

Panel on Constitutional Affairs

List of outstanding items for discussion

(position as at 12 October 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 6 October 2006 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 2007-2008 were negatived. Meanwhile, the Administration has entrusted the Committee on Governance and Political Development under the Commission on Strategic Development (CSD) to discuss the issue of universal suffrage.

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. The Panel discussed the Democratic Party (DP)'s proposal for implementing universal suffrage and related issues at the meetings on 20 March, 21 April and 15 May 2006.

In response to members' request, the Secretariat prepared a summary on the proposals on models for selecting CE and forming LegCo by universal suffrage received by LegCo committees. The Panel discussed the paper on 19 June 2006. The Administration has advised the Panel that CSD is discussing possible models for implementing universal suffrage for selecting CE and forming LegCo. Based on the discussions of CSD, a report will be published during the first half of 2007.

4. Review of District Councils (DCs)

Following CE's announcement in his 2005-2006 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 held a special meeting on 18 February 2006 to receive views from the public on the scope of the review.

October 2006

The Consultation Document on "Review of the Role, Functions and Composition of District Councils" was released on 27 April 2006 for a three-month consultation. The package of proposals put forth in the Consultation Document was discussed by the Panel at the meetings on 27 April and 15 May 2006. The Panel also held a

special meeting on 11 July 2006 to receive public views on the Consultation Document. The consultation period ended on 31 July 2006.

The Home Affairs Bureau (HAB) issued a letter to all LegCo Members on 28 September 2006 together with a brief which set out the outcome of the review exercise and the way forward. HAB representatives will brief the Panel at the meeting to be held on 16 October 2006.

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 decided
by the Panel

The Administration's position is that the introduction of a political party law will hinder the development of political parties. The Administration proposed at the Panel meeting on 21 April 2006 that the financial assistance scheme applicable to candidates in LegCo elections would be extended to candidates in the next DC elections, i.e. a subsidy of \$10 per vote, as one of means 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. Political appointment system

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

To be confirmed
by CAB

On 26 July 2006, the Administration issued the Consultation Document on "Further Development of the Political Appointment System" which set out, inter alia, the proposal to create within the Government a small number of positions dedicated to political affairs. The Panel was briefed on the proposal at an informal meeting held on that day. The Panel further discussed the subject at a special meeting on 31 July 2006. The consultation period will end on 30 November 2006. The Administration will analyse the views collected with a view to making public the Government's proposed way forward during the first half of 2007.