

立法會
Legislative Council

Ref : CB2/HS/2/09

LC Paper No. CB(2)2153/09-10
(These minutes have been seen
by the Administration)

**Subcommittee on Package of Proposals for the
Methods for Selecting the Chief Executive
and for Forming the Legislative Council in 2012**

**Minutes of the third meeting
held on Tuesday, 11 May 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
 - Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
 - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Dr Hon Margaret NG
 - Hon CHEUNG Man-kwong
 - Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon WONG Yung-kan, SBS, JP
 - Hon LAU Kong-wah, JP
 - Hon Miriam LAU Kin-ye, GBS, JP
 - Hon Abraham SHEK Lai-him, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon WONG Kwok-hing, MH
 - Hon LEE Wing-tat
 - Hon Andrew LEUNG Kwan-yuen, SBS, JP
 - Hon CHEUNG Hok-ming, GBS, JP
 - Hon WONG Ting-kwong, BBS, JP
 - Hon Ronny TONG Ka-wah, SC
 - Dr Hon LAM Tai-fai, BBS, JP
 - Dr Hon Priscilla LEUNG Mei-fun
 - Hon WONG Kwok-kin, BBS
 - Hon IP Wai-ming, MH
 - Hon IP Kwok-him, GBS, JP
 - Dr Hon PAN Pey-chyou
- Members absent** :
- Hon Albert HO Chun-yan
 - Hon Emily LAU Wai-hing, JP
 - Hon Timothy FOK Tsun-ting, GBS, JP
 - Prof Hon Patrick LAU Sau-shing, SBS, JP
 - Hon Cyd HO Sau-lan
 - Hon Mrs Regina IP LAU Suk-ye, GBS, JP
 - Hon Paul TSE Wai-chun

- Public Officers attending** : Mr Stephen LAM Sui-lung
Secretary for Constitutional and Mainland Affairs
- Mr Joshua LAW Chi-kong
Permanent Secretary for Constitutional and Mainland Affairs
- Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs
- Ms Joyce HO Kwok-shan
Principal Assistant Secretary for Constitutional and Mainland Affairs
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)3
- Staff in attendance** : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2
- Ms Clara TAM
Assistant Legal Adviser 9
- Ms Amy YU
Senior Council Secretary (2)3
- Mrs Fanny TSANG
Legislative Assistant (2)3
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Action

I. Meeting with the Administration

[Package of Proposals for the Methods for Selecting the Chief Executive ("CE") and for Forming the Legislative Council ("LegCo") in 2012, LC Paper Nos. CB(2)1422/09-10(01) and CB(2)1502/09-10(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

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2. The Administration was requested to provide information on the seat-to-population ratios of overseas legislatures.
 3. The meeting ended at 6:34 pm.

**Proceedings of the third meeting of the
Subcommittee on Package of Proposals for the
Methods for Selecting the Chief Executive
and for Forming the Legislative Council in 2012
on Tuesday, 11 May 2010, at 4:30 pm
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000515 - 000751	Chairman Administration	Briefing by the Administration on its response to the issue raised at the last meeting concerning participation of ex-officio District Council ("DC") members in the Chief Executive ("CE") and Legislative Council ("LegCo") elections in 2012 [LC Paper No. CB(2)1502/09-10(01)].	
000752 - 001133	Chairman Administration	Briefing by the Administration on its proposals for forming LegCo in 2012.	
001134 - 001852	Chairman Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat's disagreement with the view that the proposal of having the DC functional constituency ("FC") seats nominated by elected DC members and elected by all registered voters of Hong Kong would render the election more akin to universal suffrage and deviate from the nature of a FC election. His elaboration that the proposal did not comply with the principles of universal suffrage as it only provided for equality in voting right but not equality in the right to nominate and the right to stand for election.</p> <p>The Administration's response as follows -</p> <ul style="list-style-type: none"> (a) the Administration noted that some political parties/groups, including the Alliance for Universal Suffrage, had proposed that the DC FC seats should be nominated by elected DC members and elected by all registered voters of Hong Kong; (b) there were views that under such a proposal, the nature of the election would be akin to that of a geographical constituency ("GC") election, the adoption of which would result in some 60% of all the LegCo seats being returned by GCs through direct elections; and (c) the Administration's stance was that its proposal of returning all the six DC FC seats through election by the all elected DC members from among themselves ("DC proposal") would enhance the democratic elements and representativeness of LegCo, given that the 405 elected DC members were returned by more than 3.3 million voters through GC elections. <p>Mr LEE Wing-tat's remarks that some FCs such as the Agriculture and Fisheries FC and the Transport FC, had less than 200 electors and lacked representativeness, and that many of the FC Members who were returned uncontested in the 2008 LegCo election were from FCs with a small number of corporate electors. Noting that some political parties/groups including the Liberal Party had proposed that the electorate</p>	

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		<p>base of traditional FCs should be broadened by replacing corporate votes with director's votes, Mr LEE sought clarification on the Administration's view that the community and LegCo were unlikely to reach consensus on such a proposal. He further sought information as to which political parties/groups or organizations had expressed objection to the broadening of the electorate base of FCs.</p> <p>The Administration's response that -</p> <p>(a) during the public consultation on the two electoral methods for 2012, many organizations/individuals had expressed support for the broadening of the electorate base of FCs. Overall speaking, there was more support for broadening the electorate base of FCs through enhancing the participation of elected DC members in LegCo election in 2012;</p> <p>(b) during the public consultation on the two electoral methods for 2012, the Administration had not received many views on the proposal of replacing the corporate votes of FCs with director's votes. The Administration noted that various organizations had voiced opposition to such a proposal; and</p> <p>(c) it was the Administration's view that its proposal of increasing the proportion of elected DC members, who were returned by more than 3.3 million voters, in LegCo would be able to enhance the democratic elements and representativeness of LegCo.</p>	
001853 - 002521	Mr Ronny TONG Administration	<p>Mr Ronny TONG said that some academic studies had suggested that on the basis of Hong Kong's population, there could be up to 100-120 directly elected LegCo Members. He enquired whether the Administration had conducted similar studies, and whether consideration would be given to increasing the number of LegCo seats from 60 to 80 in 2012.</p> <p>The Administration's response that -</p> <p>(a) on the basis that the population was projected to rise to about 7.2 million in 2012, if the number of seats was increased to 70, the seat-to-population ratio would be reduced from about 1:116 800 to about 1:103 000. The Administration considered such seat-to-population ratio reasonable in the light of the seat-and-population ratios in other jurisdictions;</p> <p>(b) the proposed increase to 70 seats already represented a significant increase of 16.7%. It would be too drastic an increase if the number of seats was increased from 60 to 80 in 2012; and</p> <p>(c) among the views received from political parties/groups during the public consultation on the two electoral methods for 2012, most were in support of increasing the number of LegCo seats to 70.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		In response to Mr Ronny TONG's request, the Administration agreed to provide information on the seat-to-population ratios of overseas legislatures.	Admin (para 2 of minutes)
002522 - 003156	Chairman Mr LEE Wing-tat Administration	<p>Mr LEE Wing-tat reiterated that the Administration should explain why it had not adopted the Liberal Party's proposal of replacing corporate votes of existing FCs with director's votes. His view that corporate votes made it difficult for candidates to contest the FC elections.</p> <p>The Administration's response as follows -</p> <p>(a) the Administration noted that during the public consultation on the two electoral methods for 2012, different political parties/groups and organizations had not voiced strong support for the proposal of replacing corporate votes of existing FCs with director's votes; and</p> <p>(b) the Administration was open-minded on proposals for enhancing the number of electors, be it corporate bodies or individuals, for individual FCs. Such proposals could be dealt with in the context of local legislative work.</p> <p>Mr LEE sought clarification on whether the proposal for replacing corporate votes of existing FCs with director's votes could be implemented by way of local legislation.</p> <p>The Administration's response that consideration could be made to broadening the electorate base of FCs in the context of amendments to relevant local legislation. In the past legislative exercises, there had been proposals of increasing the number of body or individual electors for certain FCs.</p>	
003157 - 003710	Chairman Mr WONG Yung-kan	<p>Mr WONG Yung-kan's views that -</p> <p>(a) the fact that he was returned uncontested to the "Agriculture & Fisheries" FC seat did not mean that he had nothing to contribute. He had made his best endeavour to contribute to his sector and the wider community and fulfil his duties as a LegCo Member;</p> <p>(b) although there were only 160 registered body electors in the "Agriculture & Fisheries" FC, each registered body comprised hundreds and thousands of members; and</p> <p>(c) the Administration could consider increasing the number of relevant bodies represented in the "Agriculture & Fisheries" FC when dealing with amendments to relevant local legislation.</p>	
003711 - 004202	Chairman Dr LAM Tai-fai	<p>Dr LAM Tai-fai's remarks that -</p> <p>(a) he did not accept the view that FC Members who were returned uncontested lacked representativeness; and</p> <p>(b) the FC system had its values and should not be abolished at the present stage.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
004203 - 004710	Ir Dr Raymond HO	Dr Raymond HO's view that the constitutional system should progress in accordance with the actual situation and development in Hong Kong. His expression of support for improving the FC system by broadening its electorate base.	
004711 - 005349	Dr Margaret NG Chairman Administration	<p>Dr Margaret NG's view that the FC system should be abolished as it was an unfair system. It was a systemic issue which had nothing to do with the performance of individual FC Members. The abolition of FCs had been envisaged in the scheme of the Basic Law ("BL") and all FC Members had the responsibility to support its abolition.</p> <p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) the consistent position of the Administration was that the existing electoral model for FCs did not comply with the principles of universality and equality. This, however, did not imply that FCs Members had a lesser constitutional role than directly elected Members; and (b) should the Administration's proposals for the LegCo election be passed, close to 60% of all the LegCo seats would be returned through direct or indirect geographical elections in 2012. Furthermore, if the professional FC seats returned by individual votes were counted, the body of democratic opinion in LegCo would be even more pronounced. This would make it easier for LegCo to build consensus on resolving the issue of FCs. 	
005350 - 010017	Chairman Mr Ronny TONG Administration	<p>Mr Ronny TONG shared the view that the FC system should be abolished, irrespective of the performance of individual FC Members, because the ultimate aim, as provided for in BL68, was the election of all Members of LegCo by universal suffrage and the FC system did not comply with the principles of universal and equal suffrage.</p> <p>The Administration's response as follows -</p> <ul style="list-style-type: none"> (a) the Administration had made it clear that the future universal suffrage models should comply with BL and the principles of universality and equality; (b) there were different views on the issue of how FCs should be dealt with when universal suffrage for LegCo was implemented. There were views that all FCs should be abolished. There were also views that the electorate base of FCs should be broadened by adopting the "one-person-two-votes" model; and (c) should the Administration's proposals regarding the 2012 LegCo election be endorsed, close to 60% of all seats in LegCo in 2012 would be returned through direct or indirect geographical elections. This ratio would make it easier for LegCo to build consensus on resolving the issue of FCs. 	

Time Marker	Speaker(s)	Subject(s)	Action required
010018 - 011126	Mrs Sophie LEUNG Mr Jeffrey LAM	Mrs Sophie LEUNG's and Mr Jeffrey LAM's views that Members should adopt an accommodating and rational attitude in considering the Administration's proposals for the two electoral methods in 2012 with a view to forging a consensus and rolling forward constitutional development.	
011127 - 011424	Dr Philip WONG	<p>Dr Philip WONG's views that -</p> <ul style="list-style-type: none"> (a) it was not stipulated in BL that FCs or split voting must be abolished; (b) while BL had provided that the ultimate aim was the election of all LegCo Members by universal suffrage, it also stipulated that the method for forming LegCo should accord with the actual situation in Hong Kong and comply with the principles of gradual and orderly progress; and (c) the FC system could serve as a gatekeeper to ensure the safeguard of Hong Kong's long-term interests. 	
011425 - 011910	Mr Andrew LEUNG	Mr Andrew LEUNG's views that Members should work together to bring about democratic progress in 2012 so that Hong Kong would not continue to dissipate its energy on disputes in constitutional reform.	
011911 - 012906	Chairman Dr Margaret NG Chairman Administration	<p>Dr Margaret NG expressed dissatisfaction that the Administration had not made proposals to expand the electorate base of existing FCs in its current package of proposals. She pointed out that the Administration should be well aware of the many proposals put forward by academics and Members in the past on how to broaden the electorate base of existing FCs and could have made proposals in this regard in the current package of proposals for 2012.</p> <p>The Administration's response that -</p> <ul style="list-style-type: none"> (a) there was no dispute that the 405 elected DC members had a broad electorate base and its proposal of returning six DC FC seats through proportional representation from among elected DC members would be able to enhance the democratic elements and representativeness of LegCo; and (b) the Administration was aware of the different proposals made by academics/various organizations on broadening the electorate base of existing FCs. These proposals covered a wide spectrum, ranging from replacing corporate votes with director's votes to returning FC seats by all registered voters of Hong Kong. Having considered all relevant factors, the Administration had come up with the "DC proposal" to enhance the representativeness of the FC elections. Under the proposal, the 29 traditional FC seats were frozen and the number of DC seats to be returned by elected DC members, who had a public mandate, was increased to six. In response to the views made by the pan-democrats in 2005 on the proposed package for the methods for 	

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		<p>selecting CE in 2007 and for forming LegCo in 2008, the Administration had also proposed to exclude the participation of appointed DC members in the election of DC seats in LegCo.</p>	
012907 - 013529	<p>Ms Miriam LAU Chairman Administration</p>	<p>Ms Miriam LAU said that the Liberal Party had long called for improvements to be made to the FC system by broadening the electorate base of the traditional FCs. Opinion polls also indicated that the public generally supported broadening the electorate base of FCs. The Liberal Party was willing to support the "DC proposal" but the Administration should consider seriously broadening the electorate base of FCs, including the Transport FC which she represented.</p> <p>The Administration's response that -</p> <p>(a) the Administration was willing to consider proposals from the transport sector for including more corporate bodies with representativeness into the Transport FC; and</p> <p>(b) there was no prominent support within the Legislature for the proposal of replacing corporate votes with director's votes.</p>	
013530 - 014152	<p>Chairman Mr LEE Wing-tat Administration</p>	<p>Mr LEE Wing-tat's reiteration of his view that the FC system, with its narrow electorate base, was unfair.</p> <p>Mr LEE sought confirmation on whether the Administration would move the relevant motions to amend the two electoral methods at the Council meeting on 23 June 2010 as reported by the media.</p> <p>The Administration's response that the decision on the exact date on which the two motions would be put to LegCo for vote had yet to be made. While it was the Administration's plan to obtain LegCo's endorsement of the two motions before the summer recess of LegCo in mid-July 2010, the specific timing for moving the motions would depend on the progress of work of the Subcommittee.</p>	
014153 - 014435	<p>Chairman Ms Miriam LAU</p>	<p>Ms Miriam LAU's reiteration of her view that the Administration should improve the FC system by broadening the electorate base of traditional FCs as soon as practicable in response to public demand, pointing out that findings of opinion polls revealed that more than 40% of the public supported the retention of FCs.</p>	
014436 - 014643	<p>Chairman</p>	<p>The Chairman's view that while some FC Members were returned by only a few hundred registered body electors, they represented not only the body electors, but the whole sector concerned. By way of illustration, he pointed out that the some 600 body electors for the Labour FC represented some 500 000 people in the labour sector.</p>	
014644 - 015149	<p>Chairman Mrs Sophie LEUNG</p>	<p>Mrs Sophie LEUNG shared the view that the Administration should improve the FC system as soon as possible.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
015150 - 015520	Chairman Mr IP Kwok-him	Mr IP Kwok-him's views that the value of the FC system should not be denied altogether, and Members should engage in rational discussions with a view to forging a consensus to roll forward constitutional development.	
015521 - 015729	Dr LAM Tai-fai	Dr LAM Tai-fai's view that FC and GC Members had different roles to play and his expression of support for improving the FC system in accordance with the actual situation in Hong Kong and in a gradual and orderly manner.	
015730 - 020008	Mr Ronny TONG	Mr Ronny TONG's views that - (a) the pan-democrats supported the broadening of the electorate base of FCs provided that it would not be used as a pretext to delay the implementation of universal suffrage for LegCo in 2020; and (b) FCs returned by corporate votes had limited representativeness as individuals belonging to the sectors concerned did not have the right to elect their representatives to LegCo.	
020009 - 020145	Ms Miriam LAU	Ms Miriam LAU stressed that the FC system should be improved in a gradual manner. As a first step, corporate votes should be replaced with director's votes. Consideration could be given to further expanding the electorate base of FCs when universal suffrage for LegCo was implemented.	
020146 - 020537	Mr Ronny TONG Administration	Mr Ronny TONG sought clarification on whether proposals for improving the FC system and expanding the electorate base of FCs could be implemented by way of local legislation. The Administration's response that - (a) on the basis of the electorate base of the existing FCs, adjustments could be made to increase the number of corporate/individual electors in individual FCs; and (b) it was, however, doubtful whether the proposal of having DC FC seats elected by all registered voters of Hong Kong would be consistent with the Decision made by the Standing Committee of the National People's Congress in 2007 which stipulated that the half-and-half ratio of FC Members and Members returned by GCs through direct elections should be retained.	
020538 - 020549	Chairman	Date of next meeting	