

立法會
Legislative Council

Ref : CB2/BC/1/05

LC Paper No. CB(2)1891/05-06
(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 fifth meeting
held on Saturday, 1 April 2006 at 9:00 am
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
 - Dr Hon LUI Ming-wah, SBS, JP
 - Hon Margaret NG
 - Hon Jasper TSANG Yok-sing, GBS, JP
 - Dr Hon YEUNG Sum
 - Hon LAU Kong-wah, JP
 - Hon Timothy FOK Tsun-ting, GBS, JP
 - Hon TAM Yiu-chung, GBS, JP
 - Hon LEE Wing-tat
 - Hon Daniel LAM Wai-keung, BBS, JP
 - Hon Ronny TONG Ka-wah, SC
 - Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** :
- Hon CHEUNG Man-kwong
 - Hon WONG Yung-kan, JP
 - Hon LAU Wong-fat, GBM, GBS, JP
 - Hon Abraham SHEK Lai-him, JP
 - Hon MA Lik, GBS, JP
 - Hon LEUNG Kwok-hung
 - Hon WONG Ting-kwong, BBS
 - Hon CHIM Pui-chung
- Public Officers attending** :
- Mr Stephen LAM
Secretary for Constitutional Affairs

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

Mr Alan CHONG
Government Counsel

Attendance by invitation : Kowloon City, Kwun Tong and Wong Tai Sin Residents' Association Company Limited

Mr HUI Chin-pang
Director

Association of Engineering Professionals in Society

Mr LEE Ping-kuen
Senior vice-chairman

The Democratic Party

Mr LAM Tsz-kin
Vice spokesman on Constitutional Affairs of the Democratic Party

Mr FUNG Wai-kwong

Dr CHAN Ka-lok
Associate Professor
Department of Government & International Studies, Hong Kong Baptist University

Mr CHUNG Yam-cheung
Member of Central & Western District Council

Joint Committee of Hong Kong Fishermen's Organizations

Mr WAN Kwong-lam
Secretary General

The Hong Kong Federal of Trade Unions, Central & Western District, Wan Chai District Service Office

Mr LEUNG Chi-kong
Director

The Hong Kong Federal of Trade Unions, Yuen Long
District Service Office

Mr LUK Chung-hung
Assistant Director

Mr LEUNG Siu-tong
Member of Islands District Council

The Frontier

Mr Thomas YAN
Secretary General

Hong Kong Human Rights Monitor

Miss Valerie CHAN
Project Officer

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

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

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with deputations and the Administration

(LC Paper Nos. CB(2)1603/05-06(01) to (09) CB(2)1633/05-06(01) – (04)
Submissions from deputations)

The Bills Committee received views from 12 deputations, nine of which had provided written submissions. Written submissions were also received from four deputations which had not attended the meeting. The index of proceedings is in **Annex I**. The major views and concerns of the deputations are summarized in **Annex II**.

2. The Administration was requested to provide a written response to the concerns and issues raised by the deputations.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)1894/05-06(01) on 2 May 2006.)

II. Any other business

3. The next meeting would be held on 3 April 2006 at 4:30 pm.
4. The meeting ended at 11:20 am.

Council Business Division 2
Legislative Council Secretariat
2 May 2006

**Proceedings of the fifth meeting of the Bills Committee on
Chief Executive Election and Legislative Council Election
(Miscellaneous Amendments) Bill 2006
on Saturday, 1 April 2006 at 9:00 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000000 - 000811	Chairman	Opening remarks	
000812 - 001238	Chairman Kowloon City, Kwun Tong and Wong Tai Sin Residents' Association Company Limited	Presentation of views [LC Paper No. CB(2)1603(01)]	
001239 - 001627	Chairman Association of Engineering Professionals in Society	Presentation of views [LC Paper No. CB(2)1603(02)]	
001628 - 002230	Chairman The Democratic Party	Presentation of views [LC Paper No. CB(2)1603(03)]	
002231 - 002532	Chairman Mr FUNG Wai-kwong	Presentation of views	
002533 - 003056	Chairman Dr CHAN Ka-lok, Kenneth	Presentation of views	
003057 - 003300	Chairman Mr CHUNG Yam-cheung	Presentation of views [LC Paper No. CB(2)1603(04)]	
003301 - 003558	Chairman Joint Committee of Hong Kong Fishermen's Organizations	Presentation of views [LC Paper No. CB(2)1633(02)]	
003559 - 003847	Chairman The Hong Kong Federal of Trade Unions, Central & Western District, Wan Chai District Service Office	Presentation of views [LC Paper No. CB(2)1603(05)]	
003848 - 004337	Chairman The Hong Kong Federal of Trade Unions, Yuen Long District Service Office	Presentation of views	
004338 - 004757	Chairman Mr LEUNG Siu-tong	Presentation of views [LC Paper No. CB(2)1633(03)]	

Time Marker	Speaker(s)	Subject(s)	Action required
004758 - 005127	Chairman The Frontier	Presentation of views [LC Paper No. CB(2)1603(07)]	
005128 - 005634	Chairman Hong Kong Human Rights Monitor	Presentation of views [LC Paper No. CB(2)1633(04)]	
005635 - 010327	Chairman Mr Ronny TONG Mr CHUNG Yam-cheung	<p>The three main issues raised by the Bills Committee at previous meetings were discussed by the deputations. They were –</p> <p>(a) abolishing the requirement that the Chief Executive (CE) should relinquish his political affiliation (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 (EC) should be expanded (proposal (c))</p> <p>Views on –</p> <p>(a) whether proposal (a) would prevent “transfer of benefits” between political parties/groups and CE; and</p> <p>(b) whether proposal (a) would affect the impartiality and fairness of CE’s governance</p>	
010328 - 010957	Chairman Ms Margaret NG Joint Committee of Hong Kong Fishermen’s Organizations The Hong Kong Federal of Trade Unions, Yuen Long District Service Office	<p>Views on –</p> <p>(a) proposal (b); and</p> <p>(b) scope of the Bill</p>	
010958 - 011508	Chairman Dr YEUNG Sum Mr CHUNG Yam-cheung	<p>Basis for the comments that proposal (b) would contravene the Basic Law</p> <p>Basis for the comments that proposal (a) would affect the impartiality and fairness of CE’s governance</p>	
011509 - 012118	Chairman Dr LUI Ming-wah Dr CHAN Ka-lok, Kenneth	Basis for the comments that members of EC had voted in accordance with the wish of the Central Authorities and not their own	

Time Marker	Speaker(s)	Subject(s)	Action required
012119 - 012808	Chairman Duputy Chairman Mr FUNG Wai-kwong Hong Kong Human Rights Monitor The Frontier	Views on – (a) whether proposal (b) would result in more candidates running in a CE election; (b) whether the arrangement to make public the names of the EC members who nominated CE candidates would contravene the International Covenant on Civil and Political Rights	
012809 - 013657	Chairman Mr Ronny TONG The Democratic Party Mr FUNG Wai-kwong Dr CHAN Ka-lok, Kenneth The Hong Kong Federal of Trade Unions, Yuen Long District Service Office	Views on – (a) proposal (a); (b) proposal (b); and (c) whether the appointment by CE of members of the Democratic Alliance for the Betterment and Progress of Hong Kong to the Town Planning Board was a way of “transfer of benefits” between the Government and political parties/groups	
013658 - 014316	Chairman Ir Dr Raymond HO The Frontier The Hong Kong Federal of Trade Unions, Yuen Long District Service Office Mr FUNG Wai-kwong The Democratic Party	Views on proposal (c)	
014317 - 014822	Chairman Mr James TIEN	The views of the Liberal Party that – (a) an elected CE should have the discretion to maintain or relinquish his political affiliation; and (b) the electorate base of EC could be expanded by giving voting rights to not more than six directors from each corporation Intention of the Liberal Party to move Committee Stage amendments (CSAs) to give effect to the above proposals and the difficulties encountered in drafting the CSAs on (b)	

Time Marker	Speaker(s)	Subject(s)	Action required
014823 - 015508	Chairman Ms Margaret NG Ir Dr Raymond HO Dr CHAN Ka-lok, Kenneth The Democratic Party Mr FUNG Wai-kwong The Frontier	Views on – (a) whether the CSAs to be proposed by the Liberal Party was outside the scope of the Bill; (b) whether proposal (b) would contravene the Basic Law; and (c) whether the Bill should be supported by Members	
015509 - 020013	Chairman Dr YEUNG Sum Association of Engineering Professionals in Society Mr LEUNG Siu-tong	Views on the impact of proposals (a) and (b) on political party development	
020014 - 020017	Dr YEUNG Sum	Support of the CSAs to be proposed by the Liberal Party	
020018 - 020500	Chairman Deputy Chairman The Frontier Mr FUNG Wai-kwong	Views on whether proposal (b) would result in more candidates running in a CE election	
020501 - 020853	Chairman Mr Ronny TONG The Hong Kong Federal of Trade Unions, Yuen Long District Service Office The Frontier Mr FUNG Wai-kwong	Views on “transfer of benefits” between the Government and political parties/groups	
020854 - 022124	Chairman Admin	Administration’s responses to the views of deputations and members	Adm to provide a written response to the views of deputations
022125 - 022139	Chairman	Date of next meeting	

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

Major views / concerns of organisations / individuals

Organisations / Individuals (Legislative Council Paper Nos.)	Major views / concerns
(1) Kowloon City, Kwun Tong and Wong Tai Sin Residents' Association Company Limited [LC Paper No. CB(2)1603/05-06(01)]	(a) The Bill was supported
(2) Association of Engineering Professionals in Society [LC Paper No. CB(2)1603/05-06(02)]	(a) The Bill was supported (b) The proposal to expand the electorate base of the functional constituencies (FCs) / Election Committee (EC) by replacing corporate voting with individual voting was supported (c) The electorate base of the Engineering FC / EC subsector was proposed to be expanded
(3) The Democratic Party [LC Paper No. CB(2)1603/05-06(03)]	(a) The proposal to expand the electorate base of EC was supported, e.g. by way of replacing corporate voting with individual voting (b) The proposal to abolish the requirement that the Chief Executive (CE) should relinquish his political affiliation was supported (c) The proposal to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE was supported (d) The lack of an EC to select a new CE to fill any vacancy that arose between now and the date beyond which no by-election would need to be held was not addressed by the Bill
(4) Mr FUNG Wai-kwong	(a) The requirement that CE should relinquish his political affiliation was not stipulated in the Basic Law (b) The lack of an EC to select a new CE to fill any vacancy that arose between now and the date beyond which no by-election would need to be held was not addressed by the Bill

Organisations / Individuals (Legislative Council Paper Nos.)	Major views / concerns
(5) Dr CHAN Ka-lok, Kenneth	<p>(a) The Bill was not a progressive step towards democracy</p> <p>(b) The proposal to continue the election proceedings if there was only one CE candidate validly nominated did not address the problem that in the event of a large number of invalid votes, a candidate could be elected even if he had obtained very few valid votes</p> <p>(c) The Bill should impose an upper limit on the number of subscribers required for nominating candidates for the office of CE</p> <p>(d) A finality arrangement should be provided in the electoral process in the event that only one CE candidate was validly nominated</p> <p>(e) The Bill failed to encourage political party development, e.g. the requirement that CE should not be a member of a political party was maintained</p>
(6) Mr CHUNG Yam-cheung, Member of Central & Western District Council [LC Paper No. CB(2)1603/05-06(04)]	<p>(a) The proposal to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE was not supported</p> <p>(b) The proposal to abolish the requirement that CE should relinquish his political affiliation was not supported</p>
(7) Joint Committee of Hong Kong Fishermen's Organizations [LC Paper No. CB(2)1633/05-06(02)]	<p>(a) The proposal to expand the electorate base of EC by giving voting rights to not more than six directors from each corporation was not supported</p> <p>(b) The proposal to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE was not supported</p>
(8) The Hong Kong Federation of Trade Unions, Central & Western District, Wan Chai District Service Office [LC Paper No. CB(2)1603/05-06(05)]	<p>(a) The election proceedings should continue if only one CE candidate was validly nominated</p> <p>(b) The requirement that CE should relinquish his political affiliation should be maintained</p> <p>(c) Any proposals to amend the method for selecting CE or expand the electorate base of EC were not supported</p> <p>(d) The proposal to expand the electorate base of EC by</p>

Organisations / Individuals (Legislative Council Paper Nos.)	Major views / concerns
	<p>giving voting rights to not more than six directors from each corporation was not supported</p> <p>(e) The proposal to impose an upper limit on the number of subscribers required for nominating candidates for the office of CE was not supported</p>
(9) The Hong Kong Federation of Trade Unions, Yuen Long District Service Office	<p>(a) Any proposals to amend the method for selecting CE or expand the electorate base of EC were not supported</p> <p>(b) The proposal to abolish the requirement that CE should relinquish his political affiliation was not supported</p>
(10) Mr LEUNG Siu-tong, Member of Islands District Council [LC Paper No. CB(2)1633/05-06(03)]	<p>(a) It was not necessary to hold a by-election if a vacancy in the office of CE had arisen during 9-12 months (instead of six months) before an election for a new term CE was held</p> <p>(b) The policy that the term of EC should tie in with the 5-year term for CE and the electoral cycle was supported</p> <p>(c) The proposal in the Bill that the remaining term was counted as a term was supported. However, only a remaining term of at least nine months should be regarded as a term</p> <p>(d) The lack of finality in the electoral process in the event that only one CE candidate was validly nominated warranted further consideration by Members</p>
(11) The Frontier [LC Paper No. CB(2)1603/05-06(07)]	<p>(a) The Bill contravened the spirit of the International Covenant on Civil and Political Rights (ICCPR)</p> <p>(b) The Government had not made the best endeavour to fight for the rights of the people of Hong Kong in achieving universal suffrage</p> <p>(c) The Bill did not serve any meaningful purpose in terms of constitutional development as only minor amendments were introduced</p>
(12) Hong Kong Human Rights Monitor [LC Paper No. CB(2)1633/05-06(04)]	<p>(a) The Bill failed to propose any meaningful amendments to defend the rights of Hong Kong people as enshrined in Article 25 of ICCPR</p> <p>(b) The selection of CE by the EC and the subsector elections</p>

Organisations / Individuals (Legislative Council Paper Nos.)	Major views / concerns
	<p>were inconsistent with Articles 2, 3, 25 and 26 of ICCPR. The open nomination procedure violated the principle of protecting the secrecy of voters' preference</p> <p>(c) The proposal to address the practical difficulties in implementing the "substantial connection" provision in relation to the District Council, the Chinese People's Political Consultative Conference and the Heung Yee Kuk subsectors was welcomed</p> <p>(d) The lack of finality in the electoral process in the event that only one CE candidate was validly nominated was a matter of concern</p> <p>(e) The functional constituency system and the EC subsector elections did not meet the requirement in ICCPR</p>
<p>Civil Human Rights Front [LC Paper No. CB(2)1603/05-06(06)]</p>	<p>(a) The Bill should address public's aspiration for universal suffrage</p> <p>(b) A referendum should be conducted on the electoral system of Hong Kong</p>
<p>Democratic Alliance for the Betterment and Progress of Hong Kong [LC Paper No. CB(2)1603/05-06(08)]</p>	<p>(a) The Bill was supported</p>
<p>Hong Kong Christian Institute [LC Paper No. CB(2)1603/05-06(09)]</p>	<p>(a) The Bill, which did not seek to implement universal suffrage in 2007 and 2008, was not supported</p>
<p>Justice & Peace commission of the Hong Kong Catholic Diocese [LC Paper No. CB(2)1633/05-06(01)]</p>	<p>(a) No comment on the Bill as it did not address public's aspiration for universal suffrage</p>