157 | Mr LEE Wing-tat                                       | Support of the Democratic Party for proposals (a), (b) and (c)  |                 |
| 002158 - 002911 | Mr TAM Yiu-chung<br>Mr Ronny TONG<br>Mr TAM Yiu-chung | <p>The position of the Democratic Alliance for the Betterment and Progress of Hong Kong as follows –</p> <p>(a) the requirement that CE should relinquish his political affiliation should remain unchanged; and</p> <p>(b) it was not necessary to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE</p> <p>The level of public support for maintaining the requirement that CE should not be a member of a political party</p>   |                 |

| Time Marker     | Speaker(s)  | Subject(s)  | Action required |
|-----------------|---|---|-----------------|
| 002912 - 004001 | Ms Margaret NG<br>Chairman<br>Mr Ronny TONG<br>Mr LEUNG Kwok-hung | Views on proposal (a)   |                 |
| 004002 - 004653 | Chairman<br>Admin   | <p>Response of the Administration -</p> <p>(a) the requirement regarding CE's membership of a political party introduced for the 2002 CE election represented an improvement to that for the 1996 CE election. Result of an opinion survey that 70% of the respondents supported maintaining the present requirement;</p> <p>(b) imposing an upper limit on the number of subscribers required for nominating candidates for the office of CE would unduly restrain Election Committee members from exercising their right to nominate a candidate of their choice; and</p> <p>(c) the Administration's proposal to broaden the electorate base of the Election Committee by enhancing participation of District Council members in the CE election was not endorsed by the Council. It was unlikely that Members could reach a consensus on a new proposal within a short period of time</p> |                 |
| 004654 - 005349 | Chairman<br>Mr LEUNG Kwok-hung<br>Mr TAM Yiu-chung                | <p>Members had no strong view on the following issues raised in the Bill –</p> <p>(a) by-election and term of office of CE;</p> <p>(b) commencement date of the Election Committee; and</p> <p>(c) substantial connection with the District Councils, the Chinese People's Political Consultative Conference and Heung Yee Kuk</p> <p>Concern about the impact of proposal (a) on the relationship between the Central Authorities and Hong Kong</p> <p>Intention of members to move CSAs to the Bill</p>   |                 |

| <b>Time Marker</b> | <b>Speaker(s)</b>   | <b>Subject(s)</b>  | <b>Action required</b> |
|--------------------|---|--|------------------------|
| 005350 - 010406    | Chairman<br>Mr Ronny TONG<br>Mr TAM Yiu-chung<br>Mr LEUNG Kwok-hung<br>Admin<br>SALA2 | Outstanding issues to be responded by the Administration<br><br>Approach adopted in clause by clause examination of the Bill<br><br>Date of next meeting |                        |

Council Business Division 2  
Legislative Council Secretariat  
11 April 2006