

**Bills Committee on the
Legislative Council (Amendment) Bill 2007**

**Information Requested
at the Fourth Meeting on 18 February 2008**

Introduction

This paper provides information as requested by Members at the meeting on 18 February 2008.

**Views regarding Expansion of the Electorate Base of
Functional Constituencies**

2. Regarding the question on whether 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 ("HKSAR") of the People's Republic of China made on 6 April 2004 ("NPCSC's Interpretation") allows room for expansion of the electorate of functional constituencies ("FCs") in the 2008 Legislative Council ("LegCo") election, we note the comments of the Hong Kong Bar Association and the LegCo Legal Service Division. We would re-state our position as follows.

3. The Government set up the Constitutional Development Task Force in January 2004. The Task Force carried out a series of wide and open public consultations and issued five reports, culminating in the Fifth Report which set out a package of

proposals for the methods for selecting the Chief Executive (“CE”) in 2007 and for forming LegCo in 2008. On 21 December 2005, the Government put to LegCo two motions to amend Annexes I and II to the Basic Law respectively to implement the proposed package. Although the two motions received the support of more than half of the LegCo Members, they fell short of the two-thirds majority support of all LegCo Members stipulated in Annexes I and II of the Basic Law. Therefore, the two motions could not be processed further.

4. In accordance with the NPCSC’s Interpretation, if no amendment is made to the methods for selecting the CE and for forming the LegCo as stipulated in Annexes I and II of the Basic Law, the provisions relating to the two methods in Annexes I and II of the Basic Law will still be applicable. With regard to expansion of the electorate base of FCs, our view is that, even the 2005 proposed package, which had been formulated after wide and extensive consultation with the public and political parties, failed to get passed LegCo, it will be extremely difficult now to secure consensus within the community and LegCo to make substantial adjustments to the electorate base of FCs for the 2008 LegCo election. Hence, it is our policy that the 2008 LegCo election should be held on the basis of the existing arrangements, i.e. the number and composition of existing FCs should remain unchanged. Only technical updates should be made.

Efforts to promote Constitutional Development

5. In taking forward Hong Kong’s constitutional

development towards the ultimate aim of universal suffrage in a gradual and orderly manner, the HKSAR Government did propose, in 2005, to enhance the democratic elements of the 2008 LegCo election by increasing the number of LegCo seats and enabling District Council members to elect more representatives to LegCo. Although the package received the support of 60% of the public and more than half of all LegCo Members, it was not endorsed by a two-thirds majority of all LegCo Members as required by the Basic Law. The position of the HKSAR Government is that the existing electoral arrangements should continue to apply to the 2008 LegCo election.

6. Notwithstanding that, the HKSAR Government is fully alive to the community's aspirations for universal suffrage and considers that the work to roll forward Hong Kong's constitutional development should not be brought to a halt. Since then, we have continued to study the issue of universal suffrage through the Commission on Strategic Development. In the course of the first six months of the current term HKSAR Government, we have issued the Green Paper on Constitutional Development to consult the public on the models and timetable for implementing universal suffrage, published the Report on the Green Paper Public Consultation, and submitted the report to the Standing Committee of the National People's Congress ("NPCSC") to request confirmation that the methods for selecting the CE and for forming LegCo in 2012 may be amended.

7. Having considered the CE's report, the NPCSC promulgated a decision on 29 December 2007 making it clear that

the CE may be elected by universal suffrage in 2017 and that LegCo may be formed by universal suffrage in 2020. The NPCSC's decision has also determined that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods in 2012. Our aim is to settle the two electoral methods for 2012 within the tenure of the third-term HKSAR Government. This will lay a solid foundation for attaining universal suffrage for the CE in 2017 and for LegCo in 2020.

The Institution of Engineering and Technology Hong Kong

8. Section 20Z(1)(f) of the Legislative Council Ordinance ("LCO") specifies that the Information Technology FC is composed of, inter alia, Fellows and Corporate Members of The Institution of Electrical Engineers Hong Kong ("IEEHK") entitled to vote at general meetings of the Institution. In light of the IEEHK's restructuring of its membership and change in membership criteria, and as the IEEHK changed its name to The Institution of Engineering and Technology Hong Kong ("IETHK") after merging with the Institution of Incorporated Engineers, we proposed to amend section 20Z(1)(f) of the LCO to reflect such changes.

9. According to the information from the Institution, after the relaxation of its membership criteria, its Honorary Fellows, Fellows and Members entitled to vote at its general meetings, who are either Chartered Engineers registered with the Engineering Council UK or Corporate Members of IEEHK before 15 October

2002, could meet the criteria of Fellows and Corporate Members entitled to vote at general meeting of the Institution in section 20Z(1)(f) of the LCO before the relaxation of membership criteria. In our discussion with the Institution on amending relevant provision in the LCO, the Institution has forwarded proposed amendments to section 20Z(1)(f) of the LCO. On the basis of the proposed amendment from the Institution, and to ensure that the electorate of the Information Technology FC would not be expanded as a result of the Institution's relaxation of membership criteria, we proposed to amend section 20Z(1)(f) of the LCO as follows:

- “(f) Honorary Fellows, Fellows and Members of The Institution of Engineering and Technology Hong Kong entitled to vote at general meetings of the Institution who are either –
- (i) persons registered as Chartered Engineers with the Engineering Council UK; or
 - (ii) Corporate Members of The Institution of Electrical Engineers Hong Kong (IEE Hong Kong) before 15 October 2002; and”.

The Institution indicated in January 2008 that they had no further comments on the proposed amendment in the Bill.

10. As we explained earlier, the number and composition of the existing FCs should remain unchanged for the 2008 Legislative

Council election. The proposed amendments to section 20Z(1)(f) of the LCO in the Bill is in line with this principle in maintaining the electorate of the Information Technology FC.

Constitutional Affairs Bureau
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