

本署檔號 Our Ref.:
來函檔號 Your Ref.:

電話 Tel: 2810 2988
圖文傳真 Fax: 2840 1976

6 December 2005

The Honourable Mrs Rita Fan, GBS, JP
The President of the Legislative Council
The Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Madam President,

**Notices of Motions by the Administration
Concerning the Amendment to the
Method for the Selection of the Chief Executive and Concerning
the Amendment to the Method for the Formation
of the Legislative Council**

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give notice of my intention to move two motions at the Legislative Council meeting on 21 December 2005 concerning, respectively, the amendment to the method for the selection of the Chief Executive in 2007 and the amendment to the method for the formation of the Legislative Council in 2008. Please find attached to this letter the two duly signed notice forms, together with the text of the two motions.

As you are aware, the Administration published the Fifth Report of the Constitutional Development Task Force on 19 October 2005. The Administration has set out in the Report two draft motions to be put to the Legislative Council:

- i) “Draft Motion to be put by the HKSAR Government to the Legislative Council Concerning the Amendment to the Method for the Selection of the Chief Executive”
- ii) “Draft Motion to be put by the HKSAR Government to the Legislative Council Concerning the Amendment to the Method for the Formation of the Legislative Council”

At its meeting on 21 October 2005, the House Committee set up the Subcommittee to Study the Administration’s Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008 (“the Subcommittee”). The Subcommittee has since convened a total of nine meetings, including a session to receive public deputations held on 12 November 2005. Government officials have attended these meetings to explain the Administration’s position and to respond to questions raised by Members relating to details of the proposals, including the two draft motions. We have also provided discussion papers to the Subcommittee to facilitate its deliberations. At its final meeting held on 29 November 2005, the Subcommittee agreed that it had concluded the study on the Fifth Report and that it would report the outcome of its deliberations to the House Committee on 9 December 2005.

As the Subcommittee has completed its deliberations of the two draft motions and related issues, the Administration intends to adhere to our stated legislative timetable to move the motions at the Legislative Council meeting on 21 December 2005. Indeed, the Administration has advised Members during the deliberations, as well as in a paper (CB(2)275/05-06(02)) submitted to the Subcommittee, that we would give notice on 6 December 2005 to move the relevant motions in accordance with Rule 29(1) of the Rules of Procedure.

The Administration will move the two motions as attached herewith. The motion on the amendment to the method for the formation of the Legislative Council is the same as that studied by the Subcommittee. As for the motion on the amendment to the method for the selection of the Chief Executive, the wording is basically the same as that studied by the Subcommittee. The only change we have made is the deletion of the following sentences from the “(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China Regarding the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region” annexed to the motion:

“In the event that the office of the Chief Executive becomes vacant during the term, the term of office of the new Chief Executive elected by the Election Committee shall be the remainder of the term of the preceding Chief Executive. The new Chief Executive may serve for one more term after expiry of the term.”

The deletion is made after careful consideration of comments made by some members of the Subcommittee. We agree that this issue could be dealt with in the context of local legislation, i.e. when we submit the Chief Executive Election (Amendment) Bill to the Legislative Council in due course, we will specify in the Bill that the term of office of the new Chief Executive elected in a by-election shall be the remainder of the term of the preceding Chief Executive, and that the new Chief Executive may only serve for one more term after expiry of the term.

The Administration is preparing the draft speech to be made when moving the motions. We will forward the speech to the Clerk to the Legislative Council once we are in a position to do so.

Yours sincerely,

(Stephen Lam)
Secretary for Constitutional Affairs

c.c.

The Honourable Miriam Lau, GBS, JP, Chairman of the House Committee

The Honourable TAM Yiu Chung, GBS, JP, Chairman of the Subcommittee to
Study the Administration's Proposals for the Methods for Selecting the
Chief Executive in 2007 and for Forming the Legislative Council in 2008

Mr Ricky Fung, Clerk to the Legislative Council

致 : 立法會秘書
To : Clerk to the Legislative Council

(傳真號碼 : 2810 1691)
(Fax No. : 2810 1691)

立法會
LEGISLATIVE COUNCIL

政府當局作出議案預告
NOTICE OF MOTION BY THE ADMINISTRATION

謹按照《議事規則》第 29(1)條作出預告，本人擬在 2005 年
12 月 21 日舉行的立法會會議上，動議附錄 1 所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give
notice of my intention to move the motion in Appendix 1 at the Legislative
Council meeting of 21 December 2005.

簽署

Signature: _____

姓名

Name: Stephen LAM

職位名稱

Post title : Secretary for Constitutional Affairs

日期

Date: 6 December 2005

**Motion on the Amendment to the Method
for the Selection of the Chief Executive**

Pursuant to Article 7 of Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (that is, amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for approval), the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the Standing Committee of the National People's Congress on Issues relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" annexed to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members, for submission to the Chief Executive for consent, and thence for reporting by the Chief Executive to the Standing Committee of the National People's Congress for approval.

**(Draft) Amendment to Annex I to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Regarding the
Method for the Selection of the Chief Executive of the
Hong Kong Special Administrative Region**

1. The Election Committee to elect the third term Chief Executive in 2007 shall be composed of 1 600 members from the following sectors:

Industrial, commercial and financial sectors	300
The professions	300
Labour, social services, religious and other sectors	300
Members of the Legislative Council, members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	700

The term of office of the Election Committee shall be five years.

2. Candidates for the office of Chief Executive may be nominated jointly by not less than 200 members of the Election Committee. Each member may nominate only one candidate.

致 : 立法會秘書
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立法會
LEGISLATIVE COUNCIL

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Council meeting of 21 December 2005.

簽署

Signature: _____

姓名

Name: Stephen LAM

職位名稱

Post title : Secretary for Constitutional Affairs

日期

Date: 6 December 2005

**Motion on the Amendment to the Method
for the Formation of the Legislative Council**

Pursuant to Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (that is, amendments must be made with the endorsement of a two-thirds majority of all the members of the Legislative Council and the consent of the Chief Executive, and they shall be reported to the Standing Committee of the National People's Congress for the record), the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, and the Decision of the Standing Committee of the National People's Congress on Issues relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region in the year 2007 and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2008, the "(Draft) Amendment to Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Regarding the Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and its Voting Procedures" annexed to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members, for submission to the Chief Executive for consent, and thence for reporting by the Chief Executive to the Standing Committee of the National People's Congress for the record.

**(Draft) Amendment to Annex II to the Basic Law
of the Hong Kong Special Administrative Region
of the People's Republic of China Regarding the
Method for the Formation of the Legislative Council
of the Hong Kong Special Administrative Region
and its Voting Procedures**

The fourth term Legislative Council in the year 2008 shall be composed of 70 members, and the composition shall be as follows:

Members returned by functional constituencies	35
Members returned by geographical constituencies through direct elections	35