

Panel on Constitutional Affairs

List of outstanding items for discussion

(position as at 12 May 2006)

**Proposed
timing for
discussion**

1. Mechanism for amending the Basic Law

Discussions on this item were held by the Panel since the 1998-99 legislative session.

To be confirmed
by CAB

At the meeting on 17 July 2001 when the item was last discussed, the Administration advised that it was continuing discussion with the Central Authorities regarding the issues identified, particularly those relating to the Standing Committee of the National People's Congress (NPCSC), the State Council, the local NPC deputies and the Basic Law Committee.

Constitutional Affairs Bureau (CAB) advised on 21 November 2005 that the Administration would revert to the Panel once it was in a position to do so.

2. The question of "important bill" under Article 50 of the Basic Law

At the meeting on 20 December 1999, the Panel requested the Administration to clarify the meaning of "important bill" in Article 50 of the Basic Law. The Administration advised at the meeting on 19 June 2000 that given the complex issues and factors involved in deciding whether a bill was "important", it needed more time to study the matter before forming a mature view.

To be decided
by the Panel

A background brief summarising past discussions held by Members was prepared for the Panel meeting on 18 July 2005 (LC Paper No. CB(2)2255/04-05(01)). The Administration advised the Panel that in determining whether a bill was an "important bill", CE would consider the circumstances of each case and the overall interests of Hong Kong. Some members disagreed that CE should be the authority to determine whether a bill was "important". Some members requested the Administration to inform LegCo in advance if a bill was determined by CE as an "important bill". The Panel agreed that the item should be further discussed in future if considered necessary.

3. Constitutional development

In January 2004, CE appointed a Task Force headed by CS with the Secretary for Justice and Secretary for Constitutional Affairs (SCA) as members, to take forward matters relating to constitutional development. The Task Force published four reports in 2004.

On-going
discussion

On 19 October 2005, the Task Force released its Fifth Report which contains a package of proposals for the method for selecting CE in 2007 and for forming LegCo in 2008 and the draft motions on the amendments to Annexes I and II to the Basic Law. On 21 December 2005, the motions moved by the Administration on the amendments to Annexes I and II regarding the two electoral methods in 2007/08 were negatived.

At the meeting on 19 December 2005, members agreed that the timetable for implementing universal suffrage should become a regular item for discussion by the Panel. At the meeting on 16 January 2006, the Democratic Party (DP) put forth a preliminary proposal for implementing universal suffrage to facilitate discussion.

On 20 February 2006, DP further proposed five issues to facilitate discussion by the Panel. They are –

- (a) a summary of past research findings on methods for electing the executive and legislature in some foreign countries (discussed at the Panel meeting on 20 March 2006);
- (b) method for selecting CE by universal suffrage and the establishment of a broadly representative nominating committee (discussed at the Panel meeting on 21 April 2006);
- (c) review of the Chief Executive Election Ordinance, e.g. whether the requirement that CE must relinquish his political affiliation should be abolished (discussed at the Panel meeting on 21 April 2006);
- (d) the future of functional constituencies in moving towards the ultimate aim of forming LegCo by universal suffrage (to be discussed at the Panel meeting on 15 May 2006); and
- (e) method for the election of Members of LegCo and systems of voting (to be discussed at the Panel meeting on 15 May 2006).

4. Review of District Councils (DCs)

CE stated in his 2004 Policy Address that the Government would review the function and composition of DCs at a suitable time. Members requested that the review should cover issues such as the roles, functions, composition of DCs, delineation of constituency boundaries, appointed membership of DCs, and the desirability of adopting the proportional representation system for DCs elections.

15 May 2006

In January 2005, CAB and the Home Affairs Bureau set up a working group to make preparations for the review. Following CE's announcement in his 2005-06 Policy Address that DCs would assume responsibility for the management of some district facilities and an implementation plan for this proposal would be worked out in the context of the review of DCs, the Panel received views from the public on the review of DCs at the special meeting on 18 February 2006. The Panel requested the Administration to take into account the views of members and the public in determining the scope of the review and the content of the consultation document.

The Consultation Document on "Review of the Role, Functions and Composition of District Councils" was released on 27 April 2006 for public comments by 31 July 2006. The Panel held a special meeting on 27 April 2006 to receive a briefing from the Administration on the Consultation Document.

5. Role and development of political parties

The Panel held a discussion on the need to introduce a political party law at its meeting on 21 February 2005 and received views from deputations on the role and development of political parties at a special meeting on 26 February 2005.

To be confirmed
by CAB

The Administration's position is that the introduction of a political party law will hinder the development of political parties. The Administration will explore other financial schemes to facilitate political party development.

6. Composition, functions and operation of the Electoral Affairs Commission

On 21 June 2004, the Research Report prepared by RLSD on "Operation of Electoral Regulatory Bodies in Selected Places" (RP04/03-04) was presented to the Panel.

To be decided
by the Panel

Members agreed to further explore the issues raised in the Research Report in future. The Administration advised in writing in

November 2004 that it was prepared to listen to members' views at future meetings.

7. The political appointment system

As mentioned by CE in the 2005-2006 Policy Address, the Administration will consider creating a small number of new position dedicated to political affairs so as to further improve the Accountability System. The main duty will be to support CE and the Principal Officials in their political work. Specifically, the Administration will examine the possibility of creating new non-civil service positions (such as assistants to Directors of Bureaux).

First half of
2006

At the Panel meeting on 17 October 2005, the Administration advised that it would formulate a comprehensive package of proposals and issue a consultative document in the first half of 2006 to canvass views of the civil service, political groups and the community.