

Panel on Constitutional Affairs

List of outstanding items for discussion

(position as at 14 May 2008)

**Proposed
timing for
discussion**

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

The Panel discussed the question of "important bill" under Article 50 of the Basic Law at a number of meetings since late 1999.

To be decided
by the Panel

The Panel noted the Administration's position on the following issues -

- (a) what constitutes an "important bill";
- (b) who determines whether a bill is important;
- (c) when to determine whether a bill is important; and
- (d) procedures and parties involved in the consultations under Article 50.

Given the Administration's position, the Chairman sought the views of members on the way forward at the meeting on 18 July 2005 when the item was last discussed. Hon Audrey EU suggested and members agreed that the item should remain on the outstanding list. At the meeting on 20 November 2006, members noted the background brief on the past discussions of members and developments subsequent to the meeting on 18 July 2005 prepared by the LegCo Secretariat (LC Paper No. CB(2)376/06-07(02)), and expressed no strong view on the timing for discussing the item.

2. Constitutional development

On 21 December 2005, the motions moved by the Administration on the amendments to Annexes I and II regarding the methods for selecting the CE in 2007 and for forming the LegCo in 2008 were negatived.

On-going
discussion

In November 2005, the Administration entrusted the Committee on Governance and Political Development under the Commission on Strategic Development (CSD) to discuss possible models for implementing universal suffrage for selecting the CE and forming the LegCo. On the basis of the discussions of the CSD and the community, the Administration published the Green Paper on Constitutional Development on 11 July 2007 for public consultation

until 10 October 2007. The Panel discussed the Green Paper at eight meetings between July and October 2007, and also met with and/or received views from over 270 organizations and individuals.

On 12 December 2007, the Administration published The Report on Public Consultation on Green Paper on Constitutional Development. The CE submitted a report to the NPCSC on the same day. The Panel discussed the two reports at its meetings on 17 and 19 December 2007. On 29 December 2007, the NPCSC promulgated its decision on issues relating to the methods for selecting the CE and forming the LegCo in 2012 and on issues relating to universal suffrage.

At the meeting on 17 December 2007, members deliberated on the CE's Report and agreed that the issue of constitutional development should be a regular item for discussion at regular Panel meetings.

3. 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 was that the introduction of a political party law would hinder the development of political parties. As one of means to facilitate political party development, the Administration had extended the financial assistance scheme applicable to candidates in LegCo elections to candidates in the 2007 District Council election.

4. Composition, functions and operation of the Electoral Affairs Commission (EAC)

On 21 June 2004, the Research Report prepared by the Research and Library Services Division (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.

5. Usage of electoral register

In September 2007, Hon Margaret NG requested the Panel to discuss whether the Administration should review and amend the relevant

subsidiary legislation to allow Members returned by election to use the relevant information in the electoral register for communication with their constituents while they were in office, and to require corporate and professional bodies of Functional Constituencies (FCs) to provide the necessary assistance to FC Members.

The Panel followed up the issue at its meetings on 17 November 2007 and 18 February 2008. In response to members' request, RLSD had prepared an Information Note on "Usage of electoral register" (IN05/07-08) which was considered by the Panel on 18 February 2008. At the meeting, some members expressed the view that the information contained in the electoral register should be released for use for purposes other than a purpose related to an election, e.g. to communicate with electors after the election. The Administration undertook to relay members' views to the EAC for consideration.

Council Business Division 2
Legislative Council Secretariat
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