

立法會
Legislative Council

LC Paper No. CB(2)1398/05-06
(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 16 January 2006 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, 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 Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
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 TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, 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

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 KWONG Chi-kin
Hon TAM Heung-man

Members absent : Dr Hon LUI Ming-wah, SBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon LAU Chin-shek, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Daniel LAM Wai-keung, BBS, JP
Dr Hon Fernando CHEUNG Chiu-hung

Public Officers attending : Item IV

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Clement MAK Ching-hung
Permanent Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Deputy Secretary for Constitutional Affairs

Item IV & V

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 : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Mrs Fanny TSANG
Legislative Assistant (2)3

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As the Chairman of the Panel was out of town, the Deputy Chairman presided over the meeting.

I. Confirmation of minutes of meeting

(LC Paper No. CB(2)868/05-06 – Minutes of meeting on 21 November 2005)

2. The minutes of the meeting held on 21 November 2005 were confirmed.

II. Information papers issued since the last meeting

(LC Paper No. CB(2)715/05-06(01) – An extract of the minutes of meeting held between LegCo Members and Shatin District Council members on 8 December 2005 on "Membership of District Councils")

3. Members noted that an extract of the minutes of meeting held between LegCo Members and Shatin District Council (DC) members on 8 December 2005 on "Membership of District Councils" (LC Paper No. CB(2)715/05-06(01)) had been issued since the last meeting.

III. Items for discussion at the next meeting

(LC Paper No. CB(2)870/05-06(01) – List of outstanding items for discussion)

4. The Deputy Chairman informed members that the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive had completed its work and would report to the Panel at the next meeting to be held on 20 February 2006. He invited the Administration and members to propose other items for discussion at the next meeting.

5. Secretary for Constitutional Affairs (SCA) said that the Electoral Affairs Commission (EAC) had to make recommendation on the delineation of DC constituency boundaries in the fourth quarter of 2006 for the DC elections to be held in late 2007. As there were population changes in some districts since 2003, the Administration would provide a paper on the population figures in the 18 districts for members' discussion at the next meeting.

6. Mr LEUNG Yiu-chung asked whether the paper would also provide population figures for the DC constituency areas, as any changes would have an impact on the delineation of constituency boundaries. The Deputy Chairman

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asked whether the paper would provide the number of seats to be recommended for each DC.

7. SCA responded that the Administration would review whether the population quota of 17 635 adopted in 2002 was still appropriate in the light of the population changes in the 18 districts. Any changes in the number of DC seats would be considered consequent to this review. As regards the delineation of DC constituency boundaries, it was a matter for EAC to consider.

8. Ms Margaret NG referred to item 5 of the list of outstanding items for discussion and asked about the timing for the Administration to publish the consultation document on the review of DCs and the scope of the review.

9. SCA responded that as announced by the Chief Executive (CE) in his Policy Address on 12 October 2005, the Government would allow DCs to participate in the management of some district facilities, such as libraries, community halls, leisure grounds, sports venues and swimming pools within the limits of the framework of the existing statutory provisions and resource allocations. The Home Affairs Bureau and the Constitutional Affairs Bureau had been entrusted to make preparations for the review of the functions and structure of DCs. A consultation document would be issued for the review in the first quarter of 2006.

10. Ms Margaret NG and Mr LEE Wing-tat considered that the role of DC members as proposed by CE in his Policy Address was too narrow. In order to allow the Administration to take account of the views of members and the public in preparing the consultation document, they suggested that a special meeting be arranged on a Saturday to receive public views on the role, functions and composition of DCs, to be followed by a discussion of the Panel at its next regular meeting. Members agreed. Members also requested the Secretariat to prepare a background brief on the subject.

11. The Deputy Chairman summarised that the following items would be discussed at the next meeting to be held on 20 February 2006 –

- (a) 2007 District Councils election – Population changes in districts;
- (b) Review of District Councils; and
- (c) Report of the Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive.

(Post-meeting note : After consulting the Chairman, a special meeting to receive public views on the review of DCs has been scheduled for Saturday, 18 February 2006 from 9:00 am to 1:00 pm.)

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IV. Proposal to amend the Chief Executive Election Ordinance

(LC Paper No. CB(2)870/05-06(02) – Paper provided by the Administration on "2007 Chief Executive Election : Legal and other issues to be addressed through amending the Chief Executive Election Ordinance")

12. The Deputy Chairman informed members that the Administration was required to provide papers at least five clear days before the relevant Panel meeting for items with at least three weeks' notice. If the required papers were not received by the agreed deadline, the relevant item could be discussed or removed from the agenda after consulting the Panel. As the Administration's paper was not received before the deadline, the Deputy Chairman consulted members on whether the item should be dealt with at this meeting.

13. SCA explained that the Administration was unable to meet the deadline because it needed time to consider a suggestion recently put forth by Mr LEE Wing-tat. During the discussion on the motions on amendments to Annexes I and II to the Basic Law regarding the methods for selecting CE in 2007 and forming LegCo in 2008 (the "two methods"), Mr LEE had proposed where there was only one candidate validly nominated in a CE election, members of the Election Committee (EC) should choose to either "support" or "not support" the sole candidate when voting. The Administration had to consider the feasibility and implications of the proposal.

14. Having considered the explanation given by SCA, the majority of members present at the meeting agreed that discussion of the item should be proceeded with. Mr LEUNG Kwok-hung's suggestion that the discussion of the item be deferred to the next meeting was not supported by members.

15. At the invitation of the Deputy Chairman, SCA introduced the Administration's paper which set out the scope of amendments to be made to the Chief Executive Election Ordinance (CEEEO) to address relevant legal and other issues to ensure the smooth conduct of the 2007 CE election.

Issues raised by members

Subscribers for nominating candidates in a CE election

16. Mr TONG Ka-wah asked whether an amendment could be made to CEEEO to cap the number of subscribers for nominating candidates for the office of CE, given that Annex I to the Basic Law was silent on the issue. Some members, including Dr YEUNG Sum, Ms Margaret NG and Mr CHEUNG Man-kwong, concurred with Mr TONG and expressed concern about the lack of competition in an election, as a single candidate would block the chance of other contenders when there was no ceiling on the number of subscribers.

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17. Mr LEE Wing-tat pointed out that the threshold of requiring candidates to secure nominations from not less than 100 members of EC, i.e. 12.5% of the registered voters was unreasonably high by world standard. He said that the threshold should be reviewed.

18. SCA said that imposing a ceiling on the number of subscribers for nominating CE candidates would deprive EC members of their right to nominate a candidate of their choice. Under the existing arrangement, potential candidates were free to lobby support from as many EC members as they could. SCA further said that the threshold for nominating candidates was stipulated in the Basic Law. The Administration had no intention to impose a ceiling on the number of subscribers for nominating candidates in a CE election at this stage.

19. Addressing members' concern about the lack of competition in an election, SCA expected that EC members would exercise their right to nominate and vote in the election of the third term CE. He envisaged that there would be keener competition in the next CE election, following the high voter turnout rate in recent elections. SCA added that in the event that there was only one validly nominated candidate at the close of nominations, the Administration had proposed that election proceedings should continue by allowing EC members to choose to "support" or "not support" the sole candidate by voting. Such proceedings would ensure the return of the sole candidate in an open electoral process, and would be in line with the election proceedings when there was more than one validly nominated candidate.

20. In response to Mr Martin LEE, SCA clarified that the proposal to continue the election proceedings in the event that there was only one validly nominated candidate was not put forth by the Democratic Alliance for the Betterment and Progress of Hong Kong. It was one of the proposals received by the Constitutional Development Task Force (the Task Force) during consultation. Mr LEE Wing-tat of the Democratic Party had also made a similar suggestion.

Proposed electoral arrangements in the event that only one candidate is validly nominated in a CE election

21. Mr TONG Ka-wah asked the Administration to elaborate on paragraph 15 of the Administration's paper which stated that if the number of support votes obtained by the only validly nominated candidate fell short of more than half of the total valid votes cast, there should be a new round of nominations.

22. SCA explained that in the event that the only candidate standing in a CE election failed to obtain the required votes, the nomination procedure for CE candidates would start all over again. If the same candidate wished to participate in the second round of nominations, he had to lobby support from EC members afresh. As regards the arrangement for the new round of nominations, reference

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would be made to the existing procedure applicable to the termination of an election following the death of a candidate.

23. Mr KWONG Chi-kin asked whether there would be another round of nominations if there was only one validly nominated candidate in the second round of nominations and the number of support votes obtained by him again fell short of more than half of the total valid votes cast. He expressed concern whether there would be unlimited rounds of nomination in the event that the sole candidate could not obtain the required number of votes. He said that there were many options to deal with the situation, one of which was that if the same candidate was the only candidate at the second round of nominations, he should be elected *ipso facto*.

24. SCA responded that he would not envisage unlimited rounds of nomination. He noted that the elected CE would need to nominate principal officials for appointment before he assumed the post of CE on 1 July 2007. The Administration was aware that there were different electoral arrangements for the second round of nominations in overseas countries. At this stage, the Administration had not formed any view on how the second round of nominations should be carried out and was prepared to listen to members' views. The Administration would address the issue in the legislative proposal to be introduced.

25. In response to Mr LAU Kong-wah's request, SCA undertook to provide information on the electoral arrangements for the second round of nominations in some overseas countries for reference of the Panel.

(Post-meeting note : The Administration's paper was issued to members vide LC Paper No. CB(2)1171/05-06(01) on 17 February 2006.)

26. Mr Martin LEE held the view that the only validly nominated candidate who failed to secure more than half of the total valid votes in the first round of nominations should be barred from participating in the second round of nominations.

27. Mr TONG Ka-wah asked whether the EC would be dissolved if the only validly nominated candidate was not supported by its members. SCA explained that EC had the constitutional responsibility to select a CE and its term of office was five years. There was no provision to dissolve EC under the circumstances described by Mr TONG.

28. Mr LEE Wing-tat and Mr Martin LEE referred to the Annex to the Administration's paper which provided examples to illustrate the minimum number of valid support votes that the sole candidate needed to obtain to be returned at an election. As unmarked ballot papers were regarded as invalid votes, they expressed concern that a candidate who obtained a small number of

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votes could still be elected as CE. They pointed out that an extreme example would be where there were 790 invalid votes cast, in which case the candidate would only need to obtain six votes to be elected as CE. They questioned whether it was appropriate to count unmarked ballot papers as invalid votes, given the small size of EC. Mr LEE Wing-tat and Ms Emily LAU held the view that the act of refusing to mark on the ballot paper could be regarded as a form of protest. Mr Martin LEE considered that the gesture was an indication of not supporting the sole candidate.

29. SCA said that he doubted whether the extreme example quoted by members would happen in reality given that under the proposed arrangement, EC members could choose to mark the “not support” column on the ballot paper, if they did not support the sole candidate.

30. Mr Howard YOUNG enquired about overseas practices in counting valid votes in an election. SCA responded that in many countries, a candidate standing in an election for the head of government was required to obtain more than 50% of the valid votes cast in order to be elected.

31. In response to Mr TAM Yiu-chung, SCA said that the Administration had made reference to the electoral proceedings in Macau. According to Macau law, if there was only one validly nominated candidate in a CE election, polling should still be held. However, EC members were not required to choose to either “support” or “not support” the candidate on the ballot paper.

The number of consecutive terms that a new CE returned in a by-election may serve

32. Mr Martin LEE said that the Administration had explained in paragraph 11 of its paper that if the remainder term served by a new CE was not counted as a term for the purpose of Article 46 of the Basic Law (BL 46), a new CE might be in office for more than 14 years in the most extreme scenario. Such a long term of office could not have been intended by the Basic Law. Mr LEE pointed out that in another extreme scenario, a new CE serving two consecutive terms might be in office for less than six years, and such a short term of office could not have been intended by the Basic Law. Mr LEE questioned the basis for the Administration’s proposal that a new CE returned in a by-election could only serve for one more term after expiry of the remainder term, and the remaining term was counted as “a term”.

33. SCA explained that the Basic Law had clearly restricted the number of consecutive years that a CE could be in office to no more than ten.

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Substantial connection with the DC, Chinese People's Political Consultative Conference (CPPCC) and the Heung Yee Kuk (HYK) subsectors

34. Mr Howard YOUNG asked why paragraphs 16 and 17 of the Administration's paper had addressed the question of substantial connection in relation to the Fourth Sector of EC, but not the other three Sectors.

35. SCA explained that in view of the practical difficulties in implementing the "substantial connection" provision for the Fourth Sector, the Administration had proposed to amend CEEO to stipulate that only individuals who were members of DC, Hong Kong members of the National Committee of CPPCC and members of HYK could be members of the Fourth Sector of EC, and that when they ceased to be members of DC, CPPCC and HYK, they would also cease to be members of the relevant subsector of EC. As regards members of other EC Sectors, the concept of "substantial connection" had been in operation for over 20 years in Hong Kong's electoral system and had not posed much problem.

Electorate base of EC and FCs

36. Ms Margaret NG said that the Administration had proposed in paragraph 5 of its paper to amend CEEO to reflect changes in names of the organisations which were eligible to be the electorate of EC, or the names of umbrella organisations the members of which were eligible to be the electorate of EC, and to remove those organisations or umbrella organisations which had ceased to exist. Ms NG held the view that the Administration should conduct a comprehensive review of the electorate of EC given that many of these organisations had ceased to exist. The Administration should also seize this opportunity to amend CEEO with a view to broadening the electorate base of EC to include all registered voters, and expanding the electorate base of FCs by replacing corporate voting with individual voting. Ms Emily LAU and Dr KWOK Ka-ki supported her view.

37. SCA responded by pointing out that the amendments described in paragraph 5 of the Administration's paper were routine updating and did not involve any substantive changes to the electorate of EC. The package of proposals put forth in the Fifth Report of the Task Force had sought to increase the democratic representation of the CE and LegCo elections by expanding the participation of DC members in EC and in LegCo. Unfortunately, the package did not have the required two-thirds majority support of all LegCo Members. The Administration had made clear at the time that in accordance with the Interpretation made by the Standing Committee of the National People's Congress (NPCSC) on 6 April 2004, if no amendment was made to the "two methods", the provisions in Annexes I and II of the Basic Law would still be applicable. In the circumstances, the 2007 CE election would be held on the basis of the existing arrangements, i.e. the electorate base would remain unchanged.

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38. SCA further said that the Administration had explained on previous occasions that if corporate voting was replaced by individual voting, and if all the employees of FCs were included in the electorate, most of the FCs would become, in practice, “employee constituencies”. This would not be consistent with the intention of setting up FCs to balance the interests of different sectors and strata of the community. In addition, it was unlikely for Members to reach a consensus on the proposal to broaden the electorate base of FCs within these few months. He recalled that Hon Bernard CHAN, who represented the insurance constituency, had openly voiced his disagreement about replacing corporate voting by individual voting.

39. Dr KWOK Ka-ki and Mr LEUNG Kwok-hung pointed out that the package of proposals put forth by the Task Force proposed to increase the electorate base of EC to three million registered voters. If the same logic applied, the package of proposals had contravened the NPCSC Interpretation.

40. SCA responded that the proposal put forth by pan-democratic Members was different from that of the Task Force. The former proposal was tantamount to introducing universal suffrage as all EC members were proposed to be elected by three million registered voters. Under the Administration’s package, only a portion of the EC members would be directly or indirectly elected by three million registered voters.

41. In response to Ms Margaret NG, SCA said that the Administration would introduce the bill to amend CEEO in March 2006 with a view to having the bill passed by LegCo in May 2006.

V. Timetable on universal suffrage

(LC Paper No. CB(2)870/05-06(03) – Democratic Party's proposal on universal suffrage)

42. SCA said that, at this stage, the Administration had no proposal on when and how universal suffrage should be attained. The Committee on Governance and Political Development under the Commission on Strategic Development (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 input on the timetable for universal suffrage. The Administration, however, was prepared to listen to members’ views at Panel meetings. As SCA had other commitments, he left the meeting at this juncture.

43. At the invitation of the Deputy Chairman, Dr YEUNG Sum briefed the Panel on the Democratic Party’s (DP) proposal for implementing universal suffrage as set out in its letter. He said that the DP’s proposal was preliminary and sought to stimulate discussion on the issue.

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Work of the Panel

44. Mr TONG Ka-wah expressed dissatisfaction that CSD was entrusted to study the issue of universal suffrage as it did not have the mandate of the people. In his view, LegCo was the appropriate forum to discuss the issue as it represented the people. He suggested that the Panel should identify issues relevant to the subject of universal suffrage, study these issues in a systematic manner and invite the public to give views on the issues. His view was supported by Ms Margaret NG, Ms Emily LAU and Mr CHEUNG Man-kwong.

45. In response to Mr TONG's suggestion that research projects should be conducted on the electoral system and structure of the legislature in overseas countries, the Clerk informed members that the Research and Library Services Division had prepared a number of relevant research reports in the past. The Deputy Chairman instructed that these reports be re-circulated for members' reference.

(Post-meeting note : A set of reports on "Systems of Government in Some Foreign Countries" was issued to members vide LC Paper No. CB(2)944/05-06 on 25 January 2006.)

46. Members appreciated the effort of DP in putting up a proposal to facilitate the Panel's discussion. Members agreed that the Panel should start the discussion with a view to reaching a consensus on the timing and the models for implementation of the ultimate aim of universal suffrage as provided in BL 45 and BL 68.

47. Mr CHEUNG Man-kwong said that if universal suffrage was to be attained in 2012, the Panel would need to reach a consensus on the relevant issues within three to four years, in order to allow sufficient time for the legislature process. He said that there were two main reasons attributing to the failure of the Administration to gain the support of LegCo Members on the package of proposals put forth in the Fifth Report of the Task Force. First, there was insufficient time for thorough discussion. Second, there was no room for amendments to be introduced to the package of proposals as it was endorsed by the Central Authorities. The Panel now had ample time and should be able to discuss the issue in a more rational and objective manner.

48. Mr LAU Kong-wah said that another reason for the package of proposals to be rejected by LegCo was that some Members had maintained their view and disregarded the aspirations of the community and the views of other LegCo Members. He said that it was important for LegCo Members to discuss the issue in a rational and receptive manner.

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49. Mr Howard YOUNG said that the Liberal Party (LP) would be interested in discussing the issue of universal suffrage, as long as it was not meant to be introduced for the elections in 2007/08. In addition, LP had expectation on the outcome of discussion by CSD, as some LegCo Members had also participated in that forum. Irrespective of whether CSD would reach a consensus on the issue, he agreed that Panel could proceed with its own discussion.

50. Mr CHEUNG Man-kwong agreed that the Panel should not be the only forum to discuss the issue of universal suffrage. He said that healthy and constructive discussions should be encouraged for the purpose of reaching a consensus.

51. Ms Margaret NG said that it was important to set a timetable for universal suffrage before proceeding to the discussion on the roadmap in attaining universal suffrage. According to the poll conducted by the Chinese University of Hong Kong in October 2005, about 70% of the respondents considered that universal suffrage should be implemented by 2012. In her view, the tentative timetable to implement universal suffrage should be 2012. Ms NG asked the Administration to clarify in writing whether the implementation of universal suffrage in 2012 would contravene the principles of “gradual and orderly progress” and “actual situation” as specified in BL 45 and BL 68.

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52. Ms NG further said that it was necessary for the Panel to formulate a work plan. Issues that were relevant to the implementation of universal suffrage should be identified. Supporting measures such as political party development and accountability system for principal officials should also be reviewed to ensure that they could tie in with constitutional development. LegCo Members and political parties should actively participate in the discussion of these issues. Once LegCo had reached a consensus on the matter, it would be easier to gain support from the community and the Central Authorities.

53. Dr YEUNG Sum said that the Panel could discuss the issues identified, one at a time, until such time a conclusion was reached. The public could also be invited to give views on the issues.

54. The Deputy Chairman said that he would relay members’ views to the Chairman for him to decide how to take the matter forward.

Comments on DP’s proposal

Nominating committee

55. Mr LEUNG Kwok-hung said that it was inappropriate to retain the nominating committee for the CE election. He considered that to ensure fairness in an election and to safeguard political freedom and right, a candidate could only be nominated when he had secured support from a specified percentage of

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registered voters. In order to implement universal suffrage, the nomination and election proceedings should adhere to the principle of “one person, one vote”. In his view, “gradual and orderly progress” of constitutional development could only mean the phasing out of FCs in the long run. He found it unacceptable that the Administration could not provide a timetable for universal suffrage.

56. Mr Howard YOUNG said that he could not accept the view of Mr LEUNG Kwok-hung as the establishment of a nominating committee was provided in the Basic Law. He said that the composition of the nominating committee should follow the principle of balanced participation. He therefore had reservation on any proposal which excluded the participation of FCs in a CE election.

57. Dr YEUNG Sum said that while he personally did not like the nominating committee, its establishment was a requirement in the Basic Law.

58. Ms Margaret NG said that to implement BL 45(2), the Article 45 Concern Group had proposed in 2004 that the nominating committee be composed of –

- (a) LegCo Members in its entirety; or
- (b) members of EC.

59. Ms NG said that irrespective of whether the nominating committee was formed by the method specified in paragraph 58(a) or (b), the essential feature was that its members should be broadly representative. Given that some members of LegCo and EC were returned by FC elections and subsector elections respectively, the electorate base of FCs and EC should be expanded gradually. She said that the composition of the nominating committee should be widely discussed by the public.

60. Mr LAU Kong-wah said that while DP had all along criticised the present method of selecting CE by the 800-member EC was a small circle election, it had now proposed a 60-member nominating committee for the purpose of selecting a CE under BL 45(2). In addition, unlike the present EC which was represented by different sectors, the nominating committee would consist of LegCo Members only. Mr LAU further said that with DP’s proposal to require a minimum of five subscribers for a nomination, the number of candidates standing in an election could be as many as 12. He expressed concern that the proposal could bring about tension in an election. He said that pan-democratic Members had labelled the package of proposals put forth by the Task Force as “bird-cage” democracy. He could not see how DP’s proposal was an improved version.

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Method for forming LegCo

61. The Deputy Chairman said that DP's proposal had suggested a "mixed" electoral method for forming LegCo in 2012. Each registered voter was entitled to two votes, one for returning half of the Members of LegCo by GCs through the "single seat, single vote" system, and the other for returning the remaining Members through the proportional representation system on a territory-wide basis. He asked whether the electoral system was the same as the one adopted by Germany.

62. Dr YEUNG Sum explained that DP was aware that the business and professional sectors had reservation on the implementation of universal suffrage as they were concerned that the interests of small sectors could no longer be represented in LegCo. In order to address their concern and ensure balanced participation, DP's proposal had provided an avenue for them to be returned under the proportional representation system.

63. Mr LEUNG Kwok-hung said that in Germany, registered voters not only vote for the candidate but also the political party. He considered allowing each voter to have more than one vote was superfluous.

64. Ms Margaret NG said that she had reservation on the "mixed" electoral method for forming LegCo. In her view, the most straightforward method to achieve universal suffrage was to abolish the FC system.

65. Mr LAU Kong-wah said that while DP had all along criticised the existing method for forming LegCo was unfair because some registered voters had two votes, it had now introduced a "one person, two votes" system. He questioned the logic of the proposal. In addition, DP had proposed to return half of the Members of LegCo by proportional representation in order to address the interests of small sectors. He pointed out that the interests of small sectors at present were already addressed through the FC system. He failed to see how the DP's proposal was an improvement over the existing electoral method.

66. Mr CHEUNG Man-kwong explained that unlike the FC system, DP's proposal to protect the interests of small sectors was premised on universal suffrage.

67. Dr YEUNG Sum thanked members' views on DP's proposal. He reiterated that the proposal sought to kick off the discussion on universal suffrage. It did not matter if DP's proposal was eventually turned down by members. The important thing was that members should continue to discuss the issue until a consensus was reached. To this end, the concerted effort of all LegCo Members was required.

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- Admin 68. The Deputy Chairman requested the Principal Assistant Secretary for Constitutional Affairs to relay members' views to the Administration.
69. The meeting ended at 5:33 pm.

Council Business Division 2
Legislative Council Secretariat
17 March 2006