

Panel on Constitutional Affairs

List of outstanding items for discussion

(position as at 12 March 2008)

**Proposed
timing for
discussion**

1. Mechanism for amending the Basic Law

Discussions on this item were held by the Panel since the 1998-99 legislative session.

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At the meeting on 17 July 2001 when the item was last discussed, the Administration advised that it was continuing discussion with the Central Authorities regarding the issues identified, particularly those relating to the Standing Committee of the National People's Congress (NPCSC), the State Council, the local NPC deputies and the Basic Law Committee.

The Administration advised on 6 October 2006 that it would revert to the Panel once it was in a position to do so.

In response to a member's request at the Panel meeting on 16 July 2007, the Administration agreed to report progress on the item in due course.

2. The question of "important bill" under Article 50 of the Basic Law

The Panel discussed the question of "important bill" under Article 50 of the Basic Law at a number of meetings since late 1999.

To be decided
by the Panel

The Panel noted the Administration's position on the following issues -

- (a) what constitutes an "important bill";
- (b) who determines whether a bill is important;
- (c) when to determine whether a bill is important; and
- (d) procedures and parties involved in the consultations under Article 50.

Given the Administration's position, the Chairman sought the views of members on the way forward at the meeting on 18 July 2005 when the item was last discussed. Hon Audrey EU suggested and members agreed that the item should remain on the outstanding list.

At the meeting on 20 November 2006, members noted the background brief on the past discussions of members and developments subsequent to the meeting on 18 July 2005 prepared by the LegCo Secretariat (LC Paper No. CB(2)376/06-07(02)), and expressed no strong view on the timing for discussing the item.

3. Constitutional development

On 21 December 2005, the motions moved by the Administration on the amendments to Annexes I and II regarding the methods for selecting the CE in 2007 and for forming the LegCo in 2008 were negatived.

On-going
discussion

In November 2005, the Administration entrusted the Committee on Governance and Political Development under the Commission on Strategic Development (CSD) to discuss possible models for implementing universal suffrage for selecting the CE and forming the LegCo. On the basis of the discussions of the CSD and the community, the Administration published the Green Paper on Constitutional Development on 11 July 2007 for public consultation until 10 October 2007. The Panel discussed the Green Paper at eight meetings between July and October 2007, and also met with and/or received views from over 270 organizations and individuals.

On 12 December 2007, the Administration published The Report on Public Consultation on Green Paper on Constitutional Development. The CE submitted a report to the NPCSC on the same day. The Panel discussed the two reports at its meetings on 17 and 19 December 2007. On 29 December 2007, the NPCSC promulgated its decision on issues relating to the methods for selecting the CE and forming the LegCo in 2012 and on issues relating to universal suffrage.

At the meeting on 17 December 2007, members deliberated on the CE's Report and agreed that the issue of constitutional development should be a regular item for discussion at regular Panel meetings.

4. Role and development of political parties

The Panel held a discussion on the need to introduce a political party law at its meeting on 21 February 2005 and received views from deputations on the role and development of political parties at a special meeting on 26 February 2005.

To be decided
by the Panel

The Administration's position was that the introduction of a political

party law would hinder the development of political parties. As one of means to facilitate political party development, the Administration had extended the financial assistance scheme applicable to candidates in LegCo elections to candidates in the 2007 District Council election.

5. Composition, functions and operation of the Electoral Affairs Commission (EAC)

On 21 June 2004, the Research Report prepared by the Research and Library Services Division (RLSD) on "Operation of Electoral Regulatory Bodies in Selected Places" (RP04/03-04) was presented to the Panel.

To be decided by the Panel

Members agreed to further explore the issues raised in the Research Report in future. The Administration advised in writing in November 2004 that it was prepared to listen to members' views at future meetings.

6. Review of the District Council election held on 18 November 2007

Members noted that the EAC would submit a report to the CE on the District Council (DC) election on 18 November 2007 no later than 17 February 2008. Members agreed at the meeting on 17 December 2007 that subject to the availability of the EAC report, the Panel would discuss the matter at the meeting in March 2008.

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7. Review of the LegCo By-election for the Hong Kong Island geographical constituency held on 2 December 2007

Members noted that the EAC would submit a report to the CE on the LegCo by-election on 2 December 2007 no later than 1 March 2008. Members agreed at the meeting on 17 December 2007 that the Panel would discuss the matter at the meeting in March 2008.

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8. Exit poll

At the meeting on 21 January 2008, the Panel discussed the organizations and persons who were allowed to conduct exit polls in the 2007 DC election and the 2007 LegCo by-election. Members requested the Administration to provide more information on the exit polls conducted for the 2007 DC election and a paper to explain the existing measures for regulating the conduct of exit polls so as to facilitate members to ascertain whether or not they complied with the

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principles of fairness and openness in an election (paragraphs 9, 13 and 14 of the draft minutes refer). Members also requested the RLSD to study how exit polls were regulated in overseas jurisdictions. Members agreed to discuss the item when the research report was available.

Council Business Division 2
Legislative Council Secretariat
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