

立法會
Legislative Council

LC Paper No. CB(2)1140/05-06
(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 19 December 2005 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present :

Dr Hon LUI Ming-wah, SBS, JP (Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, SBS, JP
Hon LEUNG Yiu-chung
Hon WONG Yung-kan, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon MA Lik, GBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
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 KWONG Chi-kin
Hon TAM Heung-man

Members attending : Hon James TO Kun-sun
Hon SIN Chung-kai, JP
Hon Frederick FUNG Kin-kee, JP
Hon Jeffrey LAM Kin-fung, SBS, JP

Members absent : Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Chin-shek, JP
Hon Abraham SHEK Lai-him, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon Patrick LAU Sau-shing, SBS, JP

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

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Mr Raymond TAM Chi-yuen
Principal Assistant Secretary for Constitutional Affairs

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

Staff in attendance : Mrs Eleanor CHOW
Senior Council Secretary (2)4

Mrs Fanny TSANG
Legislative Assistant (2)3

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I. Confirmation of minutes of meetings

(LC Paper No. CB(2)549/05-06 – Minutes of meeting on 17 October 2005

LC Paper No. CB(2)597/05-06 – Minutes of special meeting on 21 October 2005

LC Paper No. CB(1)506/05-06 – Minutes of joint meeting of Public Service Panel and Constitutional Affairs Panel on 21 November 2005)

The minutes of the meetings held on 17 and 21 October 2005 and 21 November 2005 were confirmed.

II. Information papers issued since the last meeting

2. Members noted that the following papers had been issued since the last meeting –

- (a) LC Paper No. CB(2)441/05-06(01) – An information note prepared by the Constitutional Affairs Bureau on "Supplementary Information Regarding to the Establishment of Former Chief Executives' Office";
- (b) LC Paper No. CB(2)511/05-06(01) – Press release on appointments to the Commission on Strategic Development issued on 15 November 2005;
- (c) LC Paper No. CB(2)511/05-06(02) – Terms of Reference of the Commission on Strategic Development, Executive Committee, Committee on Governance and Political Development, Committee on Social Development and Quality of Life, and Committee on Economic Development and Economic Cooperation with the Mainland;
- (d) LC Paper No. CB(2)511/05-06(03) – Membership Lists of the Commission on Strategic Development, Executive Committee, Committee on Governance and Political Development, Committee on Social Development and Quality of Life, and Committee on Economic Development and Economic Cooperation with the Mainland; and
- (e) LC Paper No. CB(2)556/05-06(01) – Letter dated 29 November 2005 from the Secretary for Constitutional Affairs concerning the proposed visit of the Panel to Beijing.

III. Items for discussion at the next meeting

(LC Paper No. CB(2)692/05-06(01) – List of outstanding items for discussion

LC Paper No. CB(2)692/05-06(02) – List of follow-up actions)

3. Members noted that the next meeting would be held on 16 January 2006. Members raised two agenda items for discussion at the next meeting.

Proposal to amend the Chief Executive Election Ordinance (CEEEO)

4. Members noted that the Administration would move two motions at the Council meeting on 21 December 2005 to amend the methods for selecting the Chief Executive (CE) and for forming the Legislative Council (LegCo) under Annex I and Annex II to the Basic Law respectively (the “two methods”). Ms Margaret NG said that according to press reports, the Chief Secretary for Administration had said that in the event that the motions were negated, CE would in future concentrate its effort on economic issues, rather than constitutional development issues. She asked the Administration to clarify whether this was the Administration’s position.

5. Some members, including Ms Emily LAU, Ms Audrey EU, Dr KWOK Ka-ki and Ms Margaret NG, held the view that even though the motions were negated, constitutional development could still be taken forward by amending the relevant local legislation, e.g. to expand the electorate base of the Election Committee to some three million registered voters, and to replace corporate voting with individual voting for the functional constituencies (FCs). They asked whether the Administration intended to pursue these proposals in the event that the two motions were not supported by two-thirds of all the LegCo Members.

6. Secretary for Constitutional Affairs (SCA) said that it had been the Administration’s practice not to comment on press reports. The package of proposals in the Fifth Report of the Constitutional Development Task Force (the Task Force) sought to increase the democratic representation of the two elections by expanding the participation of District Council (DC) members in the Election Committee and in LegCo. The package was arrived at after 18 months of wide consultation, providing the highest possible degree of democratic elements within the framework laid down by the Basic Law and the Interpretation and Decision of the Standing Committee of the National People’s Congress (NPCSC) in April 2004. He further said that if the two motions were negated, there would be no room to expand the electorate base of the Election Committee and FCs. Amendments to CEEEO, however, would still be necessary to deal with issues such as the term of office of the new CE elected under Article 53 of the

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Basic Law (BL 53). In other words, another opportunity to amend the “two methods” would not come by until 2012. In view of the above, he urged members to support the two motions.

7. Members agreed that irrespective of whether the two motions would be passed in the Council, the Administration’s proposal to amend CEEO should be discussed at the next meeting.

Timetable on universal suffrage

8. Referring to his letter dated 6 December 2005 (LC Paper No. CB(2)692/05-06(03)), Dr YEUNG Sum requested that the timetable on universal suffrage should be included as a regular agenda item for discussion by the Panel at each meeting. He pointed out that the Committee on Strategic Development (CSD) which was entrusted by the Administration to study the issue of universal suffrage did not have the mandate of the people. In his view, LegCo Panel was the more appropriate forum for discussion as its meetings were open to public. The Panel could invite academics, professionals and different sectors of the community to give views on the issue. The Administration was also expected to participate in the discussion and to provide discussion papers, if any. Members agreed to accede to his request.

9. SCA said that at this stage, the Administration had no proposal on when and how universal suffrage could be attained. The Committee on Governance and Political Development (CGPD) under CSD had been commissioned to study ways to implement universal suffrage in accordance with the provisions and principles of the Basic Law. As the roadmap for attaining universal suffrage remained to be explored, the Administration was not in a position to provide any proposals for members’ discussion. The Administration, however, was prepared to listen to members’ views at Panel meetings. Depending on the issues to be discussed by the Panel, it would assign the appropriate officer to attend the meeting.

IV. Package of Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008 : Phased Abolition of Appointed District Council Seats
(LC Paper No. CB(2)741/05-06(01) – Legislative Council Brief)

10. SCA said that in view of the community and Members’ feedback on the package of proposals for the “two methods” in 2007/08, the Administration would implement adjustments to the proposed package on the condition that the two motions were endorsed by LegCo on 21 December 2005. The adjustments included –

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- (a) the maximum number of appointed DC seats be reduced from the existing 102 to 68 when the new term of DCs commenced in January 2008; and
- (b) the Government would decide before the end of 2011 whether the maximum number of appointed DC seats should be further reduced to zero in January 2012, or to 34 in January 2012 and then to zero in January 2016.

11. Dr YEUNG Sum said that according to the opinion polls conducted by the Chinese University of Hong Kong, 59% of the respondents supported the package of proposals when it was first introduced, the level of support was later dropped to below 50%, and further dropped to below 40% when the adjustments to the proposed package were introduced. On the other hand, about 70% of the respondents considered that universal suffrage should be implemented by 2012, and 65% of them considered that the Government should set a timetable for attaining universal suffrage. In view of the above, Dr YEUNG Sum suggested that the Administration should put forth a revised proposal to include the abolition of appointed DC seats and the provision of a timetable for universal suffrage. He said that with the revised proposal addressing the concerns of the public, the two motions would have the support of LegCo. In this connection, he urged that CE should make a report on the revised proposal to NPCSC for its consideration. He also asked whether the Administration would consider deferring the presentation of the two motions to LegCo at a later date. Mr CHEUNG Man-kwong echoed his views.

12. SCA said that Dr YEUNG Sum had failed to point out that in the same opinion polls, 37.7% of respondents considered that LegCo should endorse the motions as against 35% of respondents who thought otherwise. In addition, 56% of the respondents considered that Members should not vote down the motions because of the absence of a timetable for universal suffrage. In a recent opinion poll conducted by the South China Morning Post, 44.3% of the respondents considered that the pace of democracy would be impeded if the motions were negated, while only 17.8% respondents considered otherwise. He said that Members should reflect and respect the wish of the public and should therefore vote in favour of the motions. In his view, the passage of the motions was in no way in conflict with the call for a timetable for universal suffrage. As Hong Kong people supported the package of proposals, the Administration had no intention to defer the submission of the two motions to LegCo.

13. Mr LEE Wing-tat said that the presentation of the two motions could be deferred to February 2006 or even April 2006 to allow time for LegCo and the Administration to reach a consensus on the revised proposal suggested by pan-democratic Members. He envisaged that the time required for the subsequent scrutiny of amendments to local legislation would not be too long if a consensus was reached. He said that if the Administration imposed a legislative

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timetable arbitrarily, pan-democratic Members had no choice but to vote against the two motions.

14. SCA said that the Administration had worked for more than a year to come up with a package of proposals that contained the highest possible degree of democratic elements within the framework laid down by the Basic Law and NPCSC Decision. Despite the hard work, the Administration still faced immense difficulties in reaching a consensus with LegCo. He pointed out that the revised proposal put forth by pan-democratic Members, if introduced, would be controversial and would not be readily supported by Members who supported the Administration's package of proposals. SCA urged members to seize the opportunity to support the two motions, so as to take a positive step towards achieving the ultimate aim of universal suffrage and lay a favourable foundation for future discussion with the Mainland authorities on the constitutional development of Hong Kong.

15. Mr TONG Ka-wah said that he did not understand why the Administration considered that the adjustments to proposed package would be attractive to pan-democratic Members. He considered that CE, by not having an open dialogue with the public on the package of proposals but resorting to hard selling, had lost the support of the people. In addition, allowing appointed DC members to take part in the two electoral processes could not be considered a progressive step towards democracy.

16. SCA said that under the leadership of CE, principal officials (POs) had made the best endeavour to introduce and explain the package of proposals to the public and different sectors of the community. The Administration was serious and sincere in taking forward constitutional development. It had done all it could and all it should to come up with the adjustments to the proposed package to address the concerns of some Members and the public. SCA reiterated that the proposed package had the support of the majority of the people and it was for Members to reflect the aspirations of the public.

17. SCA further said that in the view of the Administration, all DC members, irrespective of how they were returned, were entrusted with the same functions and powers under the District Council Ordinance. Hence, both elected and appointed DC members should enjoy the same rights, and there was no reason to exclude appointed members' participation in the two electoral processes.

18. Mr LEUNG Yiu-chung asked about the basis for the Administration's proposal to abolish the appointed DC seats by phases. He did not understand why the Administration chose to introduce the proposal, given that the Administration had all along recognised the contribution of appointed members to the work of DCs. He also expressed dissatisfaction that the Administration only gave two days for LegCo Members to consider the proposal.

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19. SCA said that the phased abolition of appointed DC seats was based on a number of considerations. First, appointed DC members had made constructive and useful contribution to the work of DCs. Second, if the number of appointed seats were drastically reduced in one go, it would have an impact on the quality of Government services delivered at district level. Third, the issue of appointed DC membership and their involvement in the “two methods” in 2007/08 was a concern raised by some members of LegCo, DCs and the public. SCA said that there was a general expectation that the Government should make some adjustments to the proposed package in the hope of achieving consensus. The Administration had taken some time to come up with the adjustments, and it was not in any way disrespectful to Members.

20. Dr KWOK Ka-ki said that it was evident that the Administration was not keen on implementing universal suffrage, as the appointed DC seats were not reduced to zero until 2012 and beyond. SCA responded that in the past year, the Administration had spared no effort to push forward constitutional development. It had made the best endeavour to work out a proposal with an enhanced element of democracy for the “two methods”. He assured members that the Administration would pursue the ultimate aim of universal suffrage in the same manner.

21. Mr James TIEN said that the Liberal Party supported the proposal to abolish appointed DC seats by phases, with a view to facilitating LegCo to reach a consensus on the two motions. He did not understand why the Administration intended to continue to discuss the the roles, functions and compositions of DC in the event that the two motions were negated (paragraph 10 of the LegCo Brief). SCA explained that the former CE had stated in the 2004 Policy Address that the function and composition of DCs should be reviewed at a suitable time. The review would proceed irrespective of the voting result of the two motions.

22. Dr Fernando CHEUNG held the view that the package of proposals was not progressive and did not get Hong Kong nearer to the ultimate aim of universal suffrage for the elections of CE and LegCo. While the membership of the Election Committee was proposed to increase from 800 to 1 600, and the number of LegCo seats from 60 to 70, their electorate base was not broadened. In addition, the conditions attached to implementation of the proposal on appointed DC seats were tantamount to making threats to Members.

23. SCA explained that at present, a small number of Election Committee members were returned through direct election. With the membership of the Election Committee expanding to 1 600 in 2007, all the directly elected DC members (representing 25% of the total membership of Election Committee) would be included in the Election Committee. In addition, out of the 10 additional LegCo seats in 2008, five would be returned through direct geographical constituency (GC) elections, and the other five would be elected from among DC members. With more than three million registered voters

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involved in the election of DC members, it was obvious that the package of proposals would increase the democratic representation of the two elections in 2007/08. The proposal to abolish appointed DC seats by phases was another progressive step towards democratisation.

24. Mr TAM Yiu-chung said that while the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) supported the Administration's proposal on appointed DC seats, it also recognised the contribution of the appointed DC members. It supported the phased reduction of appointed DC seats to zero at an appropriate time. He expressed disappointment that despite the effort made by the Administration to further improve the package of proposals, some pan-democratic Members had interpreted the course of action as threats. In addition, some members had misled the public into thinking that rejecting the package of proposals was a step closer to democracy. He pointed out that if members did not seize the opportunity to support the motions, the people of Hong Kong had to wait for another five years before constitutional development could take a further step.

25. Mr TAM Yiu-chung further said that in the event that the motions were carried, the number of members of the Fourth Sector of the Election Committee would be increased from 200 to 700 in 2007. Given that the number of appointed DC members would be reduced commencing January 2008, Mr TAM asked about the composition of the Fourth Sector during the transitional period between 2007 and 2008. He also asked about the basis for the Administration's proposal to reduce appointed DC seats by one-third in January 2008, to be followed by a further reduction to 34 or zero in January 2012 and then to zero in 2016.

26. SCA explained that the membership of the Fourth Sector comprised Hong Kong deputies to National People's Congress, Members of LegCo, Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC), members of Heung Yee Kuk and DC. If the two motions were carried, the 529 DC members, including the 102 appointed ones, would become members of the Election Committee to select the third term CE in 2007. When the appointed DC members were reduced to 68 in January 2008, the 34 seats originally earmarked for appointed DC members might have to be allocated to other subsectors. There was a need to study how local legislation should be amended to achieve that effect. Initially, consideration could be given to allocating the vacant seats to the Heung Yee Kuk or CPPCC subsectors during the transitional period. SCA further explained that the reason for the Administration to phase out appointed DC seats over a period of time was that the future was unpredictable. It would be prudent for the Administration to take account of the prevailing situation, which would mainly be the reaction of the community and the operation of DCs following the reduction in the appointed seats, before deciding on the way forward.

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27. Ms Audrey EU said that since appointed DC members had contributed to the work of DC, they should not be afraid of participating in a direct election. She found that the Administration's proposal on appointed DC seats unacceptable. She pointed out that pan-democratic Members were asked by the Administration to accept the proposal for the 102 appointed DC members to participate in the two electoral processes in 2007/08 in exchange for a small reduction in the appointed DC seats by one-third in January 2008. She questioned the logic of these retrogressive proposals.

28. SCA responded that appointed DC members were mainly professionals. As they came from different background, their professional knowledge had contributed to various aspects of the work of DCs. Some of them also participated in LegCo election. In his view, the package of proposals and its adjustments had enhanced the democratic elements in the two electoral processes and at the same time, phased out the number of appointed DC seats in an orderly manner. They were in no way retrogressive proposals.

29. Mrs Selina CHOW said that the Liberal Party held the view that the package of proposals was a positive step towards democracy, although it was debateable whether the step was a small or a big one. The fact was that there would be an increase in the membership of the Election Committee and LegCo and more room for political talents to participate in public affairs. It was also a fact that the majority of the public supported the package of proposals. In view of the above, she urged pan-democratic Members to respect the wish of the people. In her view, it was incorrect to describe the proposed package and the adjustments to the package as a retrograde one. Referring to paragraph 7 of the LegCo Brief, Mrs CHOW asked about the relationship between universal suffrage and the package of proposals.

30. SCA concurred with Mrs CHOW and said that he did not understand why pan-democratic Members had bundled the proposed package and the timetable on universal suffrage into one issue. A timetable for universal suffrage was not and should not be a prerequisite for LegCo to endorse the two motions. The two issues should be dealt with separately. He said that Members' support for the two motions would bring Hong Kong nearer to the ultimate aim of universal suffrage and would be conducive to achieving a consensus on future constitutional reform. The Administration had already tasked CGPD to study a roadmap for universal suffrage. Some conclusions were expected to be ready by early 2007 and CE had already undertaken to report the outcome to the public and the Central Authorities.

31. Ms Emily LAU expressed dissatisfaction that the Administration was promoting its package of proposals on television. She pointed out that political advertisement was prohibited in law and asked why the Administration was allowed to do so. She also learnt that the Liaison Office of the Central People's Government (CPG) in the Hong Kong Special Administrative Region (HKSAR)

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(the Liaison Office) had been canvassing support from Members on the package of proposals. She asked whether the Liaison Office was acting on behalf of the Administration and if so, it should stop doing so because it was interfering into the internal affairs of Hong Kong. As it had been reported that the Administration was only one vote short of the required two-thirds majority vote of 60 LegCo Members, she asked the Administration to advise the names of the five pan-democratic Members who had indicated that they would vote in favour of the motions.

32. SCA said that he too would like to know whether there would be such five LegCo Members as referred to by Ms LAU. He explained that it had been the practice of the Administration to explain its policy through Government Announcements in the Public Interest (APIs), these were not political advertisements. As regards canvassing support from LegCo Members on the package of proposals, he said that it was the duty of the Administration.

33. Mr LEUNG Kwok-hung said that it was inappropriate for CE and POs, including the former Secretary for Justice, Ms Elsie LEUNG, to show their support to the Administration's package of proposals by participating in a signature campaign on 11 December 2005, which was organised by the Grand Coalition Concerning Political Reform of which DAB was also a member. He expressed concern that CE had favouritism over some political parties and groups while neglecting others. For example, CE had declined to have discussions with some pan-democratic Members on the proposed package in the past two weeks.

34. SCA said that the participation of CE and POs in the signature campaign signified unity in the executive team and their firm belief that the proposed package was beneficial to HKSAR. It was appropriate for Ms Elsie LEUNG, a member of the Task Force, to participate in the campaign. He further said that the Administration had approached pan-democratic Members to canvass their support through various avenues.

35. Ms Emily LAU asked whether the Administration had misled CPG into thinking that the package of proposals would be supported by Members, given that Mr QIAO Xiaoyang, Deputy Secretary General of NPCSC, had said that he had been expecting good news from the Government of HKSAR following the announcement of the package of proposals. Ms LAU also asked whether CPG would lose confidence in CE if the motions were negated.

36. SCA said that the main concern of CPG was that the "two methods" in 2007/08 must comply with the Basic Law and adhere to the principle of "One Country, Two Systems". The constitutional system of Hong Kong was well-founded. If the motions were negated, there would not be any vacuum in the electoral process i.e. the existing electoral methods would continue to apply to the 2007/08 elections. SCA further said that the Administration was well

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aware from the beginning that it was facing a difficult battle in securing support of a two-thirds majority of all LegCo Members on the package of proposals. At the moment, the Administration was still working hard to canvass support from pan-democratic Members. He reiterated that the package of proposals was conducive to the democratic development in Hong Kong and once more urged members to heed the community's wish by voting in favour of the two motions.

V. Constitutional development

(LC Paper No. CB(2)519/05-06(01) – “An Overview of the Political Structure of the Hong Kong Special Administrative Region” discussed by the Committee on Governance and Political Development under the Commission on Strategic Development at its meeting on 29 November 2005

LC Paper No. CB(2)519/05-06(02) – “A Preliminary Study on the Methods to be Adopted for Selecting the Chief Executive and for Forming the Legislative Council when Universal Suffrage is Attained and Related Issues” discussed by the Committee on Governance and Political Development under the Commission on Strategic Development at its meeting on 29 November 2005

LC Paper No. CB(2)692/05-06(03) – Letter dated 6 December 2005 from Dr Hon YEUNG Sum)

Commission on Strategic Development

37. SCA said that the Administration had prepared two papers relating to the political development of HKSAR for discussions by CGPD at its meeting on 29 November 2005. At this stage, the Administration did not have any proposals for the future political structure of HKSAR or the mode of implementing universal suffrage for the “two methods”. As the Administration had not formed any views on these issues, it would not be able to respond to the specific comments made by members at the meeting. It would, nevertheless, be prepared to listen to members' views.

38. Dr YEUNG Sum said that members had earlier agreed that the timetable on universal suffrage would become a regular item for discussion by the Panel. He noted that CGPD would be discussing the roadmap for universal suffrage before arriving at a timetable. In his view, a roadmap and a timetable for universal suffrage was not mutually exclusive. In order to respond to public aspirations, universal suffrage should be achieved by not later than 2012. He invited the Administration to participate in the discussion and also appeal to political parties to give views on the subject.

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39. Ms Emily LAU pointed out that members of CSD mainly came from the business and commercial sectors and lacked representation. In addition, its meetings were held behind closed door. She asked why CSD had chosen this mode of operation.

40. SCA said that members of CSD were drawn from a broad cross section of the community including professionals, academics, businessmen, politicians, and prominent labour and media personalities. The task of CSD was to canvass views from various sectors of the community in response to calls for new Government policy initiatives. The committees under CSD were highly transparent. Members of the committees were free to express their views at meetings and all the discussion papers were open for public inspection.

Timetable and roadmap for universal suffrage

41. Mr LEE Wing-tat asked the Administration to clarify whether CGPD would discuss a timetable for universal suffrage for the two elections. SCA explained that CGPD would carry out its work in two stages. The first stage would focus on principles and concepts relating to universal suffrage, with a view to concluding discussions by summer the following year. The second stage would be to discuss the design of the electoral systems for CE and LegCo when attaining universal suffrage, with a view to concluding discussion by early 2007. On the basis of these conclusions, the Administration would explore the drawing up of a timetable for universal suffrage. In fact, CE had already undertaken to work hard during his term of office in drawing up a roadmap and a timetable for universal suffrage. CE would also make the conclusions public and reflect them to CPG.

42. Referring to paragraph 10 of LC Paper No. CB(2)519/05-06(02), Ms Emily LAU asked why the Administration considered it necessary to study the future of FCs, given that implementing universal suffrage would mean the abolition of the FC system. She held the view that FC Members, who were not directly elected and comprised mainly professionals and people from the business and commercial sectors, should no longer enjoy free lunch in a future LegCo election.

43. SCA responded that through the FC system, different voices and interests of the community could be reflected in the legislature. It was necessary to decide how the views of different sectors would be addressed when universal suffrage was implemented. At present, Members had no consensus on when universal suffrage should be achieved. He recalled that Mr James TIEN had said at a committee meeting held the week before that he did not support implementing universal suffrage for LegCo election in 2012, but consideration could be given to phasing out FCs in a gradual and orderly manner in the long term.

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44. Ms Emily LAU said that SCA was not telling the whole picture. Members had reached a consensus a few years ago that universal suffrage should be implemented in 2007/08. Some Members, however, had changed their stance in response to the CPG's wish. SCA responded that he was just using the example to illustrate the political reality that gaining support from a two-thirds majority of all LegCo Members on any proposal relating to constitutional development was not an easy task.

Nominating Committee

45. Ms Emily LAU asked about the function of the nominating committee referred to in paragraph 5 of LC Paper No. CB(2)519/05-06(02).

46. SCA explained that under BL 45, CE should ultimately be elected by universal suffrage upon nomination by a broadly representative nominating committee. The Basic Law, however, had not stipulated specifically the composition of the nominating committee. Paragraph 5 of the Administration's paper sought to list out the issues to be considered in exploring the method for forming the nominating committee.

Bicameral system

47. Mr Martin LEE said that if the ratio between the GC and FC seats would remain the same and if the number of GC and FC seats would gradually be increased to 60 respectively, this could lead to the adoption of a bicameral system with one of the two chambers constituted by FC Members only. In the circumstances, he asked whether the FC Members would be returned by universal suffrage, and pointed out that if not, this would contravene BL 68.

48. Mr LEE Wing-tat said that the Administration appeared to have shown great interest in a bicameral legislature, as it had provided detailed background information for the consideration of CGPD. Mr LEE recalled that a member of DAB had mentioned that the Basic Law Drafting Committee had vetoed the proposal for a bicameral legislature. He questioned the basis for the Administration to revive the proposal and whether a bicameral system was in compliance with the Basic Law.

49. SCA said that the Administration did not have any view on the final model for forming LegCo upon attaining the final aim of universal suffrage. The bicameral system was one of the views received during public consultation by the Task Force, and hence one of the areas to be explored by CGPD. In considering the appropriate model for forming the legislature, issues set out in paragraph 13 of the paper provided to CGPD (LC Paper No. CB(2)519/05-06(02)) could be considered.

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50. Mr TONG Ka-wah held the view that the Basic Law did not provide for a bicameral system for the legislature unless it was amended. He wondered whether the Administration had assessed the impact of amending the Basic Law. In the paper provided to CGPD, the Administration had stressed that one of the principles on constitutional development was “meeting the interests of different sectors of society”. At present, the FC system had inhibited LegCo from passing motions that were supported by the majority of Members on many occasions. He queried whether a chamber constituted of FC Members only could represent the interests of different sectors of the society, especially those of the grassroots and middle class.

51. SCA said that the Administration had no intention to amend the Basic Law. CGPD would study the various models for forming LegCo to ensure that the ultimate model could meet the interests of different sectors of society. He further said that it was a fact that the grassroots and middle class were represented in LegCo, although Members might have different views on whether the representation was sufficient.

VI. Any other business

52. There being no other business, the meeting ended at 5:22 pm.

Council Business Division 2
Legislative Council Secretariat
17 February 2006