

(Translation)

21 April 1999

**Hon Ronald ARCULLI
Chairman of the Bills Committee
on the Legislative Council (Amendment) Bill 1999**

Dear Mr ARCULLI,

Re: Legislative Council (Amendment) Bill 1999

I have received a copy of the position paper that the Federation of the Higher Education Staff Associations submitted for your consideration, proposing the establishment of a higher education functional constituency in the next term of Legislative Council. In this connection, I would appreciate it if you could instruct the Legislative Council Secretariat to arrange for the Federation's position paper together with this letter to be issued to members of the Bills Committee before the meeting on 22 April. I agree with the views stated in the position paper and would like to make a few points as follows for members' reference:

At the last meeting of the Bills Committee, some members opposed the proposal of a higher education functional constituency on the ground that the Legislative Council should be fully directly-elected. According to the Basic Law, 30 seats shall be returned by functional constituencies in the second term of LegCo. The question before us does not concern whether or not one is in support of direct election. What we have to consider is the specific composition of the 30 seats to be returned by functional constituencies.

The inclusion of a sector as a functional constituency in the Legislative Council should be premised on the role and the importance of that particular sector. Moreover, consideration should also be given to whether the sector is unique in terms of its representativeness. In Hong Kong, a consensus has already been reached within the Government and even among the general public that Hong Kong should work towards a knowledge-based economy. To this end, the higher education sector will certainly make positive contribution, particularly in advancing the level of the society's overall competence, and in this regard, the higher education sector will perform a role different from that of basic education.

On the argument that there is already the education functional constituency which includes electors from the higher education profession, I must point out that people working in field of basic education and those in higher education

perform equally important but largely different functions in society. In addition to teaching, the latter are required to do research and explore new knowledge, with a view to providing professionals for a diversity of trades. Their position and concern as compared with their counterparts in basic education is similar to a juxtaposition of the accountancy sector and the banking or financial sector, which are evidently two different sectors. In the existing education functional constituency, however, nearly 90% of all qualified electors are from the basic education sector. Such being the case, the representative elected by them may not be able to sufficiently represent the views of the higher education sector. This is similar to the case of the insurance sector which was formerly placed under the finance functional constituency in the 1991 Legislative Council. Given a large difference in the number of electors from the two sectors, the insurance sector urged for a representative who could speak for their interests exclusively. Against this background, the insurance functional constituency was established eventually.

For the above reasons, I am writing to seek your approval for the following motion to be moved and put to a vote at the meeting on 22 April. The wording of the motion is as follows:

“Regarding the establishment of functional constituencies under Section 20 of the Legislative Council Ordinance, the Bills Committee proposes to the Government that consideration should be given to deleting subclause (ZA) in the Bill and replacing the catering functional constituency by the higher education functional constituency.”

With best regards.

NG Ching-fai
Member of Legislative Council