

# 立法會

## *Legislative Council*

Ref : CB2/HS/2/09

LC Paper No. CB(2)2217/09-10

(These minutes have been seen  
by the Administration)

### **Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012**

#### **Minutes of the ninth meeting held on Thursday, 3 June 2010, at 2:30 pm in the Chamber of the Legislative Council Building**

**Members present** :

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
- Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
- Dr Hon Margaret NG
- Hon CHEUNG Man-kwong
- Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
- Dr Hon Philip WONG Yu-hong, GBS
- Hon WONG Yung-kan, SBS, JP
- Hon LAU Kong-wah, JP
- Hon Emily LAU Wai-hing, JP
- Hon Timothy FOK Tsun-ting, GBS, JP
- Hon Abraham SHEK Lai-him, SBS, JP
- Hon Audrey EU Yuet-mee, SC, JP
- Hon WONG Kwok-hing, MH
- Hon LEE Wing-tat
- Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Hon CHEUNG Hok-ming, GBS, JP
- Hon WONG Ting-kwong, BBS, JP
- Hon Ronny TONG Ka-wah, SC
- Prof Hon Patrick LAU Sau-shing, SBS, JP
- Hon Cyd HO Sau-lan
- Dr Hon Priscilla LEUNG Mei-fun
- Hon WONG Kwok-kin, BBS
- Hon IP Wai-ming, MH
- Hon IP Kwok-him, GBS, JP
- Hon Mrs Regina IP LAU Suk-yea, GBS, JP
- Dr Hon PAN Pey-chyou
- Hon Paul TSE Wai-chun
- Hon Alan LEONG Kah-kit, SC
- Hon LEUNG Kwok-hung
- Hon Tanya CHAN

- Members absent** : Hon Albert HO Chun-yan  
Hon Miriam LAU Kin-ye, GBS, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon WONG Yuk-man
- Public Officers attending** : Mr Stephen LAM Sui-lung  
Secretary for Constitutional and Mainland Affairs
- Miss Adeline WONG Ching-man  
Under Secretary for Constitutional and Mainland Affairs
- Mr Arthur HO Kin-wah  
Deputy Secretary for Constitutional and Mainland Affairs
- Mr Curtis LO Kam-fat  
Assistant Secretary for Constitutional and Mainland Affairs
- Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3
- Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2
- Ms Clara TAM  
Assistant Legal Adviser 9
- Ms Amy YU  
Senior Council Secretary (2)3
- Mrs Fanny TSANG  
Legislative Assistant (2)3

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Action

**I. Meeting with the Administration**

[Package of Proposals for the Methods for Selecting the Chief Executive ("CE") and for Forming the Legislative Council ("LegCo") in 2012, LC Paper Nos. CB(2)1422/09-10(01) and CB(2)1705/09-10(01) to (02)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. The Subcommittee had completed its scrutiny work. Members agreed that the Subcommittee would report its deliberations to the House Committee on 11 June 2010.

Action

**II. Any other business**

3. There being no other business, the meeting ended at 4:42 pm.

Council Business Division 2  
Legislative Council Secretariat  
2 September 2010

**Proceedings of the ninth meeting of the  
Subcommittee on Package of Proposals for the  
Methods for Selecting the Chief Executive  
and for Forming the Legislative Council in 2012  
on Thursday, 3 June 2010, at 2:30 pm  
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000140 - 000819	Chairman Administration	Briefing by Administration on its paper entitled "Allocation of seats among the subsectors of the four sectors of the Election Committee ("EC")" [LC Paper No. CB(2)1705/09-10(02)].	
000820 - 001054	Administration	Briefing by Administration on its paper entitled "Nomination procedures for head of state and head of government in selected overseas jurisdictions" [LC Paper No. CB(2)1705/09-10(01)].	
001055 - 001344	Chairman Mr WONG Kwok-hing Administration	Mr WONG Kwok-hing's reiteration of his view that the same election method should be adopted for returning District Council ("DC") representatives to EC and the Legislative Council ("LegCo").	
001345 - 001943	Mr Ronny TONG Administration	<p>Mr Ronny TONG's view that the Administration should increase the number of members in the first, second, and third sectors of EC who were directly or indirectly elected representatives of the public.</p> <p>The Administration's response that -</p> <ul style="list-style-type: none"> <li>(a) under the Administration's proposal, more than 150 members in the fourth sector of EC were returned by direct or indirect geographical elections (i.e. 117 elected DC members and 35 directly elected LegCo Members); and</li> <li>(b) the Administration had not received many views on the allocation of seats among the subsectors in the first, second and third sectors of EC and had not yet come up with specific proposals in that regard.</li> </ul>	
001944 - 002614	Dr Margaret NG Administration Chairman	Dr Margaret NG's view that the Administration should have conducted a comprehensive review to assess and verify the status of the registered corporate electors of functional constituencies ("FCs") on a regular basis to ensure that they remained to be eligible for registration as electors, i.e. whether they were still active and representative since the LegCo Ordinance (Cap. 542) was enacted back in 1997.	

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		<p>The Administration's response that -</p> <ul style="list-style-type: none"> <li>(a) the Registration and Electoral Office had kept in touch with relevant umbrella organizations to update the electoral records; and</li> <li>(b) the Administration would review the Ordinance before every LegCo general election, taking into account the latest developments.</li> </ul>	
002615 - 003040	Chairman Mr IP Kwok-him Administration	<p>Mr IP Kwok-him's enquiry on how the 10 new seats in the fourth sector of EC proposed to be allocated to LegCo would be dealt with if only the motion to amend Annex I to the Basic Law ("BL") regarding the method for selecting the Chief Executive ("CE") in 2012 was endorsed by LegCo.</p> <p>The Administration's explanation that adjustment would have to be made to the composition of EC as to how these seats should be allocated if the number of seats in LegCo in 2012 remained as 60 instead of 70. However, the issue could be dealt with in the context of local legislation.</p>	
003041 - 003730	Chairman Mr Ronny TONG Administration	<p>Mr Ronny TONG's views that -</p> <ul style="list-style-type: none"> <li>(a) the Administration should provide specific proposals on the allocation of seats within the first, second and third sectors of EC before the two motions were presented to LegCo for endorsement; and</li> <li>(b) given that the nominating committee might be formed with reference to the 2012 EC, in formulating the nomination arrangements for the CE election in 2012, the Administration should make reference to the nomination procedures for the head of state/government in democratic jurisdictions such as those set out in the Administration's paper [LC Paper No, CB(2)1705/09-10(01)] and amend its proposals to provide for the right of members of the public to make nominations.</li> </ul> <p>The Administration's response that -</p> <ul style="list-style-type: none"> <li>(a) it was necessary to maintain the principle of balanced participation in the composition of EC. While some adjustments could be made to the allocation of seats among the subsectors in the first, second and third sectors of EC, no fundamental changes</li> </ul>	

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		<p>were intended to be made to their existing electorate base and election method;</p> <p>(b) the Administration noted the pan-democrats' proposal of including all elected DC members in EC, and had made its best efforts to allocate 75 new seats to elected DC members to enhance the democratic element of the CE election; and</p> <p>(c) Hong Kong should develop an electoral system which suited its actual situation.</p>	
003731 - 004617	Dr Margaret NG Administration	Dr Margaret NG's view that the Administration should have explained the criteria for the delineation of electorate of the FCs as stipulated in the Schedules to the LegCo Ordinance, and reiteration of her view that the Administration should have conducted a comprehensive review on the registered corporate electors of FCs.	
004618 - 010514	Mr LEUNG Kwok-hung Chairman Administration Mr Abraham SHEK	<p>Mr LEUNG Kwok-hung's view that LegCo Members who had public mandate and members of the public should have the right to nominate CE, as universal and equal suffrage covered not only the equal right to vote, but also equal rights to nominate and to stand for election.</p> <p>The Administration's response that -</p> <p>(a) the nomination mechanism for CE candidates when CE was elected by universal suffrage must be formulated in accordance with BL 45 which provided that nominations should be made by a broadly representative nominating committee. According to the Decision adopted by the Standing Committee of the National People's Congress on 29 December 2007 ("the 2007 NPCSC Decision"), the nominating committee might be formed with reference to the current provisions of EC, the composition of which had all along been based on the balanced participation of the four existing sectors;</p> <p>(b) maintaining the principle of balanced participation in the composition of the nominating committee would ensure that the CE elected by universal suffrage would have the support of different sectors of the community as well as the general public; and</p> <p>(c) LegCo Members were members of the fourth sector of EC.</p>	

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010515 - 011407	Dr PAN Pey-chyou Administration	<p>With reference to the Administration's paper on "Nomination procedures for head of state and head of government in selected overseas jurisdictions" [LC Paper No. CB(2)1705/09-10(01)], Dr PAN Pey-chou sought information on the nomination procedures for heads of local government in overseas jurisdictions.</p> <p>The Administration's response that while Hong Kong was not a sovereign state, it enjoyed certain powers which were not normally possessed by a local government, for instance, Hong Kong could join the World Trade Organization, enter into bilateral trade agreements with other countries and have its own final appellate court. In view of such, the Administration considered it more appropriate to provide for members' reference the nomination procedures for head of state/government rather than that for local government in other jurisdictions.</p>	
011408 - 012223	Ms Cyd HO Administration	<p>Ms Cyd HO's concurrence with the view that members of the public should have the right to make nominations in the CE election. Her elaboration that under the current package of proposals for the CE election in 2012, there were only 35 directly elected LegCo Members and 117 elected DC members out of the 1 200 EC members and a person had to secure the support of over 95% of these elected representatives of the public in order to be a CE candidate.</p> <p>The Administration's reiteration that -</p> <ul style="list-style-type: none"> <li>(a) the nomination mechanism for the CE election must be formulated in accordance with BL and the 2007 NPCSC Decision;</li> <li>(b) the nomination procedures had to ensure that the CE elected by universal suffrage had the support not only of the 3.3 million registered voters, but also different sectors of society; and</li> <li>(c) details of the nomination procedures for the CE election in 2017 would be dealt with by the fourth-term CE and the Fifth LegCo returned in 2012.</li> </ul>	

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012224 - 012809	Mr LEE Wing-tat Administration	Mr LEE Wing-tat's view that the Administration's current package of proposals for the CE election in 2012 was retrogressive as it would make it more difficult for the pan-democrats to field a candidate for the CE election.	
012810 - 013446	Chairman Dr PAN Pey-chyou Administration	Dr PAN Pey-chou's view that it would be useful if the Administration could provide information on a comparison between the powers and authorities enjoyed by the Hong Kong Special Administrative Region and local governments in overseas jurisdictions.	
013447 - 013849	Mr IP Kwok-him Administration	Mr IP Kwok-him's disagreement with the view that only those EC members who had gone through direct elections were representatives of the public, pointing out that other EC members were also returned by elections and had their respective representativeness.	
013850 - 014227	Chairman Administration	Timetable for amending the relevant local legislation should the motions for the two electoral methods be endorsed by LegCo.	
014228 - 014917	Mr CHEUNG Man-kwong Administration	Mr CHEUNG Man-kwong's view that the Administration should consider deferring the presentation of the two motions to the start of the next legislative session to allow more time for forging a consensus on the two electoral methods for 2012.  The Administration's response that in order to allow sufficient time for subsequent local legislation work, the two motions had to be presented to LegCo for endorsement before the start of the LegCo recess in mid-July 2010.	
014918 - 015312	Chairman Dr Priscilla LEUNG Administration	Dr Priscilla LEUNG's suggestion that the Administration should consider announcing as soon as possible the establishment of a forum for different political parties to continue discussion on the future of the FC system to show that the Administration was committed to resolving the issue.	
015313 - 015622	Mr WONG Kwok-hing	Mr WONG Kwok-hing's view that the Administration's proposals could bring about progress in Hong Kong's constitutional development and provide more opportunities for DC members to widen their scope for political participation.	



<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
015623 - 020038	Mr LEUNG Kwok-hung Chairman Dr Priscilla LEUNG	Mr LEUNG Kwok-hung's reiteration of his view that members of the public should have the right to nominate CE candidates.	
020039 - 020257	Mrs Sophie LEUNG	Mrs Sophie LEUNG's view that while the Administration's proposals were not flawless, they would help roll forward democratic development and facilitate the development of political parties in Hong Kong.	
020258 - 020623	Mr Ronny TONG Chairman	Discussions on arrangements for scrutiny of the two motions upon their formal presentation to LegCo should the Administration make any amendments to its proposals.	
020624 - 020935	Chairman Dr Priscilla LEUNG Administration	Dr Priscilla LEUNG's reiteration of her suggestion for establishing a forum for discussing the future of the FC system.  The Administration's response that -  (a) it took note of Dr LEUNG's view; and  (b) the current term Government was only authorized to deal with the two electoral methods in 2012. However, it would consolidate the views received on the specific models for implementing universal suffrage for CE and LegCo for the reference of the Government of subsequent terms.	
020936 - 021248	Chairman Administration	Completion of work of the Subcommittee and date of reporting to the House Committee.	