

政制及內地事務局
政府總部



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30 April 2010

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Hon. TAM Yiu-chung, GBS, JP
Chairman
Subcommittee on Package of Proposals for
the Methods for Selecting the Chief Executive
and for Forming the Legislative Council in 2012
Legislative Council

Dear Hon. Tam,

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

Follow up to the meeting on 27 April 2010

At the Subcommittee's meeting held on 27 April 2010, Hon. Cheung Man-kwong requested the HKSAR Government to clarify whether the HKSAR Government could, in terms of legal principle, put forth a new package of proposals on the two electoral methods for 2012 in the next legislative session, in the event that the package of proposals currently put forth by the HKSAR Government is vetoed by the Legislative Council ("LegCo"). The reply of the HKSAR Government is as follows.

The HKSAR Government will continue to spare no effort in striving to gain the support of the LegCo for the proposed package for the 2012 elections. However, in the event that the proposed package on the two electoral methods for 2012 currently put forth by the HKSAR Government is vetoed by the LegCo, the HKSAR Government could, in theory, put forth to the LegCo again another proposed package in accordance with the Basic Law and the relevant Interpretation and Decision of the Standing Committee of the National People's Congress ("NPCSC") and the procedures set out

therein.

However, based on the following two important considerations, the HKSAR Government considers that, in reality, it would be extremely difficult to put forth to the LegCo another proposed package for the two electoral methods for 2012:

- (a) In accordance with “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 of the People’s Republic of China”, “the bills on the amendments to the method for selecting the Chief Executive (“CE”) and the method for forming the LegCo and its procedures for voting on bills and motions and the proposed amendments to such bills shall be introduced by the HKSAR Government into the LegCo.”

The proposed package put forth by the HKSAR Government on the two electoral methods for 2012 can enhance the democratic elements of the two electoral methods through the participation of elected District Council members who have a broad electorate base. Under the framework of the NPCSC decision of 2007, we have already strived for maximum latitude to put forth such a package. The opinion poll conducted recently by the Hong Kong Research Association indicates that more than half of the public consider that the LegCo should endorse the proposed package.

If this proposed package is vetoed by the LegCo, the HKSAR Government will have no room from the policy perspective to put forth another package which could contain more democratic elements than the current proposal and could stand the possibility of being supported by the majority of the public, two-thirds of all LegCo Members and the Central Authorities.

- (b) The HKSAR Government needs sufficient time to deal with the local legislation work relating to the amendments to the two electoral methods for 2012 and the practical arrangements for the elections. If the proposed package receives the endorsement of a two-thirds majority of all LegCo Members, the consent of the CE, and is reported to the NPCSC for approval or for the record, the HKSAR Government will have to introduce the Chief Executive Election (Amendment) Bill and the

Legislative Council (Amendment) Bill into the LegCo in the autumn of this year and strive to have the amendments to the two electoral ordinances passed by the LegCo before May 2011, so that the relevant subsidiary legislation could be amended respectively by the CE-in-Council and the Electoral Affairs Commission (“EAC”).

On the other hand, the EAC also needs to carry out work relating to the delineation of constituencies and make recommendations to the CE in accordance with section 18 of the Electoral Affairs Commission Ordinance (Cap.541) by early September 2011 at the latest.

It can be seen from the above that various phases of the local legislation work relating to the amendments to the two electoral methods for 2012 have to be undertaken one after one. If the proposed package put forth by the HKSAR Government is vetoed by the LegCo, there will not be sufficient time for the HKSAR Government to formulate a new package, submit it to the LegCo for a vote in the next legislative session, and to complete the local legislative work and the practical arrangements relating to the two elections in 2012 within the statutory time limit.

Regarding Hon Cyd Ho’s request for information on the number of organizations within the culture sub-subsector of the Sports, Performing Arts, Culture and Publication subsector of the Election Committee that were disqualified from being the electors due to withdrawal of Government subvention, as we need time to collate the relevant information, we regret that we are not able to provide such information before the meeting on 3 May. We will provide the relevant information to the Subcommittee as soon as practicable.

Yours sincerely,



(Joyce Ho)

for Secretary for Constitutional and Mainland Affairs