

立法會
Legislative Council

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by the Administration)

**Subcommittee to Study the Administration's Proposals
for the Methods for Selecting the Chief Executive in 2007
and for Forming the Legislative Council in 2008**

**Minutes of the fourth meeting
held on Saturday, 12 November 2005 at 2:00 pm
in the Chamber of the Legislative Council Building**

Members present :

- Hon TAM Yiu-chung, GBS, JP (Chairman)
- Hon Howard YOUNG, SBS, JP (Deputy Chairman)
- Hon James TIEN Pei-chun, GBS, JP
- Hon Albert HO Chun-yan
- Hon Martin LEE Chu-ming, SC, JP
- Hon Fred LI Wah-ming, JP
- Dr Hon LUI Ming-wah, SBS, JP
- Hon Margaret NG
- Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
- Hon James TO Kun-sun
- Hon CHEUNG Man-kwong
- Hon Bernard CHAN, JP
- Hon CHAN Kam-lam, SBS, JP
- Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
- Hon WONG Yung-kan, JP
- Hon Jasper TSANG Yok-sing, GBS, JP
- Dr Hon YEUNG Sum
- Hon LAU Kong-wah, JP
- Hon Miriam LAU Kin-ye, GBS, JP
- Hon Emily LAU Wai-hing, JP
- Hon CHOY So-yuk, JP
- Hon Andrew CHENG Kar-foo
- Hon Abraham SHEK Lai-him, JP
- Hon LI Fung-ying, BBS, JP
- Hon Frederick FUNG Kin-kee, JP
- Hon Audrey EU Yuet-mee, SC, JP
- Hon Vincent FANG Kang, JP
- Hon WONG Kwok-hing, MH
- Hon LEE Wing-tat

Hon LI Kwok-ying, MH
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man

Members absent : Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, GBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon KWONG Chi-kin

Public Officers attending : Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Ms Doris HO Pui-ling
Administrative Assistant to Secretary for Constitutional Affairs

Attendance by invitation : Mr LUI Tung-hai
Kwun Tong District Council Member

Miss Amy YUNG Wing-sheung
Islands District Council Member

Dr CHAN Ka-lok
Associate Professor of Hong Kong Baptist University, GIS Department

The Democratic Party

Mr KWONG Kwok-chuen
Representative of the Democratic Party

The Hong Kong Chinese Importers' & Exporters' Association

Mr CHAN Fung-ping
Vice-President

Hong Kong Leather Shoe and Shoe Material Merchants Association Ltd

Mr TAM Shing
Vice-Chief Secretary

Hong Kong Federation of Students

Mr Thomas YU
Chairperson, Standing Committee

Hong Kong Baptist University Student Union

Mr CHAN Kai-chun
External Vice-President

Hong Kong Democratic Development Network

Professor CHAN Kin-man

Student Union, Polytechnic University

Miss CHEUNG Wan-ching
External Affairs Secretary

Mr LO Wai-ming

Hong Kong Shue Yan College Student Union

Mr Stanley LIU
President

Lingnan University Student Union

Mr Victor TSANG
Acting President

The Hong Kong & Kowloon General Merchandise
Merchants' Association Ltd

Mr LEE Chi-hung

Hong Kong United Youth Association

Mr David HO
Secretary

Association for the Advancement of Feminism

Miss CHOI Wing-sze
Organizer

Hong Kong Professional Teachers' Union

Mr CHAN Hung
Secretary General

Democratic Alliance for Betterment and Progress of Hong
Kong (DAB)

Mr CHEUNG Shui-fung
DAB Constitutional Affairs Deputy Spokesperson

Hong Kong Executive, Administrative & Clerical Staff
Association

Dr WONG Kam-din
Chairman

Territories West Residents Association

Mr CHAN Wan-sang
Chairman

The Hong Kong Island Federation Limited

Mr CHUNG Yam-cheung
General Secretary

Civil Human Rights Front

Mr FAN Lap-hin
Vice-Convenor

Shatin Tertiary Students' Association

Mr. Yuen Hoi-cheung
Convenor

New Territories Association of Societies

Mr WAN Chung-ping

Hong Kong Christian Institute

Ms Rose WU
Director

Joint Office of CHAN T., CHAN Y. C., KWOK C. W.,
LI H. H., CHAN K. C.

Dr CHAN Yan-chong
Sham Shui Po District Council Member

Association of Engineering Professionals in Society

Mr LEE Ping-kuen
Vice Chairman

Kowloon Federation of Associations

Mr POON Chun-yuen
General Committee Member

Youth Action 21

Mr SZE Lun-hung
Chairman

Hong Kong Human Rights Monitor

Ms Cyd HO Sau-lan
Chairman

Mr PAN Jian-ming

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Mr Jimmy MA
Legal Adviser

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Ms Amy YU
Council Secretary (2)3

Ms Fanny LO
Legislative Assistant (2)3

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I. Meeting with deputations and the Administration

(LC Paper Nos. CB(2)346/05-06(01)-(08), CB(2)360/05-06(01)-(03), CB(2)374/05-06(01)-(12), CB(2)420/05-06(01)-(02) – Submissions from deputations)

Meeting with deputations

At the invitation of the Chairman, representatives of the deputations made oral presentation on their submissions concerning the package of proposals for the methods for selecting the Chief Executive (CE) and for forming the Legislative Council (LegCo) put forth in the Fifth Report of the Constitutional Development Task Force. A summary of the views of the deputations is in **Appendix**.

Discussion

Appointed District Council members

2 Mr TONG Ka-wah noted that representatives of some deputations, including Mr TAM Shing of Hong Kong Leather Shoe and Shoe Material Merchants Association Ltd, had commented that appointed District Council (DC) members should not be excluded from the package of proposals because this would deprive them of their right to select CE. Mr TONG said that according to Articles 2 and 25 of the International Covenant on Civil and Political Rights (ICCPR), which was applicable to Hong Kong pursuant to Article 39 of the Basic Law (BL 39), all Hong Kong citizens had the right to vote. He asked Mr TAM whether it was fair for appointed DC members, but not the three million registered voters in Hong Kong, to have the right to select CE and to elect among themselves five LegCo Members.

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3 Mr TAM Shing responded that while universal suffrage was the common wish of the community, Hong Kong did not yet have the necessary conditions for implementing universal suffrage. He stressed that it was important that constitutional development should be taken forward in a gradual and orderly manner towards the ultimate aim of universal suffrage.

4 Miss TAM Heung-man invited Mr KWONG Kwok-chuen of the Democratic Party, who was also a DC member, to give his views on the Administration's proposal to give the right to select CE to appointed DC members. Mr KWONG said that giving appointed DC members the right to nominate and vote at a CE election would give rise to the question of conflict of interest as they were appointed by CE. Elected DC members, unlike their appointed counterparts, had public mandate and were answerable to their voters. While he respected appointed DC members as individuals, he did not support the system of appointed membership which would adversely affect the democratic development of DCs. He pointed out that when all appointed seats were abolished during the period from 1994 to 1999, the District Boards (DBs) had functioned better and the Administration had also been more responsive to the views of DBs.

5 Ms Miriam LAU Kin-yee noted that while Miss Amy YUNG Wing-sheung, Islands DC Member, expressed support for the Government's intention of enhancing the role of DC members in the two elections, she objected the inclusion of appointed and ex-officio DC members in the Election Committee (EC) for the purpose of selecting CE and called upon amendments to be made to the proposals in this regard. Ms LAU sought clarification from Miss Yung on whether she would accept the package of proposals if no amendment was made in respect of the role of appointed DC members in the two elections in 2007/08.

6. Miss Amy YUNG Wing-sheung replied that while the proposed package appeared to be progressive, it in fact represented a retrogressive step in democratic development. She said that she had quoted the composition of the Islands DC to illustrate the unfairness resulting from the system of appointed and ex-officio DC members. She also considered it unfair that representatives of Heung Yee Kuk had more than one vote in the selection of CE under the proposal. She reiterated that she would not support the Fifth Report if appointed DC members were included as members of EC.

7. Miss CHOY So-yuk said that although she was an elected DC member, she respected appointed DC members. She held the view that as appointed DC members were entrusted with the same functions as the elected ones, they should be given the same rights as well and should not be excluded from the package of proposals for the elections of CE and LegCo in 2007/08.

Democracy and universal suffrage

8. In response to Mr Abraham SHEK Lai-him's request for a definition of "democracy", Dr CHAN Ka-lok, Associate Professor of Hong Kong Baptist University, said that the core concept of democracy was political equality, meaning that every citizen of a country had equal rights to take part in the conduct of public affairs and to elect their political leaders by universal and equal suffrage. He said that in the light of this definition, the package of proposals in the Fifth Report did not make any progress in the democratic development of Hong Kong.

9. Mr Albert HO Chun-yan said that democracy, as defined in ICCPR, meant that every citizen should have the right to vote and to stand for election at periodic elections conducted by universal and equal suffrage. He asked Mr CHAN Wan-sang of Territories West Residents Association whether he agreed with the definition. Mr CHAN responded that while democracy might take different forms, it had four essential elements, i.e. honesty and integrity, capacity to accommodate different opinions, a tolerant and open mind, and refraining from adopting double standards. Mr CHAN said that Hong Kong people must first distinguish "fake democracy" from "true democracy" before engaging in discussions on the form of democracy that was best suited for Hong Kong. He added that while everyone in Hong Kong supported the ultimate goal of universal suffrage, Hong Kong was not yet ready for its implementation.

10. Mr Fred LI Wah-ming asked Mr YUEN Hoi-cheung of Shatin Tertiary Students' Association whether he agreed that all citizens had the right to elect their political leaders. In response, Mr YUEN said that in political science, the term "universal suffrage" did not necessarily relate to the method(s) of election, which might take the form of direct election or indirect election.

11. Mr TONG Ka-wah believed that the essence of universal suffrage, as enshrined in ICCPR, was "one person, one vote". He pointed out that in the white paper entitled *Building of Political Democracy in China* recently released by the Chinese Government, it was stated that the form of election in Chinese urban communities had developed from "nomination of candidates" to "self-nomination", from "the number of candidates corresponding to the number of seats" to "the number of candidates exceeding the number of seats", and from "indirect election" to "direct election". He added that even villagers in Chinese rural areas could now directly elect members of the villagers' committees on the basis of "one person, one vote".

12. Ms Margaret NG asked Mr YUEN Hoi-cheung whether he accepted the definition of universal suffrage as given in ICCPR. Mr YUEN replied that in principle he accepted ICCPR as it was stipulated in BL that ICCPR would continue to remain in force in Hong Kong. He believed that the ultimate aim of universal suffrage would be attained if the principles laid down in BL 45 and 68 were followed in the course of Hong Kong's constitutional development. He opined that the Fifth Report reflected the views of different sectors of the community and contained

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constructive proposals which would lead Hong Kong towards the road to universal suffrage.

13. Mr Fred LI Wah-ming invited Mr. YUEN Hoi-cheung to give his views on when conditions in Hong Kong would be ripe for introducing universal suffrage and who were to determine whether such conditions had been fulfilled. Mr YUEN said that as there was no political party law in Hong Kong, political parties did not have any legal status. Mr YUEN further said that political parties in Hong Kong were immature and faced with problems such as small membership, insufficient training for party members, stagnant in the development of political ideology, and inadequate capacity for policy research. Mr YUEN considered that universal suffrage should not be implemented until these problems had been resolved.

14. Mr Thomas YU of Hong Kong Federation of Students remarked that the maturity of political parties was not a prerequisite for the implementation of universal suffrage. He said that the implementation of universal suffrage would in fact help to enhance the democratization process and the development of political parties. Mr CHAN Kai-chun of Hong Kong Baptist University Student Union and Mr KWONG Kwok-chuen concurred with this view.

15. On the remark of Mr YUEN Hoi-cheung that the fact that the Democratic Party was a limited company was not reflected in its name, Mr Martin LEE clarified that the Democratic Party had been exempted by the Government from adding the expression "Limited Company" to its name. Both Mr TONG Ka-wah and Dr YEUNG Sum said that how a political party was registered had nothing to do with its degree of maturity. Ms Margaret NG supplemented that there were only two ways for a political party to be registered as a body in Hong Kong, i.e. either under the Companies Ordinance or the Societies Ordinance. Ms NG further said that the Societies Ordinance was anachronistic and allowed the Government to intervene in the activities of the bodies registered under the Ordinance.

16. In response to Mr YUEN Hoi-cheung's comment on the fund-raising activities of the Democratic Party, Dr YEUNG Sum clarified that such activities had been approved by the Government.

17. Ms Margaret NG asked Dr CHAN Yan-chong, Sham Shui Po DC Member, whether he agreed that universal suffrage should be implemented in 2012. Dr CHAN replied that while he hoped that there would be universal suffrage in 2012, the political reality was that its implementation required the tripartite consent of the Central Authorities, the HKSAR Government and LegCo. He added that the crux of the matter was how to strike the right balance between the political ideal and the political reality.

18. Ms Emily LAU said that the Administration's proposal to add five more functional constituency (FC) seats should not be pursued because it was contrary to the ultimate aim of universal suffrage and would make it even more difficult to

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abolish FCs in future. Dr CHAN Yan-chong responded that as the five new FC seats were allocated for DC members, the majority of whom were directly elected, it was unlikely that holders of these five FC seats would object to returning all LegCo Members by universal suffrage.

Referendum

19. Ms Emily LAU noted the views of some deputations that members should not support the package of proposals, and asked whether further actions should be taken by CE. Ms Rose WU of the Hong Kong Christian Institute remarked that CE should hold a referendum on the package of proposals and the timetable for universal suffrage. Mr YUEN Hoi-cheung said that the public had entrusted LegCo Members to represent them and questioned the need for a referendum. In response, Ms WU pointed out that LegCo was not wholly representative of the public's views as not all its Members were returned by direct election. She added that it was appropriate to conduct a referendum on important issues which would affect the future political development of Hong Kong.

20. Dr CHAN Ka-lok agreed with Ms Rose WU that a referendum was the most direct way to ascertain the public's support for the package of proposals. He said that if the proposals were voted down by LegCo, it would be a major setback for CE, and he should bear the political responsibility by resigning from the post. He further said that as the package was not democratic, CE should take constructive actions to devise new proposals which truly reflected the public's aspiration for universal suffrage.

Other issues

21. Dr YEUNG Sum said that there had been comments that the pan-democratic legislators should shoulder responsibility if the Government's package of proposals was vetoed. He asked for Ms Rose WU's views on this. Ms WU replied that in fact all LegCo Members, not just pan-democratic Members, should vote against the package because all legislators were accountable to the public. She added that the package, which did not bring about any real progress in democracy, should not be forced upon the public. It would be better for LegCo to veto the package, and for the Administration to put forward revised proposals.

22. Mr LAU Kong-wah said that opinion polls had shown that the package of proposals had the support of the majority of the public and it would be regrettable if it was voted down. He asked Dr WONG Kam-din of the Hong Kong Executive, Administrative & Clerical Staff Association and Dr CHAN Yan-chong for suggestions to resolve the current impasse.

23. Dr WONG Kam-din said that he did not have any immediate answer to Mr Lau's question. The Committee on Governance and Political Development under the Commission on Strategic Development, which was chaired by CE, would be an important platform for discussing the methodology and the necessary conditions for

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implementing universal suffrage. He suggested that the discussions of the Committee should be put online so as to facilitate public participation in the process. He further said that universal suffrage and direct election were not synonyms. While the former was a political ideal, the latter was an election methodology.

24. In response to Mr LAU Kong-wah, Dr CHAN Yan-chong said that politics was the art of compromise and the Administration should endeavour to strike a compromise with pan-democratic Members and win over their support for the proposals.

Response of the Administration

25. Secretary for Constitutional Affairs (SCA) thanked the deputations and the Subcommittee members for their views and said that he would like to respond to some of the specific comments made by them.

26. In response to Dr CHAN Ka-lok's query on the nomination mechanism for the election of CE, SCA clarified that while it was proposed that the threshold for the number of subscribers be increased from 100 to 200, there was no requirement that there should be no less than 50 subscribers from each of the four sectors of EC.

27. SCA said that the eloquent presentations of the student representatives showed that the Administration's initiatives in nurturing political talents were on the right track. He stressed that the Administration had made the best endeavour to expand the degree of democratic representation in the package of proposals. Referring to the analogy used by Mr LO Wai-ming that Hong Kong people had got lost on their way to full democracy, SCA said that the Administration's package would lead Hong Kong people to the ultimate destination of universal suffrage.

28. SCA said that he noted that recent opinion polls had shown that over 60% of the general public supported the idea of setting a timetable and a roadmap for attaining universal suffrage. In response, the Administration had arranged for these issues to be discussed by the Commission on Strategic Development. He reassured Mr TONG Ka-wah that the Commission was a forum for discussion rather than a decision-making body. As the Administration reckoned that universal suffrage could only be implemented when a broad consensus was reached within the community on the pace of democratic development, it would not be possible at this juncture to come up with a timetable for universal suffrage.

29. The Chairman thanked the deputations and the Administration for attending the meeting.

30. The meeting ended at 6:13 pm.

**Subcommittee to Study the Administration's Proposals for the Methods
for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008**

Summary of views of deputations / individuals

Deputations / Individuals (Legislative Council Paper Nos.)	Package of proposals for the methods for selecting the Chief Executive (CE) in 2007 and for forming the Legislative Council (LegCo) in 2008 set out in the Fifth Report of the Constitutional Development Task Force	Other issues raised
(1) Mr LUI Tung-hai, Member of Kwun Tong District Council [LC Paper No. CB(2)374/05-06(01)]	<ul style="list-style-type: none"> ● While the proposed package of proposals is pragmatic and marks a significant step in the democratization process, it also has inadequacies. ● Mr LUI supports the proposal to include all District Council (DC) members in the Election Committee (EC), as this will enhance the democratic element of EC. It is only fair that appointed DC members be given the same rights as their elected counterparts to vote in the CE election. ● The proposal that all the five newly added functional constituency (FC) seats be returned through election by DC members from among themselves is a big step in democratic development. 	<ul style="list-style-type: none"> ● To achieve the ultimate goal of universal suffrage, the number of appointed DC seats should be gradually reduced and eventually abolished.
(2) Miss Amy YUNG Wing-sheung, Member of Islands District Council [LC Paper No. CB(2)346/05-06(01)]	<ul style="list-style-type: none"> ● While Miss YUNG supports the Government's intention to enhance the role of DC members in the CE and LegCo elections in principle, she does not support the proposal to include all DC members as members of EC. As the appointed and ex-officio members of DCs are not directly elected and lack public mandate, their inclusion in EC will have a negative impact on the CE election. ● The Government's proposal should include a timetable for universal suffrage. 	<ul style="list-style-type: none"> ● Reinstating DC appointed seats after the handover was a major step backward in democratization. ● The composition of the Islands DC is quoted to illustrate the problems with the appointed and ex-officio membership of DCs. It is unfair that there is only one DC member (elected) for

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		the Discovery Bay area which has a population of 17,000, while there are three DC members (one elected, two ex-officio) for Lamma Island with only a population size of around 5,500.
(3) Mr CHAN Ka-lok, Associate Professor of Hong Kong Baptist University, GIS Department [LC Paper No. CB(2)420/05-06(01)]	<ul style="list-style-type: none"> ● There is still a big gap between the proposal to increase the number of EC members from 800 to 1600 members and election by universal suffrage. Under the Government's proposals, the CE election remains to be a "small-circle" election and fails to meet the public expectation for universal suffrage. ● There is a conflict of interest to include DC members who are appointed by CE to vote in the CE election. ● The election of five DC FC members from among DC members is "indirect election", which cannot be compared to Geographical Constituencies (GC) elections which are direct elections. ● The package of proposals fails to shed light on the direction of future constitutional development. Hong Kong people are mature enough for universal suffrage. The Government should include in the package a timetable and a roadmap for attaining universal suffrage, and should actively fight for the early implementation of full democracy in Hong Kong. Otherwise LegCo should vote against the package. 	<ul style="list-style-type: none"> ● The system of appointed and ex-officio DC membership is a retrograde step in democratic development. Such a system should be scrapped. ● Public opinions have been seriously distorted in the consultation process. In the opinion poll commissioned by the Central Policy Unit in September 2005, no question was asked on universal suffrage for the CE and LegCo elections in 2007/08. If a respondent insisted on giving "universal suffrage for the elections in 2007/08" as the

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		<p>answer, his/her response would be classified as “no comment” or “refusal to answer”. The Government should not cite the results of this opinion poll as evidence of public support for the package of proposals, as the poll was conducted before the Fifth Report was published, which means that the respondents did not have knowledge of details of the package when they responded to the questionnaire.</p>
<p>(4) The Democratic Party [LC Paper No. CB(2)346/05-06(02)]</p>	<ul style="list-style-type: none"> ● The package represents a retrograde step in democratic development and should be rejected by LegCo. ● Conflict of interest will arise if DC members appointed by CE can vote in the CE election. ● Even with the proposed expansion of EC, its electorate base is still too narrow. ● The proposal for appointed DC members who have no public mandate to have the right to elect CE, and all DC members to elect among themselves five LegCo Members goes against the democratic principle. 	<ul style="list-style-type: none"> ● Appointed membership in DCs should be abolished. ● The existing requirement that CE should not have any political affiliation should be abolished, as it adversely affects the development of political parties.

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	<ul style="list-style-type: none"> ● FCs should be abolished. As a transitional arrangement, corporate voting should be replaced by individual voting in FC elections. ● The Government should include a timetable for universal suffrage in its current package of proposals, as demanded by the majority of the respondents in opinion polls. 	
(5) The Hong Kong Chinese Importers' & Exporters' Association [LC Paper No. CB(2)346/05-06(03)]	<ul style="list-style-type: none"> ● The Association supports the package of proposals. The enhanced role of DC members in the CE and LegCo elections as proposed in the Fifth Report realizes the principle of "balanced participation" and represents a step forward in democratic development. ● Appointed DC members should have the same right to participate in the elections of CE and LegCo as elected DC members. The existence of appointed membership does not necessarily impose an impediment to democratic development. What is more important is the quality and dedication of the appointed DC members. ● All appointed DC members should take part in DC direct elections upon the expiry of their existing term of office. ● It is unrealistic to demand for a timetable and a roadmap for universal suffrage at this stage. 	
(6) Hong Kong Leather Shoe and Shoe Material Merchants Association Ltd [LC Paper No. CB(2)346/05-06(04)]	<ul style="list-style-type: none"> ● The Association supports the Government's package of proposals, as it will enhance the democratic representation of the CE and LegCo elections. 	

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	<ul style="list-style-type: none"> ● Appointed and elected DC members play complementary roles in DCs. Both have the same status under law and should have the same rights. The appointed DC members may initiate judicial review if they are treated differently from their elected counterparts under the proposed package of proposals. ● It is not necessary to set a timetable for attaining universal suffrage at this stage, as democracy should be developed in the light of the actual situation in Hong Kong. 	
(7) Hong Kong Federation of Students (HKFS) [LC Paper No. CB(2)374/05-06(02)]	<ul style="list-style-type: none"> ● HKFS objects to the package of proposals set out in the Fifth Report, which is undemocratic. ● Even though the membership of EC is doubled, approximately 99.98% of the Hong Kong residents still do not have the right to vote in the CE election. ● According to the results of the poll conducted among tertiary students in April 2005, over 70% of the respondents were of the view that CE should be elected by universal suffrage in 2007. 	<ul style="list-style-type: none"> ● The Secretary for Constitutional Affairs should resign if the proposed package is voted down by LegCo.
(8) Hong Kong Baptist University Student Union	<ul style="list-style-type: none"> ● The package of proposals in the Fifth Report does not meet the public's expectation for democratization as reflected in public opinion. ● The Government should include in its package a timetable for universal suffrage, so that the general public will know when they can have universal suffrage. ● The Student Union objects to the package of proposals and calls upon all LegCo Members to veto it. 	<ul style="list-style-type: none"> ● The Government should come up with a revised package of proposals which truly reflect the public views. Otherwise, CE and the Secretary for Constitutional Affairs should step down from their offices.

Deputations / Individuals (Legislative Council Paper Nos.)	Package of proposals for the methods for selecting the Chief Executive (CE) in 2007 and for forming the Legislative Council (LegCo) in 2008 set out in the Fifth Report of the Constitutional Development Task Force	Other issues raised
(9) Hong Kong Democratic Development Network (HKDDN)	<ul style="list-style-type: none"> ● While the Government’s decision not to increase the “traditional” FC seats in LegCo is an improvement, there are inadequacies with the proposed package of proposals. ● The appointed DC members should be excluded from the proposed package. It is a violation of the principle of fair elections if they are given the right to vote in the CE election. ● The proposal to include elected DC members in EC has not broadened substantially the public’s participation in the CE election, as elected DC members, who have public mandate, will only account for about 25% of the membership of EC (i.e. 427/1600). HKDDN suggests that in order to increase the proportion of EC members who are directly-elected, appointed DC members should be excluded from the proposal and the existing number of members of the other sectors of EC (i.e. 200 members each) should be maintained. This will help to enhance the democratic representation of EC and the legitimacy of the CE election. ● The existing threshold required for nominating candidates should be lowered and an upper limit should be set for the number of subscribers, in order to allow more potential candidates to contest the CE election. ● According to the opinion poll conducted by the Chinese University of Hong Kong, about 35% of the respondents supported universal suffrage for 2007/08, around 35% supported universal suffrage for 2012, and around 65% agreed that there should be a timetable for universal suffrage. This means that 70% of the Hong Kong people want full democracy as soon as possible. 	

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	<ul style="list-style-type: none"> ● It is important that the Government should set a timetable for universal suffrage as soon as possible so that the Hong Kong community can concentrate its efforts on making the necessary preparations for the implementation of universal suffrage. 	
(10) Student Union, Polytechnic University	<ul style="list-style-type: none"> ● Universal suffrage, which is a basic human right guaranteed under the Basic Law, should be implemented immediately. ● The Fifth Report only contains proposals to increase the number of members in EC and LegCo, but it lacks direction for democratic development. 	
(11) Mr LO Wai-ming [LC Paper No. CB(2)374/05-06(03)]	<ul style="list-style-type: none"> ● Inclusion of DC members who are appointed by CE in the EC responsible for selecting CE is in fact “vote planting” for the CE election. The proposal is also a major retrogressive step in the democratization process. ● With neither a timetable nor a roadmap for universal suffrage incorporated in the proposed package, Hong Kong people will become lost in their road to full democracy. ● Mr LO objects to the Fifth Report and urges all LegCo Members to do the same. 	
(12) Hong Kong Shue Yan College Student Union	<ul style="list-style-type: none"> ● The Student Union is of the stance that there should be universal suffrage in 2007/08 and finds the Fifth Report unacceptable. ● In a survey conducted by the Student Union during 6-8 April 2005, about 80% of its members have expressed support for the election of CE by universal suffrage in 2007. 	

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	<ul style="list-style-type: none"> ● While the Student Union is glad to note that the membership of EC is proposed to be expanded, the inclusion of appointed DC members in EC is considered unacceptable. 	
(13) Lingnan University Student Union (LUSU)	<ul style="list-style-type: none"> ● The proposal to include elected DC members in EC is a good development, as they have public mandate. LUSU, however, strongly objects to the inclusion of appointed DC members in the proposal as it is a form of “vote planting” and an affront to democracy. ● LegCo Members returned by FC elections are less representative than those returned by GC elections. LUSU therefore does not agree that the proportion of Members returned by FC and GC elections should remain unchanged. ● The package of proposals does not reflect the popular demand for universal suffrage in 2007/2008. LegCo should vote down the proposals. 	<ul style="list-style-type: none"> ● LUSU regrets that the Fifth Report does not address the problem posed by the voting procedure that motions or bills introduced by individual LegCo Members shall require a simple majority vote of each of the two groups of Members present (i.e. Members returned by FC and GC elections respectively.)
(14) The Hong Kong & Kowloon General Merchandise Merchants' Association Ltd [LC Paper No. CB(2)374/05-06(04)]	<ul style="list-style-type: none"> ● The Association fully supports the proposed package. The expansion of EC to 1600 members is appropriate. The proposal to increase the number of LegCo seats is also a positive move towards full democracy and accord with the decision of the Standing Committee of the National People's Congress (NPCSC) and the actual situation in Hong Kong. ● It is unrealistic and inappropriate to set a target of implementation of universal suffrage in 2007/08 or 2012. Democratic development must proceed in a gradual manner and it is not pragmatic to fix a timetable for universal suffrage at this stage. 	

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(15) Hong Kong United Youth Association [LC Paper No. CB(2)346/05-06(05)]	<ul style="list-style-type: none"> ● The Association has hoped that a new sector for “Youth” be added to EC and the FCs of LegCo. Having considered the fact that DC members come from different strata of the community and their expanded role under the proposal will increase the democratic element of the political system, the Association finds the Government’s proposal acceptable. ● The appointment system of DCs is in line with the principle of “balanced participation”. Appointed DC members should have the same status as their elected counterparts. ● The proposed package of proposals is in accordance with the Basic Law and the Decision of NPCSC in April 2004. ● The conditions must be ripe before universal suffrage can be implemented. At this stage, it is not necessary to set a timetable for universal suffrage. 	
(16) Association for the Advancement of Feminism (AAF) [LC Paper No. CB(2)346/05-06(06)]	<ul style="list-style-type: none"> ● AAF is disappointed that the proposed package ignores the general public’s desire to expedite the implementation of universal suffrage. ● AAF regrets that it has been proposed that CE be selected by an EC comprising only 1600 members. AAF maintains that CE should be elected by universal suffrage in 2007. ● All FCs should be abolished and all LegCo Members should be returned by direct election in 2008. The FC system is not conducive to the participation of women in the electoral process and also results in some people having more than one vote. 	

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(17) Hong Kong Professional Teachers' Union [LC Paper No. CB(2)374/05-06(05)]	<ul style="list-style-type: none"> ● The package of proposals seriously distorts the public demand for universal suffrage and is totally unacceptable. ● As the proportion of LegCo seats returned by FCs and GCs remains the same, and there is no timetable for universal suffrage, the package of proposals cannot be said to be “a major step forward towards the ultimate goal of universal suffrage”. ● There is a conflict of interest in allowing DC members who are appointed by CE to be members of EC. This proposal violates the democratic principle. ● The conditions in Hong Kong are ripe for universal suffrage which should be implemented as early as possible. 	
(18) Democratic Alliance for Betterment and Progress of Hong Kong (DAB) [LC Paper No. CB(2)374/05-06(06)]	<ul style="list-style-type: none"> ● DAB supports the Government's package of proposals as it is in line with the Basic Law and the NPCSC's interpretation and decision in April 2004, and takes forward Hong Kong's constitutional development towards the ultimate aim of universal suffrage in a gradual and orderly manner. ● The proposal of inclusion of all DC members in EC and allocation of five additional FC seats to DC members can enhance the democratic representation of EC and LegCo and is acceptable. ● To fulfill the principle of balanced participation and to broaden the electorate base of EC, the composition of the remaining three sectors of EC should be reorganized, e.g. to create a separate subsector for dentists which are now included in the medical subsector, and to include real estate agents in the subsector for architects, surveyors and planning professionals. 	<ul style="list-style-type: none"> ● As the package of proposals will change the role of DC members, the Administration should ensure that the quality of services provided by DC members will not be adversely affected as a result. ● The Government should create favourable conditions to facilitate the achievement of the ultimate goal of universal suffrage for

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	<ul style="list-style-type: none"> ● DAB supports the proposal that election proceedings for the selection of CE shall continue even where there is only one nominee for the post. ● The Government should create favourable conditions for early implementation of universal suffrage. ● If the Government's package is voted down by LegCo, the political development will be brought to a standstill, thus procrastinating the implementation of universal suffrage. 	<p>elections of CE and LegCo Members. Such conditions include further strengthening economic co-operation with the Pearl River Delta area, grooming political talents, strengthening national education, enhancing Hong Kong people's understanding of universal suffrage, as well as enhancing publicity on the Basic Law to further consolidate its status as the constitutional law. DAB opines that the Government should produce a consultation document and proposals for discussion of the community as soon as possible.</p>
<p>(19) Hong Kong Executive, Administrative & Clerical Staff Association [LC Paper No. CB(2)360/05-06(01)]</p>	<ul style="list-style-type: none"> ● The Association supports the package of proposals which moves forward the constitutional development of Hong Kong. ● It is not appropriate to fix the timetable for universal suffrage at this stage as more discussions on the subject, such as the mode of universal suffrage and the conditions for implementing universal suffrage, are required. The Commission on Strategic Development will be an 	<ul style="list-style-type: none"> ● In the long run, the Administration should review and improve the appointment system of DCs, e.g. the appointment criteria should be made more transparent.

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	<p>appropriate platform for discussing the relevant issues.</p> <ul style="list-style-type: none"> ● It is unreasonable to exclude the appointed DC members from the electoral methods proposed for 2007/08. The appointment system of DC members enhances the principle of balanced participation and all DC members, be they appointed or elected, should be deemed as an entity. 	
(20) 新界西居民聯會 [LC Paper No. CB(2)346/05-06(07)]	<ul style="list-style-type: none"> ● The package of proposals in the Fifth Report accords with the principle of gradual and orderly progress in constitutional development, and is an advancement in Hong Kong's democracy, especially when compared with the pre-1997 colonial era. ● The appointment system of DCs is in line with the principle of balanced participation and should be preserved. However, the Government should ensure that responsible and talented persons are appointed as DC members. ● There is no consensus on universal suffrage and it is now premature to set a timetable for its attainment. 	
(21) The Hong Kong Island Federation Limited (HKIF) [LC Paper No. CB(2)360/05-06(02)]	<ul style="list-style-type: none"> ● HKIF accepts the proposal put forward by the Government in respect of the method for selecting CE in 2007. Although HKIF has previously proposed that the number of subscribers required for nominating candidates for the CE election should be capped at 50% of the membership of CE, it still considers the Administration's proposal acceptable. ● Although HKIF has previously proposed that new FCs be created for Chinese medicine practitioners and logistics professionals etc, it accepts 	

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	<p>the Government's proposal in respect of the method for forming LegCo in 2008, as the latter is considered better in terms of promoting harmony within the community and moving forward towards democracy. In addition, recent opinion polls have indicated that the majority of the public support the proposals set out in the Fifth Report.</p> <ul style="list-style-type: none"> ● The rejection of the Government's package of proposals will slow down democratic development in Hong Kong. 	
(22) Civil Human Rights Front (CHRF) [LC Paper No. CB(2)346/05-06(08)]	<ul style="list-style-type: none"> ● CHRF considers it unacceptable that the Fifth Report contains no plan for implementing universal suffrage in 2007/08, despite the strong public demand. ● CHRF requests the Government to implement universal suffrage in 2007/08 and abolish all FCs. ● CHRF requests that the Government should conduct a referendum on the Fifth Report to find out whether Hong Kong people really accept the proposals. 	
(23) Shatin Tertiary Students' Association (STSA) [LC Paper No. CB(2)374/05-06(07)]	<ul style="list-style-type: none"> ● The Government's package of proposals is in accordance with the Basic Law (Article 45, Article 68, Annex I and Annex II), the principle of gradual progress in constitutional development in the light of the actual situation in Hong Kong, and the decision made by NPCSC on 26 April 2004. ● The proposed expansion of the composition of EC and LegCo can increase the level of democracy. ● Appointed DC members play the same role and enjoy the same rights as the elected DC members under the law. It is unfair to exclude them from the proposed electoral methods in 2007/08. 	<ul style="list-style-type: none"> ● STSA agrees that the existing requirement that CE should have no political affiliation should be maintained. ● On the comment that the appointment system of DCs should be abolished, STSA is of the view that this issue should be dealt with separately.

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	<ul style="list-style-type: none"> ● The request for setting a timetable for universal suffrage right now goes against the principle that democratic development should proceed in the light of the actual situation in Hong Kong. 	<ul style="list-style-type: none"> ● There are still quite a number of issues pertaining to constitutional development which should be discussed, such as the suitability of introducing a bicameral legislature, the low turnout rates in the DC and LegCo elections, reforms to the current voter registration system, the grooming of political talents in Hong Kong, the immaturity of the political parties in Hong Kong, whether a political party law should be introduced, and whether there should be any restrictions to the political parties' acceptance of overseas political donations and anonymous donations. Among these issues, the immaturity of the political parties in Hong Kong merits most attention. ● The meaning of “universal suffrage” in the Basic Law

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		should be explored.
(24) New Territories Association of Societies (NTAS) [LC Paper No. CB(2)374/05-06(08)]	<ul style="list-style-type: none"> ● At present, Hong Kong is not ready for implementing universal suffrage. There is no consensus on the issue of universal suffrage. To rush through the setting of a timetable for universal suffrage is not in conformity with the principle of gradual progress in constitutional development in the light of the actual situation in Hong Kong as laid down in the Basic Law. ● The inclusion of all DC members in the package of proposals is consistent with the principle of balanced participation, as they are from different strata of the community. ● The proposed package echoes the mainstream view that Hong Kong people would like to see Hong Kong's democracy moving forward instead of standing still. The package represents a vast expansion of the electorate base of the two elections and the biggest step of democratization achievable under the present circumstances. ● There is no conflict of interest involved in allowing appointed DC members to sit on EC. As the current appointed DC members were appointed by the former CE, there is no question of "vote planting". The appointed DC members have the same legal status and are shouldering the same responsibilities as the elected members, and they should enjoy the same right to vote in the CE election. 	<ul style="list-style-type: none"> ● According to a opinion poll conducted by NTAS from 29 October 2005 to 2 November 2005 (with 915 randomly selected respondents), over half of the respondents supported the Fifth Report.
(25) Hong Kong Christian Institute (HKCI) [LC Paper No. CB(2)360/05-06(03)]	<ul style="list-style-type: none"> ● HKCI believes that democracy is an inborn right of every person. HKCI rejects the Fifth Report because the Government - 	

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	<p>(a) does not put forth any timetable or roadmap for full democracy; and</p> <p>(b) still preserves the system of appointed DC members and FC elections, which are more advantageous to people with vested interests, such as the businessmen and the professionals.</p> <ul style="list-style-type: none"> ● The Fifth Report is not leading Hong Kong forward in democratic development and is therefore unacceptable. ● HKCI is of the stance that the election of CE and all LegCo Members by universal suffrage should be implemented as early as possible, i.e. in 2007/08 or failing that, by 2012 the latest. ● HKCI requests the Government to withdraw the Fifth Report and put forward a revised package of proposals which shows respect for the public's demand for early implementation of universal suffrage. Otherwise LegCo should veto the proposals. 	
(26) 陳東、曾淵滄、郭振華、李漢雄、陳鏡秋聯合議員辦事處 [LC Paper No. CB(2)420/05-06(02)]	<ul style="list-style-type: none"> ● Most Hong Kong people would like to see the implementation of universal suffrage as soon as possible. However, the issue involves a compromise between the political ideal and the political reality. The Government should strike a compromise with the pan-democratic Members and win over their support for the proposals. ● There are altogether 102 appointed DC members. If they are excluded from the proposal and in the event that one of them seeks judicial review, the CE election will become another Link Reit incident. 	<ul style="list-style-type: none"> ● Dr CHAN Yan-chong represents five appointed members of the Sham Shui Po DC. ● Not all appointed DC members fail to perform their duties conscientiously.

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<p>(27) Association of Engineering Professionals in Society (AEPS) [LC Paper No. CB(2)374/05-06(09)]</p>	<ul style="list-style-type: none"> ● AEPS supports the proposed expansion of EC as it can enhance the representativeness of EC. ● The Association agrees with the proposal that the number of subscribers for nominating a candidate for the CE election shall not be less than 200, but is of the view that an upper limit on the number of subscribers should be put in place so as to enable more potential candidates to contest the election. ● AEPS supports the proposal that election proceedings shall continue even in the event of there being only one nominee. ● While AEPS does not object to the increase of LegCo Members from 60 to 70, it believes that ensuring the quality of LegCo Members is more important than increasing the number of LegCo seats. ● Allocating all the five new FC seats to DC members is not consistent with the decision of NPCSC that the ratio between Members returned by the FCs and those returned by the GCs shall remain unchanged in 2007/08, as the new DC FCs have the elements of direct election. ● Corporate voting in FCs should be replaced by individual voting. The electorate base of FCs should also be broadened. ● The electorate base of the Engineering FC should be broadened to include engineering technicians and young engineers. ● It may not be in the best interest of Hong Kong to set a timetable for universal suffrage now, as the issue requires more public discussions for reaching a consensus. A more appropriate time for setting such timetable will be after the 2007/08 elections, i.e. in 2009. 	<ul style="list-style-type: none"> ● The Government should initiate as soon as possible discussions on the long term development of the FCs and the timetable for universal suffrage.

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(28) Kowloon Federation of Associations (KFA)	<ul style="list-style-type: none"> ● KFA supports the package which is conducive to the long term prosperity and stability of Hong Kong. The expansion of the composition of EC and LegCo, as well as the expanded role of DC members in the two elections can enhance the legitimacy of the elections, help to groom political talents, and is in line with the principles of balanced participation, gradual and orderly progress, and in the light of the actual situation in Hong Kong. If the package is vetoed, the pace of democratization will be slowed down. ● The appointed DC members have the same rights and perform the same functions as the elected DC members. It is unfair to deprive them of the right of selecting CE and returning among themselves five LegCo Members. ● It is not pragmatic to demand for a timetable for universal suffrage at this stage. While the issue can be discussed, there is currently no consensus on it. 	
(29) Youth Action 21 (YA21) [LC Paper No. CB(2)374/05-06(10)]	<ul style="list-style-type: none"> ● YA21 supports the direction of constitutional reform as proposed in the Fifth Report for the following reasons - <ul style="list-style-type: none"> (a) they do not want Hong Kong's constitutional development to remain stagnant; (b) constitutional reform must proceed under the framework prescribed by the Basic Law and the decision of NPCSC; and (c) the Government's proposals represent an improvement to the current situation and the biggest step of democracy achievable within the legal framework. 	

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	<ul style="list-style-type: none"> ● However, YA21 has raised concerns about the Government's proposals. The inclusion of appointed DC members in the expanded EC and allowing them to contest for the five DC FC seats is against the principle of democratic election. ● It is irresponsible to demand for a timetable for universal suffrage without taking into account other social factors required for its implementation. The Government should, however, respond to the public's expectation for a roadmap for attaining universal suffrage. 	
(30) Hong Kong Human Rights Monitor (HKHRM) [LC Paper No. CB(2)374/05-06(11)]	<ul style="list-style-type: none"> ● HKHRM rejects the Government's package of proposals in the Fifth Report and urges Members to vote against it. ● The proposals violate Articles 2, 25 and 26 of the International Covenant on Civil and Political Rights (ICCPR), which stipulate that every citizen shall have the right, without unreasonable restrictions and without distinctions of any kind (such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status), to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors. ● The package fails to propose changes to the corporate voting system of FCs and preserves the "small circle" election of CE. The inclusion of appointed DC members in EC amounts to "vote planting" which contravenes the principle of fair elections. ● CE election is prone to political manipulation. Not only is a high threshold required for the nomination of candidates, there is also no 	<ul style="list-style-type: none"> ● The reinstatement of the DC appointment system after the 1997 handover is a backward step for democracy and the system should be scrapped. ● There are problems with the public consultation conducted by the Constitutional Development Task Force. Some citizens, in their personal capacity, were not given admission tickets to the open forums on constitutional development.

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	<p>upper limit on the number of subscribers. In effect, EC members are required to indicate their preference during the nomination stage, which is practically a violation of the “secret ballot” principle in the ICCPR.</p> <ul style="list-style-type: none"> ● Not only does the package fail to bring home universal suffrage, it also lacks a timetable and a roadmap for universal suffrage, and there is no progress for democracy. 	
(31) Mr PAN Jian-ming [LC Paper No. CB(2)374/05-06(12)]	<ul style="list-style-type: none"> ● Mr PAN does not accept the Government’s proposals which fail to advance democratization. No change in the proportion of seats returned by FCs and GCs has been proposed. Even though the size of EC is increased to 1600, it only represents a very small percentage of the total population of 7 million. ● Election of CE and LegCo by universal suffrage should be introduced in 2007 and 2008 respectively. If this is not achievable, the following transitional arrangements for 2007/08 are proposed - <ul style="list-style-type: none"> (a) the electorate base of EC should be broadened, e.g. the size of EC should be set at a certain percentage of the population, say 1%. (b) the proportion of LegCo seats returned by GCs should be increased. At the same time, FCs should be reorganized and the electorate base of each FC should be broadened. 	<ul style="list-style-type: none"> ● The Government has the responsibility to put forth more than one package of proposals for the consideration of the public and decision should be made by way of a referendum.