

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 3 March 2011

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S., S.B.ST.J.,  
J.P.

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, S.B.S., J.P.

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, S.B.S., J.P.

THE HONOURABLE LI FUNG-YING, S.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, S.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE CHEUNG HOK-MING, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

### **PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE STEPHEN LAM SUI-LUNG, G.B.S., J.P.  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

MISS ADELINE WONG CHING-MAN, J.P.  
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND  
AFFAIRS

### **CLERKS IN ATTENDANCE:**

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY  
GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**BILLS****Committee Stage**

**CHAIRMAN** (in Cantonese): Good morning. The Council now resumes. We have reached page 13 of the script.

**CLERK** (in Cantonese): Clause 6.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move an amendment to clause 6 to amend the proposal made in the Bill in respect of adding section 2A of the Schedule to the Chief Executive Election Ordinance.

**CHIEF EXECUTIVE ELECTION (AMENDMENT) BILL 2010**

**DR MARGARET NG** (in Cantonese): Chairman, this new clause simply seeks to serve as a "transitional provision", specifying the composition of the 10 seats to be added to the fourth sector of the Election Committee during the interim period before Legislative Council seats are increased to 70 seats. While the Government proposed to allocate these 10 seats to people of different political backgrounds, I proposed in my amendment to allocate the 10 seats entirely to District Council (DC) members; the basis and principle are the same as those proposed in the amendment yesterday and the purpose is to allocate the additional seats of the fourth sector to elected DC members.

I hope Mr IP Kwok-him will support my amendment after pondering it over the night. Thank you, Chairman.

*Proposed amendments***Clause 6 (See Annex I)**

**CHAIRMAN** (in Cantonese): Members may now debate the original provision and the amendment jointly.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

**MR IP KWOK-HIM** (in Cantonese): I wish to make a simple response. After pondering over Dr Margaret NG's amendment, I still oppose it. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, we have scrutinized the 10 "Special Member" seats in detail. These 10 "Special Member" seats are indispensable, which ensure that appropriate arrangement will be made to facilitate the formation of the 1 200-member Election Committee (EC) in accordance with the stipulations of the Basic Law. Due consideration has also been given to members coming from different sectors, be they elected DC members who represent the community, or members of the Chinese People's Political Consultative Conference (CPPCC) and the Heung Yee Kuk (HYK), so that it is possible for them to continue to participate in the work of the EC under the principle of balanced participation.

Chairman, in respect of the overall arrangement of the fourth sector, the elected DC members will take up a very large percentage of the EC membership. Among the 300 seats in our original proposal, 117 seats will be allocated to DC members elected from among elected DC members. In respect of the 10 "Special Member" seats, we have decided to allocate four seats to elected DC members, two seats to the HYK and four seats to members of the CPPCC. The "4:2:4" ratio is based on the ratio of members of DCs, the HYK and the CPPCC in the fourth sector of the original 800-member EC. The present arrangement is thus logical. I certainly respect the different views expressed by Members in

this Council for discussion. However, the Government prefers to retain its original proposal.

**CHAIRMAN** (in Cantonese): Dr Margaret NG, do you wish to speak again?

**DR MARGARET NG** (in Cantonese): Chairman, I do not know if it is the Government's novel idea to give handouts to people by launching provisional measures and then take them back in the following year.

The same idea applies to this transitional provision. According to my previous amendment and this amendment, the 100 additional EC seats will all be allocated to DC members, with more seats allocated to DC members the better.

However, the Government's approach during the transitional period is to allocate some seats to each sector and then take the seats back at a later stage. The seats to be allocated to members of the CPPCC are not permanent. When the 10 additional seats of the Legislative Council are returned by election, those EC seats shall be returned to the Legislative Council Members. It is thus an illogical arrangement.

Having said that, Chairman, I am aware of the chaotic approach of the Government. Mr IP Kwok-him might have slept soundly last night, but could government officials sleep soundly last night? Very unlikely, I believe. Chairman, I had better not waste Members' time.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Margaret NG be passed. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

(A quorum was not present in the Chamber)

**CHAIRMAN** (in Cantonese): Clerk, please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Ms LI Fung-ying and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Andrew LEUNG, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.



Geographical Constituencies:

Mr Fred LI, Ms Emily LAU, Ms Audrey EU and Mr Ronny TONG voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 18 were present, three were in favour of the amendment and 15 against it; while among the Members returned by geographical constituencies through direct elections, 13 were present, four were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clause 6 stands part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

<b>CLERK</b> (in Cantonese): New clause 2A	Section 11 amended (Fixing new polling date under certain circumstances)
New clause 3A	Section 22 amended (Termination of election proceedings)
New clause 3B	Section 26A amended (System of voting: only one candidate)
New clause 3C	Section 27 amended (System of voting: contested election).

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move the Second Reading of new clauses 2A, 3A, 3B and 3C. As mentioned in my speech on the resumption of the Second Reading debate, the Administration proposed to amend the voting system for the Chief Executive election so as to enhance the representativeness of the Chief Executive-elect. We now propose to add new clauses 2A, 3A, 3B and 3C to the Bill for the purpose of amending sections 11, 22, 26A and 27 of the Chief Executive Election Ordinance.

New sections 3B and 3C specify that a candidate shall only be elected as Chief Executive if the candidate obtains more than 600 valid votes under an election with one candidate only and a contested election respectively. New section 3A provides that under a contested election, if no candidate can obtain more than 600 valid votes after the required voting process, the election will be terminated and a new round of nomination and election will commence. New section 2A specifies the fixing of a new polling date. Our proposal seeks to enhance the representativeness and credibility of the Chief Executive-elect and allow most of the EC members to exercise their power to elect the Chief Executive together.

During the discussion, some members were of the view that under this voting system, if no candidate can obtain more than 600 valid votes after a few rounds of voting, it is possible that no new Chief Executive will be successfully elected when the new term of Government commences. There is sufficient time to conduct three rounds of election, if necessary, during the period from March to end of June before the new term of Government commences on 1 July 2012. We believe that candidates of the Chief Executive election will all strive to secure the support of EC members. Thus, the chance of having no Chief Executive successfully elected before the commencement of the new term of Government is slim. Moreover, the Administration is confident that it can successfully launch the Chief Executive election in accordance with the requirement of the law.

Chairman, the Administration has introduced this amendment to members at the meeting of the Bills Committee on 29 January and members have no opposite views to the amendment. I urge for Members' support of the amendment.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 2A, 3A, 3B and 3C be read the Second time.

**CHAIRMAN** (in Cantonese): Dose any Member wish to speak?

**DR MARGARET NG** (in Cantonese): Chairman, I originally do not plan to speak, but I find it necessary to express some views.

Regarding the proposal that the Chief Executive-elect may need to go through several rounds of voting and secure at least more than half of the votes in support of him, the principle is desirable and well intended. However, under the present system, the proposal is indeed very hypocritical.

First, with my amendment on setting an upper limit of nominations being vetoed, the Administration's proposal has limited the number of candidates to the greatest possible extent. Second, under the present situation of Hong Kong, no one is actually willing to openly vote against a candidate anointed by the Central

Government. Originally, we could have another scenario, that is, when the Central Government's anointed candidate cannot secure enough supporting votes, a candidate nominated by Hong Kong people can still be elected even though he cannot secure more than half of the votes in support of him. As a majority of EC members do not support the Central Government's anointed candidate, the candidate nominated by Hong Kong people can be elected. The Government's proposal is good in principle, but it has actually done a disservice.

Chairman, as pointed out in my speech earlier, the approach of securing over half of the votes in support of a candidate is meaningful only if it goes in tandem with the setting of an upper limit of nominations. Without the upper limit of nomination, the above approach serves no purpose. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary, do you wish to speak again?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I wish to reiterate that by introducing this set of amendments, we hope that the Chief Executive-elect can truly win the support of members of different sectors and that he can properly play his role as the Chief Executive in his five-year term of office. We have also explained why it is inappropriate to set an upper limit of nominations. We are confident that the fourth Chief Executive election will be a contested elected with candidates supported by different parties and groupings, as well as by people of different backgrounds. We also anticipate that in the election to be held in March next year, we will see candidates of different backgrounds contest in the election and they will explain to the people of Hong Kong how they are going to execute their plan of administration from 2012 to 2017.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 2A, 3A, 3B and 3C be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): New clauses 2A, 3A, 3B and 3C.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move that new clauses 2A, 3A, 3B and 3C be added to the Bill.

*Proposed additions*

**Clause 2A (see Annex I)**

**Clause 3A (see Annex I)**

**Clause 3B (see Annex I)**

**Clause 3C (see Annex I)**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 2A, 3A, 3B and 3C be added to the Bill.

**CHAIRMAN** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CHAIRMAN** (in Cantonese): As the Secretary's earlier motion to add new clauses 2A, 3A, 3B and 3C has been passed by the committee of the whole Council, I have given leave for Dr Margaret NG to renumber the new clause 3A proposed by her as clause 3D.

<b>CLERK</b> (in Cantonese): New clause 3D	Section 31 repealed (Winning candidate to declare he is not a member of political party).
--	--

**DR MARGARET NG** (in Cantonese): Chairman, I move the Second Reading of new clause 3D.

Chairman, clause 3D is actually about an inappropriate provision in the present Chief Executive Election Ordinance. Many political parties repeatedly mentioned before 2005 that the winning candidate in the Chief Executive election must not be a member of any political party. Even if he was a member of a political party, he should declare that he was no longer a member of the political party. Why do we not accept such a restriction? It is because genuine democratic development entails the existence of political parties and party politics.

The function of party politics is that when the Chief Executive or any other candidate runs for election, he will not only emphasize what he will do in his personal capacity, but also the policies that the political party which he represents wants to implement in Hong Kong. Of course, for the political parties not in office, we can only express our aspirations concerning the policies we wish to implement. Therefore, we cannot strive for our aspirations within the establishment; instead we have to strive for the support of the public. Without people's support, the political platform of political parties not in office will serve no purpose.

The situation becomes more obvious in respect of the Chief Executive. The Chief Executive pledges that his government will implement certain policies after he is elected, and he can only honour his pledge when two special conditions are met. First, the policies will not be implemented by him alone but by the whole team in a consistent manner. If the promise is made by him alone, without the recognition and concern of other people, the promise can hardly be honoured. Second, the policies must be carried through all the time. The more important the policies, the longer time is required for implementation and trials. We do not aim at implementing one-off policy to hand out money; instead, we should implement policies for building up our society.

If only one person is involved, how much confidence do we have in him? How much can he practically achieve? Concerning the long-term policy on constitutional development, it has been specified that the principle of gradual and orderly progress should be adopted and the process takes years. We are told that we will only have genuine universal suffrage in 2020 because the implementation of such systems takes time. Nevertheless, the Government has already declared that it would not make any changes as it can only accomplish its tasks within its term of office.

The Chief Executive has a term of office of five years and he cannot handle matters beyond his term of office. However, if the Chief Executive is not working alone but is supported by a political party which has long-term and consistent policies, we can, in electing a suitable candidate, understand that the Government will work as a team in making overall planning or in carrying out other works. Moreover, we will be confident that the Government will implement policies over an extended period to change our society.

Nonetheless, we can only consider the performance of a single person at present. The Government does not have any policies that suit the remedies to the cases and its governing team is just in a state of disunity. Chairman, as you can see, our accountability officials are each minding their own business, and they fail to take concerted efforts in getting things done. In the last term of Government, we painstakingly made the Government agree to establish an inter-departmental Commission on Poverty led by Secretary Henry TANG, yet nothing has been accomplished. Apart from the Secretary for Labour and Welfare who shows more concern, all other officials could not care less as the matter is not related to them.

Mrs Regina IP has just left the Chamber. We raised strong oppositions when she advocated legislating under Article 23 of the Basic Law years ago. Nevertheless, other accountability officials at that time could not care less and they knew little about the issue. The lack of an overall plan is not a good governance practice.

A poverty alleviation policy is not about handing out money but co-ordinating various policies so that the social policies implemented will not make the poor getting poorer; instead, the poor will have the opportunities to improve their living conditions. However, we are back to square one when the Government is dissolved. Thus, we need party politics with consistent objectives, an overall plan and promotion by the whole team. The policies of political parties not only involve issues such as election and voting but also how Hong Kong should be governed.

If comprehensive policies are formulated and can solicit the support of the general public during the election, we need not care too much about the rating of popular support. This kind of current rating of support should not persist. Therefore, we propose removing the restriction. Even if the Chief Executive does not think that he can have political affiliation today, removing this restriction will facilitate our political development.

The strongest rationale cited by the Government for opposing the amendment is that the Chief Executive has to remain neutral, and that members of the public want the candidates who run in the Chief Executive election to stay neutral. Even though there is such a restriction at present, is the Chief Executive



neutral? Are his officials neutral? They have openly declared that there is differentiation between close and distant relationships. A recent example relates to the Financial Secretary's Budget. When the Budget went wrong, the Financial Secretary only regarded members of the pro-establishment camp as friends while members from the opposition faction did not even have a chance to meet him. Hence, he has brazenly differentiated between close and distant relationships.

This point was discussed in the adjournment debate yesterday. Mr Andrew LEUNG said that members should not take to the streets for there were channels for direct communication with the Financial Secretary. Yet, I do not think so. Pan-democratic members have written to the Secretary asking for a meeting but he declined the request. He has obviously differentiated between close and distant relationships. What Mr Andrew LEUNG said has been put on record: he said, "Why was there no such channel? You should reflect upon yourself."

Chairman, the expression "reflect upon yourself" is remarkable and its source can be traced. When a feudal emperor wanted to put a charge against someone for crimes that he had not committed, he would ask that person to "reflect upon himself". As we can see, in the "Three-Anti" and the "Five-Anti" campaigns, there were "groundless" charges and the crimes did not even exist. The charges were trumped up against crimes that did not exist. Even if no charges are made, he can still ask a person to "reflect upon himself". That is what has happened now; the practice of differentiating between close and distant relationships did exist, creating the biggest political obstacle at present. Even those who have closer relations with the Government think that they can be a fox masquerading as a tiger.

Would the continuation of such a system and political culture do Hong Kong any good? While the Chief Executive and the officials are not neutral, what is the point of retaining the restriction? This will just impede the development of party politics. For this reason, Chairman, we attach great importance to this amendment. In moving this amendment today, I hope that Honourable colleagues, be they from the democratic or pro-establishment camp, will support my amendment if they want party politics to develop. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 3D be read the Second time.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

**MS MIRIAM LAU** (in Cantonese): I speak on behalf of the Liberal Party in support of this amendment moved by Dr Margaret NG. Regarding this amendment, the Liberal Party has already ..... Dr Margaret NG has just mentioned what happened in 2005. I recall that the Liberal Party had repeatedly proposed to the Government before 2005 that it should consider allowing the Chief Executive to be a member of a political party. For many years in the past, the Government has been suppressing political parties and it did not quite accept political parties. The Government would rather political parties do not exist; even if they exist, it would be best if they are loosely organized. This is evident from the fact that the Administration has all along refused to consider enacting legislation on political parties.

Another example is that the Government is unwilling to allow candidates with political affiliation to run in the Chief Executive election. If a person wants to join the governing team of the Government or become an accountability official ..... for instance, Mr Henry TANG, left the Liberal Party after he had joined the Government and became a Policy Secretary. There are numerous similar examples. All along, we think that the Chief Executive should have political affiliation — Dr Margaret NG has just given some of the reasons — let us consider democratic politics in the West, the prime minister or the leader of the governing team must be the representative of the ruling party. The reasons are very simple: being the leader of the ruling party, he can ask the party to fully support the policies he advocates in the relevant parliamentary council. Let us look at the case of Hong Kong. For years, especially after the reunification, while there are political parties or a governing coalition in this Council, and some members of the governing coalition have been invited to join the Executive Council with a view to enhancing communication, there are often insufficient votes in this Council in support of the policies of the Government. As a result, the Government has to lobby for support for each and every policy, because it does not even have a vote in this Council. Under this mode of operation, there are difficulties for the social structure to sustain, not only the Government suffers

from hardship, this Council also suffers from hardship as well. This problem must be solved, and the first step to move forward is to allow the Chief Executive to have political affiliation, and then to allow members of political parties to become members of the governing team. In so doing, the ruling political party in this Council will have enough votes to support the Government's policies, and hence these policies can be implemented in a smoother manner. Honourable colleagues in this Council can also help the Government, if they support the policies promoted by the Government, they should render support in this Council and assist the Government in promoting and publicizing them.

That is not the case in the present situation. Members and the Government are opposing each other; the Government does not even have a vote, and Members may or may not support Government policies. The two sides often have to spend a lot of energy in tangling. Thus, I believe that the development of our society will be unnecessarily stifled. For this reason, we must think of ways to solve the relevant problems. In respect of the Chief Executive election and the formation of the governing team, there cannot be disharmony among departments or Policy Bureaux as what Dr Margaret NG has just said (I dare not say that they are just like "an army of amateurs" but I know that some people have made such criticisms). Cohesion, unity and the support of political parties within this Council are essential.

As political parties have thoroughly studied some policies, their studies can be integrated with the Government's studies to perfect these policies before being introduced to the public. This is definitely a good thing and I do not understand why such a simple proposal was being neglected when the legislation was introduced into the Legislative Council, even though the Liberal Party had strongly requested the Government to consider it. As the Government failed to understand the goodwill behind the proposal, we had been unsuccessful.

On this occasion, we support Dr Margaret NG's amendment and we hope that it can be passed. At least, the relevant work can be launched so that the Administration's governance can take a step forward and get better, and our society will then become more harmonious and more smoothly run. Thank you, Chairman.

**MR RONNY TONG** (in Cantonese): Chairman, to be frank, I am baffled whenever I heard someone or the Government say that the Chief Executive should stay neutral. Please forgive me for being politically benighted. How can the heads of government stay neutral? They are not judges and they are not peacemakers. What is the point of having a neutral Chief Executive? Does he have to take a middle-of-the-road approach when one side demands for \$6,000 while the other side demands for universal retirement protection? Is this the point? Chairman, I must say this is incomprehensible. You may as well make it clear that the Chief Executive does not need to take a "middle-of-the-road" approach, he does not need to stay neutral, he simply cannot be antagonistic to Beijing? Just say this aloud, no need to put on a mask and claim to stay neutral. I can tell you, this idea is unrealistic, no matter where you get such an idea. How come there are Hong Kong people being antagonistic to Beijing? Who will do so? Many people indicate disapproval, but they disapprove the system, they do not disapprove everything and object everything without a reason.

That is not the case. If there are people who act like this at present, they will not be the majority, and naturally, they will not be elected as the Chief Executive. Please do not tell me that the Chief Executive should stay neutral. As I have just mentioned, in electing the Chief Executive, we are not looking for a peacemaker or an arbitrator. We are looking for a Chief Executive who has the abilities and vision, and works for the public. Regardless of what he has done is right or wrong, he can correct himself under a democratic system. Even if he has done something wrong, electors can decide, four to five years later whether they will still allow him to be the helmsman again. Such a system is in place. How can they identify someone with abilities and vision? Do they walk around the streets to locate this person? Can they casually find someone at the Route 100X bus stop? They cannot do so, Chairman. If this person is to bear such heavy responsibilities, he must go through a process and a transformation. I am not saying that an independent person cannot become a capable leader through a democratic electoral procedure, that is not what I mean. Nevertheless, from our experience, from historical and international experience, we understand that this person may be nurtured by his political party, and he has gained the support of his party in area of policy studies, so that he has relatively all rounded development and understand more about public sentiment. Only in this way can he be qualified to become the Chief Executive.

Chairman, whenever I hear people say that the candidate for the Chief Executive should stay neutral, I become extremely furious, I really do not understand why they have such an idea. The most important point is that, on the surface, such a requirement has not been expressly specified. I think this requirement is as humourous as Mr Paul TSE's amendment — the amendment that we are going to discuss in a short while about disallowing a person of a height exceeding 5 feet 4 inches to run for a "super district council seat". I think this is a discriminative requirement.

Chairman, I am not saying that no one in Hong Kong stays neutral. Yet, I think that a person who stays neutral is doomed to failure when he gets involved in politics. All of us have our political orientation, we have our stands with regard to social policies, or livelihood issues. This is undeniable. Therefore, when we run in an election, we must tell Hong Kong people what our orientation is and see whether they agree or disagree. If they accept our views, they will give us a chance to realize our ideas. Chairman, this is the genuine road to governance and democracy, instead of moving from one extreme to another after a public outcry against the Budget after its announcement. Is that neutrality? No, that is not, Chairman. I really do not want to hear that comment again, especially from the Secretary. He is going to make me furious once again.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR IP KWOK-HIM** (in Cantonese): Chairman, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) will not support Dr Margaret NG's amendment. The major reason is that there have been numerous discussions and controversies in society about the political affiliation of the Chief Executive in the past, but so far no consensus has been reached. Why is there no consensus? Hong Kong is a very special place, and I wonder if the history of China has made the concept of political parties very controversial. Perhaps we are influenced by the Kuomintang, the Communist Party or the history of modern China. As we can see, our political culture is completely different from Western societies and thus time is needed for gradual adjustment. Hence, the DAB does not consider that it is now the right time to make such a decision today.

However, in the long run, the DAB considers that the issue warrants our discussion and consideration, especially the relationship between the Chief Executive and political parties, as a number of Members have mentioned earlier. We agree to a certain extent because as evident in the present operation, the Chief Executive may not enlist the support of political parties if he does not belong to any of them. He can only rely on himself or his aides whom he chose in forming his own team. So, theoretically or in the course of policy formulation, his governance will not be able to keep tabs on the majority views of Legislative Council Members or the general public. This might create obstacles impeding the decision-making process and efficient governance. We can say that, to a certain extent, support is lobbied on a case-by-case basis, which is absolutely undesirable.

As Dr Margaret NG has said, some people described the pro-establishment party as a fox masquerading as a tiger. For the opposition party, they will oppose whatever proposals put forward by the Government. Despite amendments have immediately been made to the Budget to cater for people's needs or take heed of people's views, they still raised opposition. Last night, I watched television at home and I noticed that the people interviewed were happy with the Budget. Nonetheless, I learnt that some political parties insist on opposing the Budget because the Government has failed to do this and that.

As a result, the Government finds itself at a loss as to how to govern. Therefore, in the long run, if the Chief Executive is backed by a political party or if he is politically affiliated, this will certainly bring positive effect on the efficiency of governance and the support for policy implementation. We therefore eagerly hope that the matter can arouse more public discussion.

However, as I have said, the DAB will not support the amendment this time. I hope that with greater consensus, there will be better discussions on this matter in society. Thank you, Chairman.

**MR PAUL TSE** (in Cantonese): Chairman, the recent incident concerning the Budget precisely reflected that, as the Chief Executive lacks the support or checks and balances of political parties under our political system, some policies ..... Frankly speaking, a year or so later, it will be "none of his business", so to speak. Certainly, if the Chief Executive really wants to leave a name in history, whether

it is a good name or a bad name, he will exercise adequate self-check; or if, as speculated, the State may have reserved a high position for him, he will not act recklessly if he wants to take up the high position.

However, in some mature democratic societies where there are political parties, the person in power or the representatives of a ruling political party will not allow the formulation of any policies that may lead to the total defeat of the political party in the next election. The political party itself is a desirable means for checks and balances. Even if the person in power is not going to renew his term of office, he has to let his successor and his political party have another chance. The continuity of a political party is an important means of checks and balances, so the policies of people in power must have the support of his political party. In the event of some highly controversial and even very unpopular subjects such as the poll tax policy proposed by Mrs Margaret THATCHER years ago, even though the public had not taken to the streets, the political parties had raised opposition on their own accord. Certainly, some people will immediately challenge the ruler and ask him to resign or step down. Thus, political parties actually have great advantages.

Apart from the more practical issues such as votes as mentioned by some Honourable colleagues just now, the concept of political parties is highly desirable; yet, we must pay attention to certain points. Hong Kong is not an independent country; to a certain extent, Hong Kong is a place that is neither fish nor fowl. Even though it is not a country, we enjoy "a high degree of autonomy" though we have not completely become a political regime or jurisdiction in the region. At the level of a smaller scale such as municipal councils or district councils, the issues to be administered are relatively trivial in nature, relating to matters of welfare but not significant strategic matters or policy ideas, whether or not the persons concerned have any political affiliation will not be of significant importance. It would be better if they do not have any political affiliation for they can carry out their official duties with dedication, speak up for the benefit of the community and voice their views. They have played an adequate role. For instance, the municipal councils in the past did not need to take into consideration the issues of party politics.

Nevertheless, Hong Kong is an evolving society and we enjoy "a high degree of autonomy" in accordance with the Basic Law. Yet, we are also subject to many constraints under "one country, two systems". While we are

subject to constraints under the provisions of the Basic Law, we should also understand that our country is under the so-called party autonomy. Some people have commented that the party is not a real party but only an authority under China's Constitution and such a party is actually a bit different from the concept of "party" in western countries. Let us discuss this issue further when we have time in future.

Under these circumstances, it is understandable that the system in Hong Kong is very similar to that of the municipal councils though its status is slightly higher; however, we have not yet become a country with full autonomy. How should the needs of the party be reflected?

Mr Ronny TONG has just said that he did not really understand the meaning of "neutrality". Let me try to explain why the word "neutrality" has appeared. Before 1997, the philosophy of the Government's administrative structure, or as we commonly said, the philosophy of the civil servant, was that the Hong Kong Government was not required to participate in the politics of the United Kingdom, its suzerain state. Being an administrative region, Hong Kong only followed the order made by the British Government. Against this background, traditionally, administrative officers have to remain politically neutral. This is my personal view on the origin of the word "neutrality". In some countries, the elected political party will have full right to direct the country's way of development, comparatively speaking, Hong Kong is not free to do so in this connection.

Chairman, let us talk about some other views that are more pragmatic. Under "one country, two systems", Hong Kong is a new entity and we can only "cross the river by groping the stones along the way" in many aspects; we are not sure how we should proceed. Thus, if we are in great doubt, we may ..... excuse me, how should I put it? We may err on the cautious side. In other words, we should try our best to be conservative and sure-footed. Even if we make mistakes, we might as well err on the cautious side. For this reason, we have to ask whether Hong Kong should boldly take a step forward and try new practices in this evolving process, or even though we may make mistakes, we might as well err on the cautious side.

Hong Kong is not a place with natural environmental advantages, we certainly have a beautiful harbour and many picturesque parks, but on the



economic front, Hong Kong does not have mineral resources and it is not supported by any significant industries. Our asset lies in our stable society upholding the rule of law, and investors can feel relieved when they invest in Hong Kong. Nonetheless, stability can be changed overnight. Why does Hong Kong dare not take a big step forward in many areas and still attach importance to the views of the business and professional sectors? Some people have criticized that this phenomenon is attributed to the presence of a privileged class and a small-circle election; however, these are criticisms in slogan form. If we really understand the difficulties of Hong Kong and the transition of Hong Kong from being a colony to a trial point under "one country, two systems", we may become more sympathetic. Sometimes, a ruler should take every step carefully because he does not want Hong Kong to lose stability overnight; if so, investors would lose confidence and all of us would suffer.

Under these circumstances, what stage of development has the so-called political parties in Hong Kong reached? Chairman, have they reached a mature stage? After more than 10 years, some political parties only have 1 000-plus members. For a mature political party, even if the assessment of party members is not as rigorous as that of the Communist Party in our country, we should at least require that around 5% ..... sorry I should say it would be more acceptable if 1% to 5% of party members engage in politics. Yet, let us look at the political parties in Hong Kong, how many party members have participated in politics? All of us are well aware of that. This is the first point.

The second point is that, in respect of practices and arguments of various political parties, there are confrontational factions and frequent quarrels among party members. They claim that such acts manifest their respect of the freedom of speech of other people, in fact, it exactly reveals the immaturity of political parties. It does not matter if party members criticize and argue against each other. However, once the political party has set the line to take, party members must publicly support it. This is the simplest ABC for political parties, yet it seems that they are unaware of this rule. If they are dissatisfied with the party line, simply withdraw their membership; the formalities for withdrawal of membership are very simple, no application or investigation is required. As Hong Kong does not have a communist party, there is no such thing as party withdrawal. Why do they not act independently? Actually, their acts have given Hong Kong people the impression that the political parties in Hong Kong are very naïve and immature; the public do not confidence in the ideas,

experiences and practices of political parties, they do not think that the governance of Hong Kong can be taken over by party politics at this stage.

As I vaguely remember, according to some recent surveys, more than 60% to 70% of people did not identify themselves with or support political parties. What does this number mean? In that case, can we feel relieved and allow political parties to take over the executive-led governance of Hong Kong at this stage? Chairman, on the whole, I think that we need to study the philosophy of party politics. At the present stage, I do not think that it is appropriate to jump to that step.

I would like to repeat what I have just said: if things go wrong, I would rather err on the cautious side. Thank you, Chairman.

**MR PAUL CHAN** (in Cantonese): Good morning, Honourable colleagues. Chairman, I have gained some understanding in the Legislative Council in the past two years or so, and I have understood that if the Chief Executive does not have some stable supporters sharing the same philosophy in this Council, he will encounter considerable difficulties in administration. This is precisely one of the major reasons why the SAR Government is now facing a dilemma in administration. Therefore, if the Chief Executive cannot have any political affiliation, I think that it is really a major restriction. According to my observation, the amendment proposed by Dr Margaret NG today to delete the restrictive provision that the Chief Executive must not have any political affiliation has positive meanings and reasons. This is something that should be done in the end.

I will abstain from voting today. First, as Mr Paul TSE has said, the political parties in Hong Kong are currently immature, not only in the number of members, but also in the talents recruited. For this reason, political parties are subject to constraints when they consider overall social problems. Apart from their beliefs, are political parties comprehensive and mature in other areas? Undeniably, they have not reached such a stage now, and this is not unrelated to the absence of legislation on political parties in Hong Kong. In my view, if legislation on political parties is enacted in Hong Kong, political parties will be more transparent in its operation as well as sources of funding, and this would be

conducive to the development of political parties. By then, it will be appropriate to remove the restriction that the Chief Executive should not have any political affiliation because the operation and sources of funding of political parties will then be highly transparent, and the parties will be stronger and more mature in various areas, including talents. In my opinion, if a person with political affiliation assumes office as the Chief Executive through universal suffrage, he will have higher legitimacy in our society and the legislature, and I believe that the policies formulated and implemented will be more advantageous to Hong Kong.

In view of the constraints I have just mentioned, I can only abstain from voting on this amendment today.

**MR LEE WING-TAT** (in Cantonese): Chairman, all along, the Democratic Party and I have a very clear stance, that is, a democratic political system without political parties cannot be effective at all. Despite China's one-party dictatorship is subject to criticism, it is a political party after all. We cannot arbitrarily ask anyone to be the General Secretary for a term of five years, and then casually find 20 people to be members of the standing committee and 39 people to be ministers. Such an ill-organized government simply does not work.

Chairman, we understand very well that the root cause for the slow development of party politics in Hong Kong, or the immature development as mentioned by the two Pauls previously — I will go deeper into this issue later on — is the reluctance of the Central Government to have such kind of development in Hong Kong. This is a fact that we must admit. As many sectors are aware, the present political design does have implications on certain election results.

Presently, the election of the Legislative Council — although this is not the subject now under discussion, I wish to say something about the political system itself — the election is based on the proportional representation system, which has been practiced in Italy for decades. If I ask colleagues to name all those who had been British Prime Ministers, they may probably name a few of them. However, if I ask you to name all those who had been Italian Prime Ministers, you may only recall the most recent one, but not any others. Why? Because under the proportional representation system, the Italian government is subject to

very rapid changes, and its prime minister also changes every one to two, or two to three years. I cannot even name any of them. The country itself is nonetheless pretty stable with the adoption of democratic election.

What I want to say is that, if a political system is designed to help the government solicit support from major political parties, the British or American model will generally be adopted and the Legislative Council is therefore returned by a single-seat-single-vote system. This will inevitably give rise to the emergence of two major political parties. There used to be a Social Democratic Party in the United Kingdom, but it eventually dwindled because it could only obtain 5% to 10% of seats in the parliament even though it won 20% or 30% of the votes. The ratio of votes and seats are therefore very unproportionate.

The purpose of the Government's adoption of the single-seat single-vote system in 1997 was to prevent the emergence of major political parties in the Legislative Council. The Government did not wish to see either the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) assuming the role of the opposition, or the democratic camp assuming the role of another major opposition party. All the Government wanted was that there were various political parties in the Legislative Council, for the purpose of easy management and control.

Mr IP Kwok-him, who is presently not in the Chamber, was accused by Dr Margaret NG just now as a fox masquerading as a tiger. I then pat on his shoulder outside the Chamber and said, "Ah Him', you are not a fox masquerading as a tiger, you just begin with tigerish energy but peter out towards the end." .....

(Dr Margaret NG rose)

**CHAIRMAN** (in Cantonese): Dr NG, what is your question?

**DR MARGARET NG** (in Cantonese): ..... I would like to clarify if there is such a misunderstanding.

**MR LEE WING-TAT** (in Cantonese): Dr Margaret NG, sorry, I heard Mr IP Kwok-him said so in his response to you. I thus said to him, "Mr IP Kwok-him, you are not a fox masquerading as a tiger, you just begin with tigerish energy but peter out towards the end." Although he sang praises of party politics in his speech, he voted against the amendment.

After all, the DAB is nothing but a "quail"<sup>1</sup> longing for party politics. However, as we all know, "Grandpa" does not want to see the DAB grow in power. This precisely explained why the Kowloon Sub-office of the Liaison Office of the Central People's Government in the HKSAR had rendered assistance to the Kowloon West New Dynamic in the election. The Office had also assisted PONG Oi-lan to run in the New Territories East election, and supported the newly established New People's Party. Why? This is because if the DAB only secures one or two seats in each constituency, it cannot, being the largest political party, grow rapidly. The Mainland would not like to see the DAB grow too rapidly. In case it wins 16 or 20 seats, it will certainly emerge as a major political party, having a say regarding the governance. If it has secured 20 or 25 votes, can the Government not negotiate with it?

Coming back to the Budget, "Ah Him" just now said how good it is for the Government to take heed of advice. This has nonetheless proved that he is a "quail". If he is a genuine leader of the ruling coalition, how can the Financial Secretary not exchange views with him before delivering the Budget? The Financial Secretary has discussed with members of the Executive Council, but none of them have votes. As we can see, the system has actually collapsed. What is the use of discussing with the "quails" in the Executive Council? They are merely "quails", they can neither secure votes nor solicit public support for him. What is the use of the Executive Council then? If it is said that it can provide professional advice, then why would the Budget be in such deplorable state?

It is therefore imperative for a society to have a Legislative Council that has a stable ruling party or a stable majority view, so as to render support for government policies. Only in this way can the Government have stable operation, just as Mr Paul TSE has said earlier. I do see eye to eye with him on this issue. So, is the Government going to handpick the political parties? I have no idea what is in the mind of Donald TSANG. It is not surprising if he

---

<sup>1</sup> The word "quail" in Cantonese means people who draw away in fear.

thinks so, but this is the last thing the Central Authorities would wish to see. Discussion may proceed after the formation of a stable ruling coalition. Will this coalition support the policies announced by the Government? If the Government needs DAB's support, the DAB will naturally ask, during the policy formulation process, how its advice will affect the actual policy devised. There is an interrelated connection. Just as the DAB has said, it is impossible to have only insult without glory. In other words, it is inappropriate to deny the DAB any substantive decision making power during the policy formulation process and expect it to take responsibility if the policy launched attracts great criticism. Therefore, I have all along supported the formation of a ruling coalition or a ruling party. I do not mind if the DAB becomes the ruling party. In fact, this is good as power comes along with responsibility.

Regarding this year's Budget, the whole Legislative Council has become the opposition party. However, I think the democratic camp is an opposition party with principle, whereas the pro-establishment camp is the opposition party that retreats immediately after receiving some small benefits. It did stage opposition, but it stops once it has acquired some benefits.

Chairman, as Members may aware, especially those of a higher seniority — I have served as a Member, except for one term, since 1991 — no progress has been made in this regard. Rather, the situation has aggravated. Between 1991 and 1995, with the presence of appointed Members, the Government was able to secure 10-odd votes. After discussion of the policy, the administration would take forward the concept, even if by mandatory enforcement. And yet, this is no longer feasible. Take the Budget as an example, we are aware that the so-called consultation process for preparing the Budget has ended in a complete flop and the system has collapsed. Thus, no more consultation will be carried out for the next budget because, as known to all, it is nothing but a bogus consultation. The most important point is that, in case a policy introduced meets with strong public outcry, the pro-government camp might think, if the Government refuses to make any amendment, we will be in a very unfavourable position in the 2011 District Council election and the 2012 Legislative Council election. The DAB will not be able to be accountable to the party. So, what should those 150 to 200 District Council election candidates do then? How should those 20 to 30 directly elected Members position themselves in the 2012 Legislative Council election? This is the case.

Chairman, a possible consequence is that the Government no longer has any ideologies in formulating its policies, there will no longer be any continuity and planning, as no one knows how the public would react to the new policies announced. In that case, how can the Government exercise good governance under such a chaotic and even disastrous circumstance?

I agree with the saying of some people that perhaps the SAR Government has to reach a state when governance is extremely difficult, or to put in crudely, it has to be "rotten to the core" or "utterly unbearable", and by then the Central Government will realize the problems and implement reforms. For instance, in 2003, 1 million people took to the streets and the Central Government had to change its policy. However, such a change had not brought about improvements, but had turned Hong Kong from "Hong Kong people ruling Hong Kong" to "Beijing people or Western District<sup>2</sup> ruling Hong Kong" with greater intervention. After all, not all changes can bring about improvements in one go. Perhaps, the Central Government would go back to square one only when control and intervention is stepped up to such an extent that neither control nor intervention is possible.

Chairman, I think that the public has no choice. The only way to vent their dissatisfaction with government policies is to put up a fight and take to the streets. Two days ago, some young people acted vigorously. I am not sure if they had attacked the Chief Executive, but certainly some members of the public were unhappy about such acts. Having said that, when I asked kaifongs about their views on such acts, they said, "Although their acts are inappropriate, the Government also has wrongdoings." Chairman, we often hear the comments that "the Government also has wrongdoings". Why? Its policies are really too bad. Thus, if people do not adopt some non-mainstream acts, they may not be able to attract the attention of the Government or the media, and force the Government to give a second thought to the policy.

During the 1960s and 1970s, among the representatives of the national assembly of Taiwan, there was still a representative of Shanghai, aged 90. In fact, Shanghai belongs to the Chinese Communist Party, yet, there was still a Shanghai representative in the national assembly. The reason is that the government has not amended the system concerned.

---

<sup>2</sup> The Liaison Office of the Central People's Government in the HKSAR is in the Western District.

Chairman, I would like to spend a few minutes to respond to Paul's query. Is Hong Kong's party politics mature or not? As a politician, I would never commend myself and it is true that party politics is still immature in Hong Kong. However, in terms of the scale of development, the development of party politics in Hong Kong is pretty steady, meaning that it is basically impossible for any political party in Hong Kong to become the ruling party.

During our discussion with a foreign consulate, we mentioned time and again that the pan-democratic camp had won 60% of the votes. With a smile on his face, he then asked, "So, are you not the ruling party?" Sorry, though we have won 60% of the votes since 1991, the pan-democratic camp has never been the ruling party. He was surprised and wondered why we failed to become the ruling party. In other places, any party obtaining 51% of the votes would definitely become the ruling party. When BUSH was elected the President, the number of votes of the two candidates only differed by some 100 000. GORE might have more votes than BUSH. Yet, it was BUSH who won the election, and some 200 million people were under his rule. Although the pan-democratic coalition has obtained 60% of the votes for as long as 20 years since 1991, it has never become the ruling party. Paul, if you are a member of the democratic party, how would you feel? First, you may feel very frustrated and gravely dissatisfied if you are not a man of persistence. I think no politicians would like to be the opposition party; they all have certain ideologies or ways of governance and they wish to rule the government by winning majority votes in an election. Nonetheless, this can never be achieved in Hong Kong. We cannot become the ruling party, neither can the DAB.

Mr Paul CHAN has just returned to the Chamber. Among the talents recruited by different political parties, some of them are the "Red Pants". I must admit that in the Democratic Party, the majority of members are the "Red Pants", meaning that they work at the district-level as district councilors or committee members, and then gradually moved up the echelon. There is another group of people who join the political scene at a later stage, these people have some social status. Just as I often said to Mr Albert HO, be it the Democratic Party or other political parties, these two kinds of people should co-exist. No party should comprise entirely of either the "Red Pants" or people joining the political scene halfway. District work is extremely tough. I have engaged in district work for decades, and if someone asks me how I feel about the work, I would say that



district work is definitely tough. "Uncle Wah" once said that people would be addicted after being a Legislative Council Member, because it is really exciting to have your views televised. However, sometimes the foundation is rather shaky. What I mean shaky is that no one is aware of your work in the district. Very often, no one knows even if you had spent 10 days doing district work. And yet, if you do not undertake this kind of work, the foundation is shaky.

To the two Pauls, let me respond to the second question: Why is there a lack of talents? If no political parties can become the ruling party, I think not many professionals having social status will join a political party halfway and serve as an ordinary member, either to give advice or go to the district in the evening with Mr Albert HO and Mr LEE Wing-tat after they have finished the business of the Legislative Council to meet the kaifongs, carry out home visits and handle cases which some people consider frivolous. This has greatly reduced the attractiveness of political parties to talents, as professionals or people interested in politics — certainly they will not so naïve as to think that they will soon become ministers — they only wish to move up the political echelon. They hope that, as in the United Kingdom, they can at least become Junior Ministers after joining the political parties for a couple of terms. "Fat PATTEN" is an example. After joining the party for two terms, he became a Junior Minister, then an Under Secretary three terms later, and then the Minister. This is his political ladder. If accountants, lawyers — there are a few lawyers here — doctors or other professionals who have joined a political party, whichever it is, ask their party leader (say Mr Albert HO, Mr TAM Yiu-chung or Ms Audrey EU) whether they can be an Under Secretary three or four terms after joining the party, how would Mr Albert HO reply? He might say, "I myself do not have such a chance. So, how can I help you become an Under Secretary?"

Chairman, this is a pretty realistic but sad conclusion. Nonetheless, I can still participate in this discussion with an open heart because I told myself that the scenarios mentioned by the two Pauls would not happen for the time being. And yet, if we do not keep on fighting, party politics will cease to develop. However, this is not because party members are lax in attitude or lack of incentive. I do sometimes admire Mr TAM Yiu-chung. Notwithstanding that our political beliefs are different, being a leader of a political party with tens of thousands of members, he is often accused of being a pro-government party and is subject to immense pressure. What is more, he needs to absorb more talents.

He has done a pretty good job as many lawyers have joined his party. Yet, there are still many restrictions.

I hope the two Pauls will understand that it is not the politicians who prevent something from happening. Rather, it is the numerous restrictions imposed by the design of the political systems that have obstructed politicians from getting breakthroughs in the development of party politics within a short period of time. Thank you, Chairman.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, we are now discussing the question about whether the Chief Executive should have any political background. Fortunately, I speak after Mr LEE Wing-tat. When I joined the Commission on Strategic Development in 2005, I had, together with several academics in politics and economics, submitted a report with more than 80 pages to Secretary Stephen LAM. At that time, I made a high-profile suggestion that if we were to move towards the direction of universal suffrage, Hong Kong should consider enacting legislation on political party. Hence, I can say very clearly here that I have absolutely no qualms or ill feelings about political parties.

However, during the past five years, particularly after I entered into politics, I have revisited the matter and made certain revisions. This does not mean that I am against the development of party politics. Instead, after taking part in several elections of various scales in Hong Kong, I have gained a better understanding about party politics in Hong Kong. I find that the existing political parties cannot achieve the optimum state as envisaged by the academics including myself at that time. In other words, unlike the situation in Europe, the United States and the United Kingdom, the political parties in Hong Kong are not cross-sectoral and cross-disciplinary. This situation has not materialized. Under the current situation, if Hong Kong was to be governed by a political party or any political party, I think government policies may easily be tilted. Put simply, many political parties are merely single-issue parties or they are just like the political parties in Taiwan, that is, parties of colours. These parties invariably go round and round about the same issue. No matter the subject under discussion is about the economy, people's livelihood or the laws, they would put the blame on the absence of "one person, one vote". Hence, some young people rushed to the stage, trying to express their views through violent

means. This is understandable. That is the inevitable outcome with single-issue parties.

I have the opportunity ..... I have a better understanding about the situation in the United States. I got my first degree on politics there. The first lesson I had was about party politics and I was very interested in the subject. During my student years, I had participated in the election contested between REAGAN and MONDALE in 1984. I and other fellow students took part in the election campaign. Through the course, we learnt about the meaning of this election. Election has a very significant meaning because our votes can change policies. However, I think ..... I still recall that in the report we submitted then, apart from the enactment of a political party law, we also suggested that the Government should consider how to make more people understand the meaning of universal suffrage and the value of their votes.

In fact, the situation has not improved in the past five years. As we see it, some things ..... I can totally understand the dilemma currently faced by the Chief Executive. I have stated on various public occasions that there are different political forces in Hong Kong and they should best be consolidated, such that those with similar political ideas can join together to form a big party, or a small party can gradually develop into a big party. After I have put forth this approach, many persons belonging to the middle class and many professionals voiced strong objection. They greatly dislike political parties because the political parties they know of have undesirable behaviour.

I have utter respect for every political party. In the initial stage, we are all exploring, and the so-called party politics in Hong Kong is also undoubtedly at an initial stage of development. The political parties in Hong Kong have yet to be cross-sectoral. In other words, if you are a worker, you must also understand the importance of balancing various social interests and listen to the voices of the upper class, the business and industrial sectors as well the professionals. Conversely, a party representing the business and industrial sectors or the professionals must also attract talents from the labour party or leaders of labour unions so that the interests of various sectors can be reflected within the party, while the candidate it nominates can adequately represent the mainstream interests of the majority in society.

Party politics in Hong Kong has yet to mature. There is still a long road before any political party in Hong Kong is capable of ruling the territory. While I also consider the emergence of small parties a good thing because they can develop gradually, people of my profession and other professions immediately react by saying, "You should mention nothing about it because the one word we dislike most is 'party'." This is how things stand at the moment. In fact, this mentality goes hand in hand with education. We must educate the public not to be fear of political parties because the Chief Executive and Members of the Legislative Council in Hong Kong will eventually be elected by universal suffrage. On the other hand, the political parties themselves must also act in a rational manner and consider ..... Some people are afraid because if they hold slightly different views from the single-issue party, they ..... I recall that during our discussion on the budget proposals in May last year, an Honourable colleague with labour union affiliation had asked the question, "What is the problem with the most wealthy people paying 70% of the tax?" If he had balanced various interests, he would not have said something like this. He would scare off some groups of people because he was effectively saying that if his party came into power, the government might levy 70% income tax. This situation ..... I think political parties must be cross-sectoral. For instance, in places with mature party politics, the policies eventually proposed by either party will be quite similar. Sometimes, the difference only lies with the "stables" of supporters. In the United States, there are different "stables" in both the Republican Party and the Democratic Party. For many families, even their third or fourth generation belong to the same political party. For example, the daughter of president would join the same political party. But in Hong Kong, things are still very much at an experimental stage.

I recall that at the end of 2006 — hopefully my memory still serves me correct because many elections had been held — I had taken part in the election for the Higher Education Subsector of the Election Committee. At that time, candidates with different political stands had participated in the election, yet they were differentiated on the basis of one ideology, one slogan, that is, "colour". I clearly recall that in the election for the Higher Education Subsector, none of the candidates who were conversant with the sector and had made a lot of contributions to the sector were elected. To our surprise, candidates whom we hardly know had been elected. That was all because of the factor of "colour". All 20 votes had been casted for candidates under a particular "colour". I was gravely disappointed, not because I was elected or not, but because even in the

Higher Education Subsector, voters casted their votes on the basis of "colour". For some of the elected candidates, their election platform consisted of only one sentence and we knew nothing about them. They were elected merely because they belonged to a certain grouping of a particular "colour". In the nomination lists, some well-known professors were placed on the top and followed by those other candidates. They were bundled together. If the professors got elected, all the other 16 or 17 or so candidates were also elected. After this election, I made up my mind to stand for the Legislative Council election.

Mr LEE Wing-tat had said time and again that the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office) supported this person or opposed that person. I hope he will stop saying something like this from now on. I have also heard from the opposition party time and again that some political parties were affiliated with Taiwan, some parties were affiliated with foreign powers, such as the United Kingdom or the United States. I would never say anything like that because I do not subscribe to such a theory. It does not matter what kind of affiliations the political parties have, it is their performance that counts. It only matters whether the parties win their votes on the basis of their actual performance. Mr LEE just said his party was relatively mature. I would advise him to stop making such kind of comments from now on. Instead, it is the political platform and performance of a party that really matter. We do not mind if others say we are conservative. We made ourselves clear yesterday that we did not like people storming the stage and acting in such a manner. I have the guts to make myself clear. Just now, Mr LEE Wing-tat said he would not accept any compromise. He said, "Just look at the pro-establishment camp. They were so happy when the Government gave them three pieces of sweets." Let me tell him that our internal discussions were more heated than you would have imagined. Each grouping might have 10 demands, yet we finally came to a consensus and acted on that basis.

Regarding the acceptance of the middle-of-the-road proposal, the Democratic Party has been bashed even more severely by the League of Social Democrats. Therefore, today, it is the League of Social Democrats which can ask the question, "Why do you accept the middle-of-the-road proposal?" We always consider it necessary to compromise, yet Mr LEE Wing-tat asks us why we accept the compromised proposal. If the Financial Secretary met with Mr LEE, would he accept the compromise? Hence, he should no longer say

something like this. If one points a finger at others, he may find his other four fingers pointing at himself. Today, we are discussing the question of whether the Chief Executive should have any political background, I see nothing wrong with the Chief Executive having political background. In fact, from the long-term perspective, I personally think that when party politics in Hong Kong has reached a mature state, it is a pre-requisite for the Chief Executive to have political affiliation. However, in present day Hong Kong, whenever I mention the idea of joining a political party or suggest that political parties can be consolidated to achieve better development, many members of the public will say they do not like the idea. I am not sure whether this indicates the failure of our political parties *per se* or their performance has indeed scared the people off. The situation may be better if we are not talking about a "party". That is how things stand in Hong Kong. Maybe Hong Kong is such a small place that even some minor incident can change the views of the majority of people. It is really quite natural. Therefore, I think we must all work hard towards this direction.

There is no knife with two sharp edges. While there are certain benefits with the Chief Executive having political affiliation, he may only have the support of a small group of people or a single-issue party. In that case, who will speak out for other issues or represent the interest of other sectors? I think all of us want the best development for the overall political situation. In fact, for me personally, I also think that those with similar views, albeit from different political parties or groupings, can agree on a focal point. Political parties can also represent cross-sectoral interests. Honestly speaking, when the pro-establishment camp met with the Financial Secretary, the three focal points proposed also represented cross-sectoral interests. Of course, there were different views within the pro-establishment camp. Yet, we finally agreed on three focal points, in the hope that we can strive for their implementation through our concerted efforts. In fact, it may be the same for the democratic camp. They may also try to find a focal point, but some of them are just too radical and some have different ideas. They are just very divergent.

Regarding the views expressed by some members of the public, they have my personal support. While being a minority view, some Members belonging to the Professional Forum did suggest that the Budget was in fact not that bad. In the Budget, our demands in various aspects have been met, such as funding allocation for arts development, setting up of an Elite Athletes Development Fund, relaxing the assessment criteria for grants and loans to post-secondary

students, paying two months' rent for public housing estate tenants, and so on. Many measures are proposed in response to the demands of the people. I am most elated to find that the relocation of the office of the Water Supplies Department in Mong Kok has also been included in the Budget. We have been fighting and lobbying for this relocation for three years. The Financial Secretary has even responded to this minor issue in the Budget. Hence, I can neither give him zero point for the Budget nor oppose him. I do not think he deserves such treatment. However, regarding the proposal about the \$20-odd billion, while he may genuinely want to avoid inflation from the perspective of economics, the people want to receive cash. Regardless of whether they belong to the lower-income group or the middle class, people unanimously demand that, "We want cash! Please!" Having heard those views, we are willing to discuss with other parties. We do not tell the Financial Secretary that, "The problem of inflation is really critical. You must fight inflation at all cost! You must never give out cash!" Even though some people do feel this way, we have no problem with that. In addition to people from the lower-income group, those from different classes also want to choose for themselves. Hence, we also agree that we should "let them choose". Therefore, Mr LEE should not simply say ..... As a matter of fact, there are many aspects in terms of compromise. A case in point is the amendment under discussion now. That is also a result of compromise. Everybody must go through a process of compromise. Without the art of compromise in politics, we can neither achieve anything nor go anywhere. Likewise, the Budget can go nowhere. The matter is really that simple.

I do not like "one person, two votes" either. Under the proposal, the five District Council Functional Constituency seats would be returned by a single big constituency. I often say, if "one person, two votes" is to be implemented, the functional constituencies should first be extended. Then, we may even consider "one person, 31 votes". From 2005 to date, is there any proposal that you are completely satisfied with? Hence, I consider it most important that the proposal is beneficial to the people or broadly in line with the majority of public views. It is just not possible to be completely in line with public views.

Talking about political parties, it would be quite enough to have, say, three or even two mainstreams in Hong Kong. But if there are as many as 10-odd mainstreams like we have now, it will not make any difference whether or not the Chief Executive has any political background. In this regard, we should first

start from enhancing the substance and quality of the development of political parties. Honestly speaking, the next generation should not be encouraged to act violently. For example, no matter how wrong the parents are, young people should never act violently against their parents. It is wrong to tell young people that, "If you put your fingers into the socket, your parents will certainly come home every day to watch over you." Even if they are merely trying to seek attention, we should tell them this is not the right approach. Is that something you should not do? If you want to downgrade the quality, culture and civilization of Hong Kong people, and then make some biased remarks, advocate "colours" or worship Taiwan ..... If you ask the people in Taiwan — I also have many friends from Taiwan — they would say it feels as if there are two countries or two administrations instead of one. A family is divided merely on "colours"; members of the family stop talking to each other, the older generation and the younger generation is split up.

As such, the last thing I want to see is that human relationships, harmony, culture and civilization of the Hong Kong society being sacrificed as a result of the development of democracy. I do not consider it worthy if this is what eventually happens. However, I think the Hong Kong society should be able to do better. I also believe that in this Council, this view is shared by the majority of Honourable Members. The people of Hong Kong are capable of building up a quality democratic system. This system not only concerns about voting, but also the quality of our citizens and politicians. In this regard, I think as the slogan "We are ready" goes, the people of Hong Kong are also ready. The game is going to start soon. Can we do better and not put in more hurdles?

Thank you, Chairman.

**DR PHILIP WONG** (in Cantonese): Chairman, I opine that this amendment proposed by Dr Margaret NG is premised on an assumption that is quite unsound. Members who support her amendment may also think that if the Chief Executive belongs to a certain political party or grouping, he would certainly have high representativeness in this Council. But this assumption is unsound.

Hong Kong is a capitalist society under "one country, two systems". Even though the country has made remarkable achievements in terms of economic development and foreign affairs under the leadership of the Communist Party,



and Hong Kong's economic development has also benefited therefrom, if we, for the time being, allow the candidates running for the office of Chief Executive to have political background, how can we be sure that they are not members of the Communist Party? Although I may even consider that someone with such a background can govern Hong Kong well, I have yet to accept such a scenerio. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I find what Dr Priscilla LEUNG has said rather ridiculous. In Chinese history, one-party dictatorship has been in place for a very long time. Both the Kuomintang and the Communist Party have exercised one-party dictatorship. One of the two parties was forced to give up one-party dictatorship, while the other one continues with its dictatorial rule. Now they are having negotiations and peace talks.

The disgust which Hong Kong people feel towards political parties is no more than their disgust with the dictatorial rule of the Communist Party. Frankly speaking, for all the bluffing here ..... Once I got on a taxi, the driver scolded me right away, questioning what I have been doing in Hong Kong and making sarcastic comments. I asked if he felt worried when he visited Shenzhen? He did not say a word. Of course he would feel worried, because the party prevails over the State. If he has a dispute with someone in a karaoke and that person knows someone with power and influence, he who is the plaintiff will become the defendant.

Speaking of fear or disgust for political parties, maybe the general public in Hong Kong are a bit disgusted with party politics. That is true, because they find political parties incompetent and yet squabbling all the time. However, their fear of political parties is clearly due to one-party dictatorship. There is no need for me to illustrate the terrible things about one-party dictatorship. You can see that yourselves. If you do not believe ..... Has Dr LEUNG become a deputy to the National People's Congress or a member of the Chinese People's Political Consultative Conference?

**DR PRISCILLA LEUNG** (in Cantonese): No.

**MR LEUNG KWOK-HUNG** (in Cantonese): No? Then you should strive to be one.

**DR PRISCILLA LEUNG** (in Cantonese): I do not have the time.

**MR LEUNG KWOK-HUNG** (in Cantonese): You do not have the time.

As I said yesterday, if you go to the designated places of the "Jasmine Revolution", you will feel how powerful the political party is. The authorities washed the street more than 30 times in a day. Even during the SARS period they would not wash the street like that. It was only when there was "political SARS" that there would be such washing. The people gathered in remembrance of the "Jasmine Revolution" of some other people. It was merely a kind of remembrance. The protesters did not even have the courage to bring along any banners. Even a jasmine held in hand might be used as evidence of crime. Such were the terrible things about political parties. However, we cannot shut out political parties simply because the Chinese Communist Party (CCP) adopts one-party dictatorship. Even Form One students know it is impossible to do so. This is a fallacy in logic.

To which political parties and groupings does John TSANG belong? Let me tell you, he belongs to several political parties. One is the "Tonic Party", the other one is the "Chai Bai Dang" (which means "Swindlers Party"). "Chai Bai Dang" is actually a Shanghaiese term, spoken by people belonging to the lower social strata, but the Cantonese consider the term elegant. That is a linguistic issue. A member of the "Tonic Party" claimed that he has some tonic, after taking it, you would definitely become full of vigour and energy. Someone said to him, "I do not want any tonic, is that possible?" He replied, "This tonic was developed after discussion by the Patients Committee formed by all patients. There is no room for fine-tuning." Another person said, "I cannot take liquorice. It will churn my stomach." He said, "No way. We must put in liquorice. There is no room for fine-tuning." Someone said, "Oh no, Secretary, liquorice can cause big trouble." He said, "I have to put in three taels of liquorice, how

can it be one tael? During discussion, you all said that you wanted liquorice. Some people said they wanted eight taels, and some said they wanted one tael. Eight plus one, divided by two, equals to 4.5. Now that you are offered three taels, you have got advantages."

Dr LEUNG, have you joined the "Liquorice Committee" or the "Chinese Medicine Committee"? John TSANG belongs to the "Tonic Party" or "Swindlers Party". The "Swindlers Party" is a party of deception which deceives people with lies, like the "Formula Milk Party". A branch of the CCP is the "Formula Milk Party", which swindles people by selling formula milk. If John TSANG himself claims to be with the "Tonic Party", "Swindlers Party" or "Formula Milk Party", who will vote for him? His sworn brothers turn out to be members of the "Tonic Party" and the "Swindlers Party" too. If he consulted the public opinion in such a way, would you vote for him? Certainly not. I believe anyone who has a normal mentality and who does not belong to the "Idiots Party" will refuse to vote for him. Then how can he assume political power?

Donald TSANG belongs to a party — the "Get-the-job-done Party". With his campaign slogan "I will get the job done", we have been deceived by him. He does get the job done. That means he does his own job without paying attention to the reaction of the public. When members of the public were in dire straits, he was slightly pushed by petitioners during the chaotic situation; and before he went to bed after dinner, he suddenly felt sick and went to seek consultation. At that time the livelihood of all Hong Kong people was still at stake. Whether \$24 billion would be allocated was still, seemingly not yet decided. At such a time he said, "I feel painful. Sorry, I have to go to see a doctor." Then he called a press meeting. Some reporters said it was him who instructed to have the microphone stands set up for an interview .....

**CHAIRMAN** (in Cantonese): How does the content of your speech relates to the new clause 3D?

**MR LEUNG KWOK-HUNG** (in Cantonese): Frankly speaking, if Donald TSANG had said right from the beginning that his character and personality was like that, I might vote for him, because he certainly would not get any vote. There might be only one vote from me, as I have a merciful heart. Now the

problem is that he does not have any political platform. Buddy, you have cast your vote for him. He said he would get the job done. Have you ever heard of any president who got elected after saying that he would get the job done? There was none. He even cited Chairman MAO's poem, "Idle boast the strong pass is a wall of iron, With firm strides we are crossing its summit."<sup>3</sup> You also know this verse. He mentioned it when he published his political platform. "The rolling hills sea-blue, The dying sun blood-red."<sup>3</sup> If he does not know about literature, please ask him not to say anything. How could he quote the words about the Long March? How versed is he in literature! That day I already said it was very inappropriate. In fact, Donald TSANG had licked the wrong boots.

**CHAIRMAN** (in Cantonese): Please speak on the new clause 3D.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I was just giving an example. Someone who received western education with scanty learning and little knowledge announced a cruel result to the Hong Kong people in Cantonese, but the general public did not get the message. He did not mention any political platform. If he talked about his political platform, he would say ..... To put it simply, if he said, "I want universal retirement protection", I would really consider not bringing the "pig head" that day and giving him my vote. He also said that he wanted universal suffrage and that he would "do something big". Have you ever heard of a party called "Do-something-big"? I have. My fellows are also known as members of the "Do-something-big Party" — the "Do-something-big Party" in Kai Yip Estate. I would not vote for him.

Chairman, please be more patient, because I was told that if I have to teach someone of low intelligence, I have to say things slowly and quote more examples for induction in order to make him understand. I cannot use the deductive method. Now I am using the inductive method. Look at all those sayings of the Chief Executive. They are all words used by the common folks. I am the most vulgar person in this Chamber. Right? He quoted the wrong verse and ended up in such a situation today. How pathetic! "I will get the job done", this is not a political platform at all. It is absolutely a lie to Hong Kong

---

<sup>3</sup> <<http://www.marxists.org/reference/archive/mao/selected-works/poems/poems13.htm>>

people, just like the lie which "Tonic Party" has put to you, "This tonic is good for you. Just take it!"

Chairman, why do we say today that a political platform is necessary? If the Democratic Alliance for the Betterment and Progress of Hong Kong runs for election, I may vote for it, since it has a political platform, buddy. Right? It knows what to follow. Right? The Civic Party has a political platform too. You do not need to care whether its political platform is correct or not. Dr LEUNG, Dr Priscilla LEUNG, do you have any political platform? Of course you do. Having a political platform, do you wish to have more supporters? If more people support you, you will organize a political party. If the political platform is not used to organize a political party, what purpose does it serve? Is it used to attract more votes?

I have been an independent legislator before because I could not find any comrades. I had no other choice. If you put forward a political platform but you say that you will not organize any political party, you will easily become a politician. You have to take your own responsibility. Buddy, do you understand? In a political party there are the disciplinary board, the central committee, the standing committee, Politburo and members of the Politburo. There is no way you can mess around. Right? When Margaret THATCHER introduced the poll tax, it immediately led to riots. There was no need for legislators to conduct any consultation. The people expressed their opinions on their own initiative. They said, "Maggie, this will not do. Let us go to the square together to tell Maggie that this will not do." Not only did they do that. That day not only did they push and bump into Maggie, but they also burnt things. That was what they did. Of course, as a kind of formality, Maggie said, "We condemn such riots." She said Trafalgar was a famous general of the time. No one was allowed to stir up any disturbance there. The British National Gallery was situated at that place. Demonstration was strictly prohibited there. Yet besides the demonstration, there were pushes and shoves among the people. They did not feel afraid when they saw the horses there. They even pushed the horses.

The situation was simple indeed. When Margaret THATCHER saw the situation, as she was the party leader, and people sitting from the first row to the last row all said, "Maggie, do not stir up any more trouble. I know you have made remarkable achievements before, but if you go on this way, our whole party

will be overturned." Maggie had to acquiesce. Right? As such, Margaret THATCHER could not remain self-willed because she had to take the responsibility. The Conservative Party had broken its own election promise. At the beginning she did not mention she would levy a poll tax. Why levy a poll tax? If she increased the tax, there would be no problem, but if she levied a poll tax in the city councils, everyone would have to pay. Not everyone of us will receive the money which is being handed out now. Yet she wanted to impose a tax on everyone. Even babies who were being cradled in the people's arms, taking the "tainted formula milk" would have to pay the tax. Of course that would not do. That is why Chris PATTEN came to Hong Kong, because the party needed to keep her in check, since she did not follow the party's platform.

Let me ask Stephen LAM, who is present today. You were also soliciting votes that day. With such performance made by Donald TSANG and John TSANG, how would you take the responsibility before the Hong Kong people? Since you are not a party member, even if I hold you responsible, you will say, how will I be responsible? You said we will have political elections and that we will move towards universal suffrage, but there will not be any political parties. This is no different from — I will put it in a more elegant way this time — "a blind man riding a blind horse approaches the brink of an unfathomable pool at midnight". You see, is that terrible? A blind man riding a blind horse approaches the brink of an unfathomable pool at midnight. There is a voice which says, "Follow me. You will be in heaven soon." Of course he will be in Heaven soon. After he falls into the abyss, of course he will go to Heaven. However, did anyone tell you that after people die, they may go to hell as well? The blind man and the blind horse move forward on hearing such a beautiful voice, "I am the Lord. Follow me, and you will certainly go up to Heaven." As such, they will fall down for sure.

That is how universal suffrage without any political parties will be like. Everyone will say such things — "I am the Lord." The League of Social Democrats (LSD) has a political platform to which it adheres. The LSD's strategy is to take "direct action". Actually many people do not know that "direct action" originated from the 1960s. It means it is pointless to talk too much, just take direct action as far as possible. Thus we should take direct action in the Chamber as long as we can. You have read these books too. "Direct action" means one cannot rely on the existing rotten system. That is the case. We have to take the responsibility. As a result, now Chief Secretary

Henry TANG said he will call the police. If you do not take action, Chief Secretary Henry TANG will call the police. Chief Secretary Henry TANG did so because he wanted to stop us. We have to be responsible for our policy platform. We exercise restraint.

Handing out money actually does not comply with the theories of social democracy, I have already said this many times. However, the Government has made such a mess, it is going to hand out money to the funds. Why not hand out the money to the poor? What a lousy Government! Why not directly ..... We exercise restraint. As I have said, this is against our ideology. However, we can do nothing about this. Buddy, we have to take the responsibility. If I were elected the Chief Executive — the Central Authorities would not appoint me, since I advocate ending one-party dictatorship — we have to take the responsibility. Buddy, what are you doing now? Tomorrow there will be a new chief with a new team of aides.

Honourable Members, did anyone tell you that you could choose freely and yet no label is attached on that bottle of beer? You of course will end up drinking sewage water.

Thank you, Chairman.

**MR FREDERICK FUNG** (in Cantonese): Chairman, pardon me for my bad voice, because I have flu. However, I still want to speak, for it is a very important subject. Should the Chief Executive have political affiliation? I would like to talk about history first.

During the era of the British rule, Governors were deployed to Hong Kong to rule the place, whereas the Civil Service was responsible for implementing the policies. According to my understanding and analyses, Governors before MACLEHOSE did not have a policy agenda. They only had to keep Hong Kong under proper rule, naturally for economic and political purposes. I will not go into further analysis, for this is not the subject of discussion today. We noticed that after MACLEHOSE took office, he put forth strong policy agendas. He was the first governor to present visions on governing Hong Kong. For instance, he had introduced the 10-year housing programme and the education programme, and had amended the labour laws. Hence, I think that among the

many Governors of Hong Kong, the policy agenda of MACLEHOSE in governing Hong Kong was the strongest, and a strong Civil Service had been established. In my view, during the 10-year governance of Hong Kong, MACLEHOSE had brought directions and objectives to the development of people's livelihood, which used to be directionless and aimless, and these directions and objectives were implemented by the strong Civil Service.

After 1997, TUNG Chee-hwa became the first Chief Executive. He had many visions, and he had a political platform when he stood for election. Had TUNG Chee-hwa been supported by a powerful Civil Service in implementing his political platform, I believe Hong Kong would not have come to this pass today. Many proposals in the political platform of Mr TUNG have not been implemented. The Central Authorities thought that the replacement of the Governor by a Chinese Chief Executive would basically bring no changes. But this is not so in reality. Actually, the Civil Service is the key to the political platform. The Chief Executive may have his political vision, but if the civil servants do not implement the policies and use many administrative means to prevent the implementation of the political platform — if Members have watched the series or the book "YES MINISTER", they will understand that even though civil servants are supposed to remain neutral in state or regional governance, they have their own views on certain issues, and it will be no easy task to remain neutral.

Donald TSANG succeeded Mr TUNG as the Chief Executive. His situation is just the opposite of Mr TUNG, for he comes from the strong Civil Service. Donald TSANG also has a political platform, but it differs from that of Mr TUNG. Donald TSANG puts administration above political vision, whereas Mr TUNG puts political vision above administration. They are just the opposite of one another. The Central Authorities might think that if Mr TUNG failed to have authority over the civil servants, they should then identify a person capable of doing so. Though the issue on civil servants has been settled, issues relating to mindsets, prospect, aspirations and future development of Hong Kong remain unresolved.

Now, we have gained the experience from these two cases, where the two Chief Executives do not have any political affiliation. Why the situation has not changed much over the past decade or so? Are they not knowledgeable? Do they not have overall relationship? Do they not have international relationship?



Are they incapable? None of these is the reason. But why the situation in Hong Kong has not yet improved? This is the first point I would like to mention about the background.

Second, I would like to look at the future development from today onwards. Naturally, I assume that the Chief Executive and all Members of the Legislative Council will be elected by universal suffrage in 2017 and 2020 respectively. The first scenario is about the existing accountability system for principal officials. When Mr TSANG stood for the election, he stressed that he would find people sharing his views to oversee the three Departments and 11 Bureaux. I totally agree with this point. If I have a political platform, I will surely recruit those who support my platform after I have won the election, so that the proposals as stated in my political platform will be realized. There is no reason for me to recruit people I do not know or do not trust, or even holding opposing views, to implement my political platform. Actually, the accountability system for principal officials is adopted worldwide. A 15-person team, with 14 persons heading the three Departments and 11 Bureaux plus the Chief Executive, is responsible for the governance of Hong Kong. This team does not only have a political platform, but also political consistency, and they will work together to implement the platform. Should those 15 persons be regarded as a political party?

Membership size is not a constraint to political parties. When the Communist Party was found, it had only three to five members. The Hong Kong Association for Democracy and People's Livelihood (ADPL) only had five members when it was founded. For the April Fifth Action Group of "Longhair", it has only four or five members. Hence, the membership size of a political party is not a restraint. There is no requirement that a political party must have several hundred thousands, 10 millions, or even thousand billions of members. I think that the accountability system for principal officials embodies some elements of a political party, and its scale is a separate issue. On the assumption that the performance of the 15 members under the accountability system for principal officials is satisfactory, it is thus hoped that they will be succeeded by people sharing similar views at the next election. If they can secure more support during their rule within those few years, they may be able to identify successors within their circle. Certainly, some people think that it is no easy task to identify successors, for the consent of the Central Authorities has to be obtained. However, since the Chief Executive is rested with the ruling

authority, and he needs to have a team of people working for him, it would not be too difficult to recommend candidates to the Central Government. Is this the practice of political parties? Should they be regarded as a political party? I think they are a political party. Hence, if anyone says that affiliation with political parties should be banned, this is impracticable.

Another impracticability is that if the election of the Chief Executive by universal suffrage is to be implemented in 2017, and the candidates are required to have no political affiliation, can anyone in the street stand for the Chief Executive election? How can a candidate draw up his political platform? Even if he is very capable, it is impossible for him to look into issues of the entire territory of Hong Kong. He must work together with people with similar objectives, vision and values, as well as people with different expertises, so as to draw up the political platform, and then tell the people of Hong Kong how they will implement the platform after they take office. Are these people members of a political party? If I stand for election in 2017, I wonder if Members know that there will be more than 400 polling stations, and if I assign 10 people to canvass votes in each station — 10 people is indeed a very small number — if I assign 100 people to canvass votes in each station, I will need 40 000 to help me. Even if I only assign 10 people in each station, I will need 4 000 people. Should I employ 4 000 people to do the work and then dismiss them when the Chief Executive election is over? When a candidate stands for the Chief Executive election, will he not be looking for long-term support? What is this process? This is a political party, is it not? I would say it is a political party. If Members of the Legislative Council are to be elected by universal suffrage in future, be it 70 seats or 100 seats, will the Chief Executive need the support of Members of the Legislative Council? Will the Chief Executive need someone to speak for him in the legislature in future on his governance and overall work? If the Chief Executive considers this unnecessary and that he and Members may adopt different stances, it will end up in the situation today, posing grave problems whenever there are not enough supporting votes. At present, the Government dares to make a U-turn on the transport subsidy scheme. At first, it said that no adjustment could be made for it was a decision reached after careful deliberation, and hence no change would be made. But now, it has made a complete change. Of course, we should be glad that the Government has taken heed of the views expressed, but in terms of the overall development of party politics, this is not a healthy phenomenon, for the Chief Executive does not have any supporting votes.

Hence, how can we engage in politics without political parties? Please tell me which government in the world does not govern a region or a state through political parties. Over the past decade or so, has Hong Kong been in a healthy state? We should ask ourselves honestly. Why has a political incident sparked such strong public sentiments that the Government has to make immediate change? Is this a healthy development?

The third point I would like to make is related to the nature of the work of political parties. First, political parties must be an organized entity. In that organization, an overwhelming majority of party members have their own values, evaluations and policies on the governance of society, regions and states, which may go down to details like implementation approaches. A political party has a certain number of members, but the size of its membership is insignificant. In order to form an organization of this kind, one has to recruit talents from various sectors and draw up a political platform and strategies. In the first year when you put forth your political platform, people do not know who you are. For instance, what are new and old parties? You have to keep on expounding your views. It is true that after expounding for one, two or three years or terms, people will know about your party. Take the ADPL as an example. It has been founded for 25 years and people know what the ADPL will say. Why? That is because the ADPL has been expounding those views for 25 years. What will the Civic Party say? I can even ..... If I join the Civil Party one day, I may speak on behalf of the Civic Party, for after these many years, I already know what the Civic Party will say. What will the Democratic Party say? We all know that. What will the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) say? If I were a member of the DAB, I could also speak on behalf of the DAB. People can differentiate the views expressed by different parties. What is the merit of this scenario? This helps maintain stability. Voters would know how to make the choice, for they know the difference among Party A, Party B, Party C and Party D, they have different focuses of attention. As such, voters can decide whether they should vote for Party A, Party B or Party C. However, in the case of individual candidates, it may be Mr CHAN speaking today, Mr CHEUNG speaking tomorrow and Mr LEE speaking the day after tomorrow, yet I do not know what Mr CHAN will do. Mr CHEUNG may say all out of a sudden he will do so-and-so, but I cannot be sure whether he will do so, for he does not belong to any political party. If he belongs to a political party, he must fulfil his promise. Buddy, if he belongs to a political party with a history of a decade or so, how can he go back on his words? If someone asks

Frederick FUNG to stop working and showing concerns for the grassroots and the middle to lower class, but to speak for estate developers, Frederick FUNG cannot do so. If I do so, I would have lost all my supporters. The same applies to political parties. Political parties are indeed one of the significant elements for maintaining political and social stability. More so, if political parties have different divisions overseeing different aspects of the party manifesto, they are actually transferring, training and nurturing talents, who may join the Government via political parties. How do we train talents at present? What if someone asks Frederick FUNG to be the next Chief Executive, it will be terrible, how can I find the people to head the three Departments and 11 Bureaux? Should I ask professionals to take up the posts, say ask the President of Law Society to be the Secretary for Justice? Should I ask the chairman of the association of accountants to be the Financial Secretary? I cannot do so. Even though they are professionals, they have different visions. Hence, I see no reason that political affiliation should not be allowed.

Besides, a political party does exist at present, the three Secretaries of Departments and 11 Directors of Bureaux form a political party. People worry that if the Chief Executive is allowed to have political affiliation, everyone will try to impress the grassroots by offering all kinds of favours. At present, the Chief Executive is not elected by the grassroots, yet he is giving out \$12,000 for every citizen. In addition to the \$6,000 in cash handout, each citizen will also receive \$6,000 tax rebate. If populism is regarded as the cause of anxiety, the Government's current practice is promoting populism. The ADPL has always stressed the importance of long-term work, such as convert the Mandatory Provident Fund (MPF) scheme to pension scheme, and the construction of Home Ownership Scheme flats. In all circumstances, if a political party of this nature is to be formed and that its member can stand for the election of the Chief Executive, it must have substantial amount of resources, and I mean money. Even for the small coterie election of the Chief Executive at present, it involves an expenditure of \$10 million. Just imagine the amount of money needed for a large-scale election? I do not know. Will the Secretaries of Departments or the Directors of Bureaux tell me how much has to be spent? For a territory-wide election, the expenditure involved will be no less than \$10 million the minimum. Will the huge expenditure scare off consortia and the wealthy? If they are scared, they may simply avoid investing in the political party concerned. If they are scared, they may stop donating to the political party. In Britain, the business sector gives donation to both the Labour Party and the Conservative Party. But

since they support the Conservative Party more, they donate more to the Conservative Party and less to the Labour Party. In other words, since they do not fully agree with the Labour Party, they donate less to it.

Finally, this approach is adopted to promote integration. Our aim is not to drive small parties or radical parties to extinction. However, one or two, or even three, leading political parties will emerge. These two to three leading political parties will become the so-called stability force in politics, and these political parties have to rely on the business sector. If so, what does the business sector scare about? Which democratic country does not have a business sector? Which democratic country does not adopt a free market? In which country does the business sector fail to make money? I do not know how much money is involved. I would say on the contrary that I am scared by the present situation. I am scared by the monopoly, the merging of consortia and the taking-over and monopolization of consortia. I am scared by the lack of public support of the Government and its failure to govern Hong Kong properly.

Hence, regarding the earlier remark of Dr Priscilla LEUNG that political affiliation should be cross-party and cross-stratum, I think the system itself will make intra-stratum possible. Certain political parties in Europe adopt a single-seat or single-subject approach — The Green Party and the Labour Party at the initial stage have adopted a single-subject approach, and it depends on whether the voters will vote for these parties in the election. The Labour Party has once been the ruling party — I mean the former Labour Party but not the existing Labour Party. Since society as a whole has changed, political parties have to be more moderate and pluralistic, and the Labour Party has to change to be pluralistic. The change is made in accordance with the need of the public but not the need of political parties. If the political party concerned does not do so, it cannot continue to rule the country. In the end, the key is in the hands of the public.

At last, I would like to ask Members to name one place where the Chief Executive can deliver proper governance without the assistance of a team with political affiliation. Thank you, Chairman.

**MS CYD HO** (in Cantonese): Chairman, discussion of this subject should be put into the perspective of the constitutional system and the overall system of society.

If the issue whether the future Chief Executive can belong to any political party is discussed out of the context, the criticisms made in various aspects may be unfair.

At present, I do not belong to any political party. Allow me to first explain why I consider political parties unacceptable. To me, my major concern is that if a fair and open mechanism is not in place to handle different opinions within a political party, there will be no democracy within the party, and for people like me who are born to be detached, I will find this utterly unacceptable. However, I will soon surrender, for political parties are after all an essential element in a democratic system. Political parties have their demerits. I will first point out the various demerits of political parties.

First, political parties are prone to have conflicts, not only between two parties, but also within a party, which may be sparked off by many issues.*(Laughter)* Members seem to share this view too. Some conflicts may be mediated, but some conflicts cannot be resolved. I prefer the latter scenario, for it reflects that open channels for expressing opinions are available within the party. People stay together when they agree and leave when they disagree. It is no big deal at all. In the United States, people are just free to go and free to stay. All they have to do is to declare whether they now belong to the Democratic Party or the Republican Party. They may join the Democratic Party this term and the Republican Party the next, and then become an independent candidate after the next term. One only has to register in the membership list of a party, and can have a say in the primary election in deciding whether Barack OBAMA or Hillary CLINTON should be the candidate standing for the election. One does not only enjoy the rights to vote but also the freedom to join or withdraw from the party. Even if the list is made public, there will not be any political pressure. This illustrates the mature development of the entire system.

What are the demerits of having two leading parties competing against each other? First, there will be no room for small political parties to survive. My concern is not whether small political parties will get any seat, but the values represented by these small political parties. These political parties may take a non-mainstream party line, they may be concerned about the rights of the minorities, and they may be well ahead of society as a whole. Take The Green Party as an example. At first, the party could not get any seats or could only get two to three seats in the election. However, if there is room for the development of political parties and if a healthy system is in place, small political parties may also come to the fore one day.

What is the problem of two-party monopoly? Both parties will take the middle-of-the-road line, for both parties have to win the support of voters with moderate views, who are in the majority. This will easily lead to inferior populism. From a holistic perspective, these acts of inferior populism could be avoided if we had a healthy civic society and an independent judiciary. As society as a whole becomes more open and more room is provided in the constitutional system, pluralistic voices in society will be reflected in the two-party political system. Therefore, when Barack OBAMA stood for the election, he also claimed that he would overcome the conflicts between the two parties. He did not wish to see a replica of the situation in Washington, where the two parties dispute for the sake of dispute. He hoped that co-operation between the two parties could be reached. For this reason, many people who are tired of inter-party conflicts voted for him. However, subsequently, the political reality and operation have revealed that this was impracticable. He can only make a small step forward.

Next, I would like to point out the essentiality of political parties in a democratic system. It is true that political parties offer good opportunities for the training of talents. As mentioned by Mr LEE Wing-tat earlier, the approach adopted by political parties varies. New members joining political parties at the district level may work diligently on district affairs. As a start, they will learn how to approach and lobby the public at the district level. They are trained to listen to the people to learn about their needs, and when they climb to higher positions in future, they would know how to get along well with the public. I believe, in any political party, only those members with good affinity can hold important positions. With the presence of political parties, people taking up important positions in the governing team in the future will have developed their own skills and moral principles in making social contacts, tapping the public pulse, responding to public opinions and even leading the opinions of the public. In respect of the deliberation of policies, since there are political parties to recruit new comers and provide training to them in a systematic manner, novices do not have to go through the exploring stage. As the learning processes have been shortened, people of a younger age can join the political arena.

The second advantage of political parties is that a party member may stand for the Chief Executive election or the party may render support to one of the candidates, and hence the person elected can get the support of a team of people who have been working with him for a long time; unlike the present case, where

the Chief Executive could only rely on a mercenary team. He could only recruit his aides and staff after he was elected. Moreover, the choice of talents available is restricted as the persons to be recruited have to be approved by the Central Authorities. Last time, when Mr Alan LEONG stood for the election of the Chief Executive, due to the lack of political astuteness, he stated in his political platform that the Chief Executive could appoint Secretaries of Bureaux of his own accord, without having to go through the approval procedure by the Central Authorities. His statement had subsequently been severely criticized, for according to the political ethics in Hong Kong, the Central Authorities of the Communist Party of China (CPC) is the one to take control. Hence, no matter who run in the election of the Chief Executive, and no matter which political party the candidate belongs to, the candidate must after all get the support of the CPC. In the final analysis, there is only one political party. The problem is that the existing approach is simply impracticable. Under the existing system of a mercenary team, what kind of people will be able to co-operate and work closely with the Chief Executive? That is the "civil service party". Since civil servants have been in close co-operation for two to three decades, when a civil servant becomes a Secretary or an Under Secretary, he or she will be able to work smoothly with the Permanent Secretaries without going through the adaptation stage to overcome various obstacles. Due to this mercenary nature, the existing team has degenerated into a "flash" mob. Whenever problems arise, everyone in the team will duck their responsibilities, and no one will work with the Chief Executive to promote his policies.

Third, political parties can perform the function of exercising good internal control. Be it the President, the Prime Minister or the Chief Executive, they will only serve a definite term of office when they are elected. If he is not subject to the internal monitoring of political parties, he may act arbitrarily during his tenure. However, if he belongs to a political party, he will have to face the result of the mid-term election. When members of his political party find that the policies adopted by the central authorities of the party will lead to their lost in election or put them in an unfavourable situation, they will force the leader to abdicate. For a political party which tends to have absolute control over everything, when party members force the premier to step down, the situation may be in great chaos, and the act will be regarded as a riot to subvert the country, which is highly undesirable. However, this factor can stabilize the society, for no one dares to, after getting substantial public support in a certain period of time, act wilfully in the next few years.



According to my understanding, political parties in the United States are rather lax internally. The President elect may act arbitrarily and act on his own after he is elected. But if he goes too far, no one will launch large-scale nationwide election campaign for him in the next election. Since he has to participate in the primary election, he will not win without the support of political parties. Even if he misbehaves, he can only act arbitrarily for four years but no further.

Chairman, recently the media is particularly concerned about who will stand for the election of the Chief Executive. The apparent candidate is LEUNG Chun-ying, who is almost certain that he will stand for the election. He has written a lot of commentaries and published a lot of policy analyses. However, the public has no idea in case he wins the election, who will be the Financial Secretary? Who will be the Secretary for Development, and how will the relationship with estate developers be handled? Who will be the Secretary for Education and the Secretary for Financial Services and the Treasury? As for the Chief Secretary Henry TANG, Mrs Rita FAN and even Mrs Regina IP, they will all claim, at this stage, that they will make every effort to perform their present duties well and will not consider other options for the time being. However, we do not have a clue as regards the general values held by their supporting teams on the future of Hong Kong and the approaches they will adopt.

Under the constitutional system of one-party dictatorship, this is an inevitable phenomenon. The CPC wants to retain control, it even wants to exert control on the candidate anointed by the party. In that case, why does the CPC not simply come forward and set up a CPC Hong Kong branch to engage in politics. The present situation is the worst scenario. The CPC exercises its influence behind the screen but takes no official accountability. It may make declaration after the Chief Executive is being attacked, and it may comment on the "cash handouts" proposed under the Budget. At present, the "Western District Party" overrules the "Central District Party". This is utterly undesirable. When a political party with the greatest influence behind the screen does not have to be held accountable, this is the worst scenario.

Some people say that since political parties in Hong Kong are not mature, we should as well give up. However, it is actually a matter whether the State would like to have party politics implemented. I mentioned the system in the United States earlier. Why would so many people join political parties? It is

because the membership list of the party is open to the public. People may join and withdraw from political parties freely. They may join this party today and switch to another party tomorrow, and they will not be blamed and criticized, their business will not be affected and they will not be put under surveillance. Hence, in an open society, people will have greater drive to join political parties.

Germany is another example. It is stipulated in the constitution of Germany that adequate resources must be provided to various parties to prevent the recurrence of the heart-rending mistake during the pre-war period of the Second World War, when the entire country was under the control of a dictator. Hence, in Germany, apart from political parties, the Government also funded the establishment of centres which have the dual function as training centres and think tanks, to organize various kinds of workshops. Students can, during their secondary and university years, visit different centres to understand the values and vision of every political party. Students can be on attachment to the training centres of different political parties and groupings, and they do not have to join any political party at that stage. When they decide which political party they will join, they have already acquired sufficient understanding of that political party. They will have developed very mature concepts about politics and this will lay a good foundation for the development of political parties.

The fear for the emergence of two-party monopoly is actually unwarranted. Even Barack OBAMA is caught in the dilemma of the two-party political system. However, we may draw reference from the experience of the United Kingdom. When people are tired of two-party politics, the scenario of a hung parliament will arise. By then, small political parties will propose the implementation of the proportional representation system, and a referendum will then be held to decide the constitutional system to be adopted. We people of Hong Kong are green with envy about this. However, the premise of this practice is that the design of the entire system of the country must be open and democratic, for only under this environment can political parties develop healthily. Though political parties are very often regarded as the lesser of two evils, this is an indispensable component in a democratic system.

Chairman, a healthy political party is conducive to the passing on of values and visions. People sharing the same values and objectives will gather together orderly, and then pass on these values and visions to the next generation. Regrettably, we do not even have universal suffrage of "one person, one vote"

and a free nomination mechanism at present. This ideal is too far away from us today.

**MR ANDREW CHENG** (in Cantonese): Chairman, I am suffering from hyperactive airway these days and hence, I may cough while I speak. Please accept my apologies. However, seeing that Mr Frederick FUNG has made an effort to speak for the whole 15 minutes in his "sexy" voice, I also have the urge to voice my views on this Bill, particularly on the amendments so assiduously proposed by Dr Margaret NG of the Civic Party.

Chairman, I know you always strictly adhere to the Rules of Procedure. If I speak slightly off the subject matter of this amendment, please forgive me, for I could not speak during the resumption of Second Reading debate of this Bill due to sore throat. I will try my best.

The amendment under discussion now is whether the Chief Executive should have political party background. Chairman, like Ms Cyd HO, I am also an independent Member. I have only become an independent Member for less than one year. It would be one year on 23 June this year. Having been a party member for 10-odd years and left the party for less than one year, my feelings are mixed with bitterness and happiness. The bitterness comes from the fact my research department is only composed of me and another assistant. Previously, notwithstanding the lack of funds, the research department of the Democratic Party was staffed with 10-odd research assistants. Hence, the party has a relatively sound and mature mechanism to provide assistance when members tackle with various policy issues or the budget. The happiness comes from the fact that I no longer have to attend caucus meetings, (*Laughter*) and I am at liberty to vote according to my wish without having to follow any contradictory stands. I have more liberty.

(Some Members said "Liberal Party")

Yes, even the Liberal Party supports this amendment today. I cannot help but think that everyone, regardless of whether they have any political party background, must ponder on the future of Hong Kong's political development.

Just now, Ms Cyd HO mentioned that there were also shortcomings with political parties, that is, the presence of power struggles within political parties. As a matter of fact, there are bound to be strife wherever there are people. This is the weakness of human beings. For instance, family members of some billionaires scramble for family properties even when the billionaires are still alive. Therefore, when facing the allure of political powers, how can political parties not fight against with each other? This is just normal. Even within the Government, would you say there is no power struggle? I absolutely do not think so. There are bound to be struggles whenever powers are involved, and where there are people, the presence of political parties is just secondary. Hence, power struggles among and within political parties should not be an issue of concern in considering whether or not to support the proposal that the Chief Executive may have political party background.

The problem lies in which is the lesser of two evils and whether it will be more conducive to the development of society if the leader is with or without political party background? If we take the development of events concerning the Budget during the week, the choice really speaks for itself. If the Chief Executive has political party background, he would have an established direction of development with regard to the fiscal measures and policies during his term of office spanning several years. For instance, he would have an overall strategy and framework in handling profits tax and salaries tax, addressing the issue of tax bands, handling the development of land and implementing retirement protection schemes. However, the performance of the Financial Secretary in the past few days has fully demonstrated that the SAR Government is completely disoriented. Originally, the Budget lacked specific direction of development and deviated from public opinion, now it has turned to be a "cash handout" proposal to appease the public without making any commitment. The SAR Government is acting like a blind man feeling an elephant, taking a part for the whole. This situation arises because the entire Government, from the Chief Executive down to the Secretaries of Departments and Directors of Bureaux, does not have a single vote in the Legislative Council; they have no votes at all. In the Legislative Council, the number of Members with votes in hand and with political party background is on the increase, and there are increasing numbers of political parties and groupings. For example, there is the newly formed New People's Party. Other grouping such as Community 18 or the so-called group of five may eventually develop into political parties. As proportional representation system is adopted

for the Legislative Council election, small parties stand a better chance of getting more seats if they are more in number. If the Chief Executive and his governing team do not have political party background, I can hardly imagine how difficult it must be for them to liaise with various political parties, big and small, in the Legislative Council. The work will undoubtedly be strenuous and complicated.

If the Chief Executive belongs to one of the political parties, say the party to which the Chairman once belonged, that is, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), the party platform of DAB will certainly become the focus of discussion in the coming five years. If the policies are implemented successfully, he will stand a good chance of getting re-elected. Otherwise, it means the policies and direction of the DAB are wrong and another party will replace the DAB.

Social unrest is primarily caused by the lack of leadership of the government. Let us look at the situation in some Middle East countries, one of the causes of social unrest is that the government is dictatorial, corrupted and autocratic; another cause is the lack of a direction of development, with so many voices in society but no leader. Everybody thinks that he is the best, and everybody wants to take the helm politically and become the leader. The Chief Executive does not belong to any political party and his most impressive slogan in his election campaign is, "I'll get the job done". He is merely doing a "job" and he always claims himself a civil servant with the people as his "boss". Therefore, the people must come forward and make their views known, telling the Chief Executive how to "get the job done". In fact, the march this Sunday is the primary reason the Financial Secretary revised the Budget proposals.

Rumour has it that the Financial Secretary felt indignant about it. When asked by some Members of the pro-establishment camp what his future plans were, he said that the future plan would be left in future. I am really quite speechless, but I must say this is just hearsay from news reports. If the Financial Secretary is acting like this or adopting such an attitude, what credibility does the Government have? What commitment does it have? The Government obviously acts without forward planning. No matter what the problem is, it invariably says it has no idea and takes actions without considering the consequences. Obviously, the Central Authorities consider that the march on Sunday will cause social unrest. Hence, the SAR Government was asked to

resolve the matter within a few days by making the people happy. How happy the people were yesterday, they called each other, breaking the news of getting \$6,000. In a television interview yesterday, some grassroots said they could hardly believe that they were going to get \$6,000. For poor elders who earn their living by collecting cardboards, they feel overjoyed and incredulous about getting \$6,000 out of the blue. For those who plan to buy the new iPad launched today, they are also overjoyed because the Government is paying for their new iPads.

A government with a long-term vision should not aim at delivering such short-lived joy to the people. In fact, the Government can use the tens of billions of dollars to set up a seed fund for implementing the retirement protection scheme we have been advocating for years. Why is it necessary to levy taxes in society? It is because we hope that through the tax levy, the Government can make proper use of the money to, *inter alia*, help the needy in society. In fact, the Government can make good use of the tens of billions of dollars to implement the retirement protection scheme or resume the Home Ownership Scheme immediately. The Government should at least start to make plans for the implementation of these measures right away, but it has done nothing.

As such, I would like to ask Members who do not support this amendment today, particularly those who follow the whim of the Central Authorities, the following question: If you accept the rule of the Communist Party in the Mainland with a population of 1.3 billion, why do you not accept to elect the Chief Executive with political party background in Hong Kong? I really cannot figure out the rationale, the only rationale is that "Grandpa" has the final say. If "Grandpa" does not like the idea for the time being, they must make up some excuses why the idea should not be taken forward. With the development of political parties in future, I think it is quite acceptable if a candidate states openly in his platform that he is a member of the Communist Party and if he is supported by the people. The Communist Party is also a political party, right? Of course, the Chinese Communist Party is now plagued with internal problems such as graft and corruption. Being a Chinese, I also hope it will eventually embark on reform. Otherwise, it will be rejected by the people.

Therefore, in well-developed countries, if political parties can nurture political leaders, the society will be relatively mature and less susceptible to social unrest. Some people say Taiwan is seemingly more mature because of the

existence of the Kuomintang and the Democratic Progressive Party and everyone is "colourized". However, as Dr Priscilla LEUNG has just said, if members of the same family support different parties, they may treat each other as strangers. I have heard similar stories as well. However, I think this may be just an extreme case. In less extreme cases, I think it is quite acceptable for members of the same family to have different political views because they do not necessarily discuss politics all the time. They can talk about what to eat for dinner, where to go for vacation, and so on. For some families, they may have to work very hard to earn a living. Despite having different political views or stands, people living in the same community should not be too divided. As I have just pointed out, the biggest problem faced by Hong Kong can be manifested in the Legislative Council. For the democratic camp, there are the Civic Party, Democratic Party, League of Social Democrats, People Power just set up by Mr WONG Yuk-man and Mr Albert CHAN, as well as the Hong Kong Confederation of Trade Unions. As for the pro-establishment camp, there are the New People's Party, Liberal Party, DAB, the so-called Group of 18, as well as Kowloon West New Dynamic, which I always forget to mention. With so many parties and groupings, to which direction should the society move and who should we follow?

The Chief Executive said, "I'll get the job done". Since he does not know what he should do, he just does nothing. He is actually not taking any actions. I honestly do not think he has done anything lately. With just about one year or so left, what more can he do? Although it looks as if he was pushed by someone's elbow, I actually cannot see what had happened, some friends said jokingly that the protestor definitely did not push the Chief Executive, as he just could not get near him. The Chief Executive should have been pushed by the security officer, and I do not know why the security officer pushed him. The problem is the Chief Executive is now in a miserable condition with very low popularity. Should we consider carefully the future development of our society? Should our leader have sound ideas of governance as well as a political platform so that he can represent a large group of people? As the ideas of this large group of people gradually become the mainstream, our society will become relatively stable as it moves away from the present situation where there is neither leadership nor social coherence and everyone is striving to become the leader. This is really very pathetic. Thank you, Chairman.

**MR WONG YUK-MAN** (in Cantonese): Chairman, it has been my conviction that political parties are only the means, people are really the ends. The establishment of a political party aims to unite a group of people who aspire to and share common convictions. They unite for their shared similarities, and they do not become identical for the sake of unity. After the establishment of the political party, they can, through election, inform the public of their common advocacies, and through election, they can wield power. In this way, the so-called ruling party and opposition party are formed and their differences distinguished. All this is a matter of common sense, which need not be discussed here.

The principle I wish to discuss first is that while political parties are only the means, people are really the ends. However, this principle is often ignored. Some people even think otherwise, regarding political parties as the ends and people as the means. Our biggest political party in the democratic camp is acting this way, which is very obvious to all. It supported the constitutional reform package to secure its power and retain its seats. However, today I will not spend the 15 minutes criticizing them. I only wish to engage in political discourse. MAO Zedong's one-party dictatorship was based on two theories, first the theory of class struggle, and second, MARX's theory of periodization of history. Chairman, I believe you have a sound understanding of these theories. According to MARX, human history went through five periods. The first period was the primitive society where class struggle did not exist. It was an embryonic form of the communist society. Human society then moved to the slave society where class struggle emerged, with confrontation between slave keepers and slaves. Later, human society moved to the period of feudalism where there was confrontation between serfs and landlords. Then came the period of capitalism where there was confrontation between the bourgeoisie and the proletariat. The revolution started by the Communist Party aimed at wiping out the bourgeoisie in the capitalist society to build a proletariat society. The fifth period of history was a communist heaven. However, while heaven has yet to arrive, people have been groaning over and over in hell.

MAO Zedong was a follower of MARX and LENIN. Therefore, he maintained that the country was a tool and so were the political parties. Why did the Communist Party cling to long-term rule? The reason was that upon the final transformation to a communist society, the proletarian revolution should have attained success and the bourgeoisie should have been wiped out



completely. It served no purpose for a country to exist, and the same rule applied to political parties. The Communist Party was a proletarian political party, it initiated a proletarian revolution to wipe out the bourgeoisie, so it had to exercise one-party dictatorship. Therefore, MAO Zedong also claimed that it was New Democracy. Right, Chairman? I believe you are very familiar with all these. What he wanted was one-party dictatorship. He did have political parties in mind and it was the Communist Party. MAO Zedong thought that in China — his theory was the same as that of LENIN. In the Soviet Union, there was no room for other political parties, more so for the opposition parties. Only one party was allowed in the whole country, and that is, a proletarian political party, which was a political party mainly comprising workers and farmers. This was the ultimate goal of MARX's so-called scientific socialism. Therefore, one-party dictatorship is a must.

During the Anti-Rightist Movement, people spoke out and aired views freely. MAO Zedong said it was an overt plot to "draw snakes out of the hole", but people thought otherwise, saying that it was a covert plot. Chairman, you should have read the article written by Chairman MAO titled "The bourgeois direction taken by *Wen Wei Po* should be subject to criticism". I tell you, this type of article aimed at criticizing and denouncing the rightists. MAO Zedong said years ago that the Communist Party was willing to accept criticisms. Blame not the speaker but be warned by his words. People thus spoke out, and later, they were all arrested. People claimed that was Chairman MAO's covert plot, yet he said it was an overt plot to "draw snakes out of the hole". This concept of "drawing snakes out of the hole" or an overt plot was explicated in the article titled "The bourgeois direction taken by *Wen Wei Po* should be subject to criticism". Chairman MAO had writings, unlike our present political parties which are so "rubbishy" that no explications were given at all. It does not matter whether or not you agree to his argument, you cannot deny that he had explicated his arguments. Of course, his explications were just some deceitful lies. In the end, notions such as New Democracy, proletarian dictatorship, and so on, are just all deceitful lies, right? "Call us Emperor Qin Shi Huang; call us dictators, we admit. It is a pity that you have not said enough, and very often we had to supplement." These were the words of Chairman MAO. In his view, as they wanted to have proletarian dictatorship, they certainly had to exercise dictatorship. What they wanted was proletarian dictatorship, which was ten thousand times more autocratic than the dictatorship exercised by Emperor Qin, so people should stop calling them Emperor Qin Shi Huang. How formidable he

was! He simply is my idol. Perhaps he was once your idol as well. This is the basis of the theory of one-party dictatorship. While political parties are only the tools, people are really the ends. This is the theory of political parties explicated by MAO Zedong.

However, ROUSSEAU, the pioneer in western democracy, also regarded political parties merely as a means, or even a completely unnecessary means. Some people may think that I only good at insulting others and stirring up troubles in this Council. Actually, I have always been keen on engaging in political discourse as well, Chairman. In 2009, after my first year as a Member of the Legislative Council, I wrote a book titled *毓民議壇搞事錄* (*Record of Yuk Man's trouble-making acts in the Council*). I am now having the iBook at hand and I do not need to take the book out. Please allow me to read you a paragraph. The preface of my book is an article titled "Exactly who are represented by political representatives?" Please allow me to read a paragraph aloud, Chairman, "People with some knowledge of the theory of democratic politics are quite familiar with the ideas of 'social contract' and 'general will' by ROUSSEAU, the pioneer in democratic theories. However, two other ideas of ROUSSEAU have all along been neglected. First, in his view, a representative system is only a political ideology between autocracy and democracy. Sovereignty is inalienable, and the will cannot be represented. Thus, there should not be any representative systems. According to ROUSSEAU, legislation should be approved and scrutinized by the people themselves. Otherwise, the legislation should be deemed void. Second, in his view, political parties were completely unnecessary in democratic politics. To its members, political party represented a 'general will', but to the country, it represented an 'individual will'. He said, 'Once there are political parties, the situation of having the equal number of people and voters will no longer exist. Instead, the number of political parties will equate with the number of voters.'" This is a lengthy paragraph discussing exactly who are represented by political representatives. This is indeed a lengthy paragraph. I then talk about exactly who I represent, but I will not dwell on.

Hence, ROUSSEAU advocated direct democracy, and opposed party politics and parliamentary politics. However, what he advocated was a utopia, an utter utopia, right? At present, our political parties are bickering, and according to his theory proposed all along ..... He proposed long ago various arguments to oppose representative government and party politics, right?

However, after ROUSSEAU had proposed the theory, party politics experienced a period of robust development. In other words, no one listened to his words. No one accepted his theories. Later, a man called SUN Yat-sen turned out to advocate civil rights. Again, no one listened to his words. Nowadays, some people criticize SUN Yat-sen for being autocratic at one time, advocating different phases of development, from military government to political tutelage, and eventually to constitutional government. The constitutional era came last. People did not know for how long the period of political tutelage would last, nor did they know for how long the military government would last. As a result, the Kuomintang was allowed to exercise one-party dictatorship for a long period of time. In the end, even the thinking of SUN Yat-sen was hijacked by other people, right? His thinking was hijacked by the Kuomintang. SUN Yat-sen was obviously a leftist, but they deliberately called him a fervent rightist. Actually, he advocated principles of people's livelihood, equalization of land ownership and regulation of capital. All this had a strong flavour of socialism. However, the Kuomintang later called him a rightist instead. In a nutshell, everyone betrayed his own class all the same. It was like ZHOU Enlai telling KHRUSHCHEV all those years ago that everyone had betrayed his own class. How interesting! How humorous! Right?

Such a utopia ..... Of course, I remember at the debate on the motion of "Resignation *en masse* of Members returned from five geographical constituencies as a referendum on the fight for dual universal suffrage in 2012" held on 9 December 2009, I said, "I have a lofty expectation for democratic politics. Or it may be said that I am expecting the emergence of a utopia. That is to say, when the day comes that direct democracy is mature and thinkers with noble sentiments do not need to stand for elections and the people will fall in with their thinking. True gentlemen form groups but not cliques. This is a solidarity grounded in common convictions and it is a group that transcends personal interests. It will win the trust of the people and political mavericks who manipulate party politics or personal advancement in power and position will be at the end of their wits. And the political assembly will cease to distort the views of the people. Although political parties still exist, they are unable to control the political assembly." Honestly speaking, I have to admit this really is just empty talk which is impossible to be realized.

This amendment today proposes that candidates running for the Chief Executive should have political party background. Members have many

different opinions, right? I have only raised some political explications ..... Well, it is proposed that candidates should have political party background. The present amendment puts forward such a proposal. There is no such proposal in the original Bill, okay? I have not got it wrong. Most of the friends from the democratic camp support the amendment. The Liberal Party also supports the amendment, right? However, I do not know whether the other political parties and groupings will render their support. It appears that the amendment will also be voted down. All the amendments proposed by Dr Margaret NG were voted down. Last night, I did not expect the debate would end so soon. After the Bill entered the Second Reading stage at nine o'clock, I thought the debate would carry on for a very long time and so I left. However, the relevant amendments were voted down quickly. This really puzzled me. Exactly where did Members of the democratic camp go? I thought that as it was only at the Second Reading stage, a long debate would be carried in the following morning to discuss such systems as bloc voting and single voting. I have even prepared a large amount of information on the multiple seats, single vote system, the multiple seats, multiple votes system, the proportional representation system, and so on. I had to give Members a lesson, buddy, right? However, it turned out that the amendments were voted down quickly yesterday. Therefore, Dr Margaret NG, you ..... I intended to speak in support for you. Even though I would not support your amendments, I mean I would abstain from voting for your amendments, I support the spirit and arguments you advocate. I have written about the spirit and arguments in the previous article that I mentioned. I have even compiled a table for each amendment. For instance, a table was compiled for the "multiple seats, single vote" system. Regarding the argument about the unjustifiable existence of political parties, I made an impromptu comment as I did not know that we would discuss this issue at this time; I am really unaware of that. I asked Dr Margaret NG and she told me that we were discussing this issue. I immediately thought of my electronic book which was stored in my iPhone. So, I made a search and tried to discuss some theories. In fact, Members should understand some theories to freshen up their mind. Regarding the Government, for sure it has no intention to develop party politics, right? How can the Government support the development of party politics by just allocating \$12 for each vote? Mr LAM, whatever explanation you give, I still felt perplexed. I have just said that "political parties are the means and people are the ends". I have told you the theories of Chairman MAO as well as the theories of ROUSSEAU. And then I have told you that it is extremely difficult to develop party politics. However, under today's highly politicized

circumstances, the Government can do nothing but face the reality. It must legislate for party politics or regulate its development. It cannot evade considering this issue.

Of course, this does not contradict to my previous explication. My previous comments on political parties are just explication to tell Members that party politics will not work in the end, it will only lead to a scenario where the number of political parties equals to the number of voters. This is what has happened right now, right? Presently, the number of political parties equals to the number of voters. For instance, at present, a majority of Members belong to the pro-establishment political parties, there are hence more votes. However, it cannot be thus said that candidates running in the Chief Executive Election cannot have any political party background. I think there is something wrong with it. Of course, I am extremely pessimistic about party politics, especially the development of party politics in Hong Kong. I have no expectations at all. Hence, I think it is of no great importance, as I can found a political party and disband it. This reflects the principle of "political parties are the means and people are actually the ends". It is that simple. People having different aspirations can never work together. People unite for a common cause. Once things do not work out right, it is time to say goodbye. Some people asked me if I was loath to break up with the political party founded by me. Why should I be loath? If I had a son and he was disobedient, I would kick him out of my house, it is that simple. If you think a political party must last thousands of years, you will definitely take the path to dictatorship. This is a very simple truth. If you consider that a political party is your only ends, you will have to give up all your own independent will for this political party ..... Some people again query whether I am self-contradictory. I am not self-contradictory. I always consider that political parties are just a means. If the means go wrong without even meeting the ends, it is time to break out. What is wrong with this? Only some people are still indecisive, right? My stance is very clear. I have my own view on party politics. I think disbandment is no big deal. Regarding the forming of the People Power, it is not a political party but merely an alliance. At present, whether it has any room for survival remains unknown. It is formed by four organizations. Is it going to split up further in the future? This is another story. The splitting up of a political party is a normal state of affairs, Chairman, right? Which political party does not experience an apparent split? The Communist Party .....

**CHAIRMAN** (in Cantonese): Please speak on the new clause 3D.

**MR WONG YUK-MAN** (in Cantonese): I am speaking on that clause. Clause 3D is related to political parties, right? Which political party does not experience a split? Only the Democratic Alliance for the Betterment and Progress of Hong Kong will not split. Under a unified leadership, it will not split. Once it turns diversified, it will definitely split. Chairman MAO once said, "The absence of any factions inside a political party is most bizarre." My argument is very simple. Party politics is a product helplessly produced in the development process of representation politics. We are now discussing representative government which is indirect democracy. Our present indirect democratic system is more indirect than indirect democracy because only one-half of the seats are returned by direct election. In my view, under the situation which is more indirect than indirect democracy, it will not do any harm to talk about party politics. However, when the representative government turns sophisticated, and when the power of the people is eroded by political parties, direct democracy should be implemented, Chairman, am I right? This is all I have to say.

**MR ALBERT CHAN** (in Cantonese): Chairman, the 1980s was the brewing period of the formulation of the Basic Law of Hong Kong and the restrictions for the Chief Executive Election. The formulation took place after the 4 June incident. If we take a look at many of the provisions, we can find that first, the logic involved is extremely ridiculous; and second, the system lacks a theoretical basis. After its implementation for some time, in the past decade or so after the reunification, we observe that the relevant thinking at that time was immature as well as impracticable, in particular the electoral system for the Chief Executive and the restrictions imposed.

The top leaders of Hong Kong, either the Chief Executive or the Financial Secretary, always say that we have to "keep abreast of the times". However, the political system of Hong Kong, especially the electoral system for the Chief Executive has never kept abreast of the times. Not only has it not kept abreast of the times, it has actually lagged behind the current situation, the times as well as the development of situation. I believe there are almost no places in the

world which require their candidates running for the top echelons of the government to have no political party background.

The formulation of this requirement at that time was based on two kinds of fears. At that time, Hong Kong was not yet returned to the Mainland, if the candidates were allowed to have political party background, the people of Hong Kong might fear that the Chief Executive would be a member of the Communist Party. Over two decades ago, China just launched its reform and open-door policy, absolutely no one at the time would have thought that the pace and enthusiasm of the Chinese Community Party in moving towards capitalism would even be faster and on a fuller scale than the progress of capitalism in the 19th century. Hence, due to the fear at that time, the people of Hong Kong thought that the restriction on political party background could at least ban members of the Communist Party from being the Chief Executive.

On the other hand, the Communist Party feared that members of the democratic parties might become the Chief Executive in the future. If someone opposing the Communist Party or against the Community Party occupies such a top position, it is unacceptable to the Communist Party. Due to mutual mistrust, as well as this fear mentality at that time, the people of Hong Kong generally accepted the requirement of no political affiliation. Of course, there were also many voices of opposition. I also considered then that such a requirement was absolutely not a normal and reasonable practice in terms of governance. It is because when governance is concerned, it is necessary to have a set of established foundations that people can understand and look forward to in terms of theoretical basis, systems, policies and policy objectives. For those who take up the position of the Chief Executive on an *ad personam* basis, let us review the selection method and background of the Chief Executives of the previous two terms in Hong Kong, namely TUNG Chee-hwa and Donald TSANG. If you criticize them for lacking theoretical basis or policy objectives, this is actually not the case. However, people often had to learn about that after the election, that is, they only learnt about the theoretical basis or policy objectives of the Chief Executive when he officially assumed office.

People criticized TUNG Chee-hwa by calling him "a muddled old fool". When the top leader is being criticized as "a muddled old fool", the prestige of governance should have all gone. The popularity of the two terms of Chief Executives stood at a high level when they first assumed office, thanks to the

flattering of the king-makers and the media, the blessings of the Central Authorities, as well as the praises of those bootlickers describing them as invincible. Hence, both of them enjoyed high popularity rate when they first assumed office. However, when the honeymoon period was over, things went from bad to worse. Their popularity rate dropped so drastically that it was even worse than the collapse of the stock market.

Apparently, there is an obvious gap between the performance of the two Chief Executives and public expectation, which indicates that something goes wrong with regard to their policy objectives and concepts of governance. It is because when they govern on an *ad personam* basis, without being affiliated to any political parties, and in particular, when they have to curry favour with those involved in the 800-people small-circle election, they have to govern by means of sharing political spoils, as a result, the general public would definitely opposed them and held them in contempt.

Hence, to date, 14 years have passed after the reunification in a wink, and we have been governed by two terms of Chief Executives. The Chief Executive of the third term will be selected next year. This is the high time to conduct a comprehensive review of the constitutional system. In fact, dual universal suffrage should be implemented in 2007 and 2008. A promise was made at that time, but we had been deceived. I have mentioned this point yesterday. However, during the governance of the two terms of Chief Executives, many problems have arisen in respect of their performance and governance. This is because if the Chief Executive has no political party background, he has to recruit members of his governing team from all sectors of society, which means sharing of political spoils I mentioned earlier. For instance, an optician was appointed to manage home affairs, and a "mediocrity" takes up the post of Under Secretary to handle the competition law. In terms of the entire concept of governance, the team has no base for co-operation at all. Why should there be political parties? It is because when a group of people become the leading officials of the Government, they must have shared aspirations and a base for co-operation. It is like a soccer team. What are the reasons for Barcelona's success? Apart from doing a good job in youth training, a base for co-operation is established among players after a long-time integration. Having lots of money to buy good soccer players cannot guarantee good performance of the soccer team. Such examples are clearly seen in many systems and organizations.



The current situation is that after the Chief Executive Election, an "army of amateurs" is formed. Sometimes, people are deployed for the wrong posts. The approach adopted by Donald TSANG is to form of a civil servant party, which has an excellent base for co-operation but lacks a theoretical basis. Civil servants always act as instructed by their supervisors, they do not have any ideas of their own and thus can accept any instructions. This is different from the development of political parties. The Communist Party has a very clear idea about the development of political parties.

Hence, many things go wrong in the governance of Hong Kong. For instance, the recent Budget has been revised all of a sudden. This is, again, the mode of thinking of civil servants. At first, they failed to understand the opinion of the public. When they finally learnt what the public wanted, and being pressed by some other top officials, they just revised the Budget! Civil servants have long used to "knocking down the person I was yesterday by the person I am today". This is their common practice and they could not care less. They are only "doing a job". As they have been civil servants for over two decades, how can they change after taking up a political accountable post? Donald TSANG is like this, so is John TSANG. He has been a civil servant for two to three decades. In the past, he only followed the instruction of his master. In the past, he would simply follow the decision made by the Governor-in-Council, or he would act as told by his high-ranking supervisor, regardless of how twisted and contorted the instruction was. Years ago, when HSU Hsung prepared the Green Paper on the Representative Government, he twisted it to a ridiculous extent. However, after the Green Paper was adopted and passed, he got promoted. This is the nature of civil servants. Hence, in terms of governance and enforcement skills, the present civil servant party is, of course, more proficient than those accountability Directors of Bureaux who joined the Government from the public sector. However, in terms of governance concept and value, the civil servant party often lacks a set of complete or traceable mode of thinking and political concept.

Hence, today, the governing teams formed by the two terms of Chief Executives have been fraught with problems. It is time for making some specific changes. Hong Kong needs changes. Even the Communist Party is changing! The Chinese Communist Party made an unprecedented change at the general assembly of the previous term by declaring the Communist Party as the ruling party. This year, the Communist Party has founded 90 years and has been

in power for over 60 years. However, at the general assembly of the previous term, it was unprecedentedly declared that the Chinese Communist Party was the ruling party. This is a change as compared to the past theoretical basis, which emphasized on proletarian dictatorship. If the Communist Party declares itself as the ruling party, it definitely has to make room for the establishment of opposition parties and the development of relevant powers sooner or later.

As the Communist Party is changing, how can Hong Kong remain unchanged? If Hong Kong does not change, it will keep repeating past mistakes, resulting in governance chaos. The situation after the next Chief Executive Election is going to be the same, regardless of whether Henry TANG, LEUNG Chun-ying or Rita FAN is elected as the Chief Executive. Chairman, I recommend you to be the Chief Executive. I think, among them, you are the most suitable to be the Chief Executive because you have political party experiences, as well as actual experiences in running in elections. The baptism of democracy is of paramount importance. For any political figures, especially in top-level elections, the baptism of the democratic direct election is of paramount importance.

If Michael TIEN does not intend to participate in direct election, why is he willing to be a cleaning worker for two days? Go and ask the Administrative Officers to do so. Years ago, flats in Tin Yan Estate were so small that residents could not sleep well, I challenged the then Deputy Director of Housing that we would separately stay in the flat for one night, but he refused to do so. The toilet of the flat was so small that a slightly stout person was unable to go in. I challenged him to stay there for several days but he was unwilling to do so. However, when you intend to participate in direct election and face the masses, you have to understand and try to prove to the masses that you are willing to experience their mode of life. Hence, direct election is of great importance.

Of course, if the Chief Executive is allowed to have political party background, some party members will inevitably experience the baptism of direct election through different channels. Of course, under the present system, the Chief Executive will still be selected in a small-circle election. However, in future, candidates will be selected by a small-circle nomination committee, under the manipulation of the Communist Party. The Chief Executive will then be elected by the people of Hong Kong in a one-person-one-vote election. However, this is a fake election after all. It is most likely that there will only be

one candidate running in the 2017 election. Under the manipulation of the Communist Party, the nomination committee will definitely nominate one candidate only. It will certainly not nominate two candidates for people to choose.

Hence, under the system in which political party background is not allowed, the seriousness of its consequences has been clearly seen over the past decade or so, which has led to blunders in governance and suffering of the people in Hong Kong. When we found that there are problems in the system, objective and mode of governance, causing suffering to the public, the problems should be rectified. Therefore, if Members still insist on their stance and persist with their stubbornness to continue listening to the command and instruction of the Communist Party, let me tell you, in the end, the general public of Hong Kong and the economic development of Hong Kong will suffer.

Hence, in my view, Dr Margaret NG's amendment precisely points out the crux of the current problem. This review is of great significance. After this review, the next review will only be conducted possibly after 10 years or so, meaning if we allow a ridiculous and wrong system to be in place over the next 10 years, we will have to be tolerant of it and forced to accept the blunders, and the masses will have to keep on bearing the pain. Of course, many of those who have power and influence will keep on sharing the political spoils and gaining benefits. They will keep on amassing wealth, holding high position and great power, as well as colluding with the Government and the business to transfer benefits. They, as an individual or a group, will definitely keep on enjoying all the benefits. However, history will eventually point the finger at this problem. History will eventually point the finger at this gang of people. They will eventually be condemned by history and condemned by the people.

**MS AUDREY EU** (in Cantonese): Chairman, first of all, I wish to explain clearly the contents of the amendment proposed by Dr Margaret NG today, particularly to Dr Priscilla LEUNG. It is because though she has spoken passionately for 15 minutes, she has got the basic contents of Dr Margaret NG's amendment all wrong. Therefore, all she has said is "gibberish". In her speech, she said Dr Margaret NG's amendment required the Chief Executive to have political party background. Dr Priscilla LEUNG, sorry, you are wrong.

Chairman, the Chief Executive Election Ordinance was enacted in 2001. The requirement in section 31 was included in the Bill at the time with the aim of banning the Chief Executive from having any political party background. If a person with political party background, or a member of political party wishes to run in the election, he must make a declaration before the election saying he will quit the political party if he wins the election. If he really wins the election afterwards, he must officially cut all ties with the political party he belongs to. This is how it is written in section 31 of the Ordinance.

Dr Margaret NG's amendment is very simple. It only proposes to repeal this provision, and not to require the Chief Executive to have political party background. It proposes to lift the ban of requiring the Chief Executive not to have any political party background, that is, to repeal this ban. It is as simple as that. It does not require that the Chief Executive must have political party background. However, Dr Priscilla LEUNG kept saying that political parties were not generally accepted at present. So, this was not the time to require the Chief Executive to have political party background. She has spoken for 15 minutes but got it all wrong. Therefore, I wish to state clearly from the very beginning the contents of Dr Margaret NG's amendment.

Chairman, I also wish to bring up a point, perhaps some Members may think it is less important. However, it is actually quite important because Article 27 of the Basic Law clearly stipulates that the people of Hong Kong enjoy the freedom of association. In other words, everybody has the freedom to join a political party. However, section 31 of the Chief Executive Election Ordinance deprives the Chief Executive of this political right and basic right. As he cannot belong to any political parties, it means he cannot enjoy the freedom of association. Actually, it really violates Article 27 of the Basic Law. Hence, I think this point must be clarified here.

Chairman, when the Ordinance was first introduced in 2001, I was a Member of the Legislative Council then. Although I was not a member of any political parties, I opposed section 31 all the same because I thought the provision was absolutely wrong. However, over the years, this provision still remains valid. I am very pleased today that Dr Margaret NG proposes this amendment to give us an opportunity to bring up this issue again.

Chairman, I think Dr Margaret NG's amendment today involves an important issue, that is, if we are not willing to carry out any reform in this regard, Hong Kong will be stuck in an impasse. Chairman, why do I say so? Among the Members who have spoken today, some of them render support because they think that Dr Margaret NG's amendment is on the right track in terms of governance, concept, and so on. Some other Members think that Dr Margaret NG's amendment is justifiable, meaningful and logical, but right now it is not the time and the restriction has to be abolished in the long run. Chairman, to put it bluntly, what goes wrong? It is the one-party dictatorship. Why do I say that? Please listen to Dr Philip WONG's speech. His speech is very interesting. His remarks are very simple. He said, "Regarding Dr Margaret NG's amendment, does it assume that it has got the support of political parties? If the candidate has a Communist Party background, at this moment, it is unacceptable to me." He sat down after making these remarks. These are more or less his words.

Chairman, in fact, to put it bluntly, Hong Kong is part of China and China is now under one-party dictatorship, that is, under the Communist Party; the mere mentioning of the Community Party would cause fear among the people of Hong Kong. Even Dr Philip WONG has to rise in this Council to say that he cannot accept the Communist Party. Chairman, you were once asked if you were a member of the Communist Party, and you refused to answer. Whenever LEUNG Chun-ying hears people call him a communist, he denies immediately. In Hong Kong, the Communist Party is unacceptable to the public. So what should be done to this Ordinance? If candidates with political party background are allowed to run in the election, and the person elected is not a member of the Communist Party, how can this result be accepted under the one-party dictatorship? However, if the person elected is a member of the Communist Party, he would not be accepted by the people of Hong Kong. Hence, we are stuck in this impasse, meaning in short, that the Chief Executive elected cannot belong to any political parties.

Chairman, as mentioned by other Members who spoke earlier, if the Chief Executive-elect has no political party background, no vision and "a loner", what will happen? Before he is elected, he does not have a support team, and he has to employ many temporary workers to help in the electioneering work. We never know who are those who support the candidates in running for the Chief Executive. These are substantial problems, but the people of Hong Kong are

unwilling to face them; the Central Authorities are unwilling to face them; and the SAR Government is also unwilling to face them.

Chairman, Dr Margaret NG's amendment today is really related to the crux of the matter. In the wake of the Budget farce, we Hong Kong people really have to be honest with ourselves and ask: What exactly do we want? If we want democracy, do we have a genuine democratic system, do we have a political system to nurture political talents who know the ABC of politics? These people should not be like the Financial Secretary, when being asked how much did it cost for a dish of rice with grouper and corn, he replied that he did not like the food. This is actually the ABC of politics! As a political official, his answer definitely failed. Chairman, how can this possibly happen? After the formal delivery of the Budget, we all refused to accept it, subsequently, he made a 180-degree turn and ate his own words. Just read today's newspapers and listen to radio programmes, there are already voices asking whether or not the Financial Secretary should step down. Chairman, this is not only a farce, but also a tragedy. After the Financial Secretary's announcement of the Budget which had significant impact, some pro-establishment Members who had enough votes in hands asked for an interview with the Secretary, claiming that unless the Government made a U-turn and "handed out candies" immediately, they would not be satisfied and would not endorse the Budget. Chairman, when the Financial Secretary was asked what he would do next time. He replied that he would decide when the time came. Nobody dares to demand the stepping down of the Financial Secretary now, because if he does step down, who will be the Financial Secretary? Who will manage our Budget?

Chairman, this is the impasse in Hong Kong. In mentioning the principles of "one country, two systems; Hong Kong people ruling Hong Kong", how can we govern Hong Kong under these principles? Chairman, although you keep saying that Mr LEUNG Kwok-hung has digressed from the subject when he speaks, I think one of his remark is worthy of our further thoughts. He said that if people with political party background were not allowed to be the Chief Executive, it was like "a blind man riding a blind horse approaches the brink of an unfathomable pool at midnight". However, he used a relatively down-to-earth simile. He said it was like drinking a bottle of beer without a label, and actually it was "sewage water" that you were drinking. I think this remark is worth pondering upon by the people of Hong Kong. We keep saying "one country, two systems; Hong Kong people ruling Hong Kong"; exactly what is "Hong

Kong people ruling Hong Kong"? The Chief Executive is not even allowed to belong to any political party! Chairman, may I ask how can "Hong Kong people rule Hong Kong"? Ms Cyd HO has it right. She said that at present, the "Western District party" was in greater power than the "Central District party", and that the "Western District party" was ruling Hong Kong.

Chairman, the governance of Hong Kong cannot be treated as a joke. I think the people of Hong Kong should engage in introspection; so should the media, the academics and the Central Authorities; of course, the SAR Government should engage in introspection as well. For a government with no political parties, no visions, no supporting teams, should anything happen, the problem will be shifted from one party to another. Let me give a very simple example. From the perspective of environmental protection, I think 16-seater minibuses should be replaced by 20-seater minibuses. The trade can then immediately change its fleet to "long wheelbase" vehicles which are more environmental friendly. Moreover, the situation of air pollution can be greatly improved. I enquired the Environmental Protection Department about this issue. They told me that they supported the proposal but the Transport Department opposed the proposal for reasons that it had to lobby the support of the taxi trade, and so on. Hence, the proposal cannot be implemented no matter how environmental friendly it is. That is how things go. Whenever we bring up an issue related to any policies, they always shift the responsibility to the Development Bureau, claiming that the policies cannot be enforced due to a lack of land.

Chairman, I do not know how the SAR Government is governing Hong Kong now. By governance, it does not mean that the election of the Chief Executive is tantamount to horse racing, a process when everybody is having fun, and the one who has the blessing of the State will win the race. Rather, he has to learn through practice, from the basic level, or as mentioned by Mr LEE Wing-tat, being a "red-pant" apprentice or doing district work. He has to obtain assistance from a large number of people and get various types of training until he really establishes a sense of affinity, a vision and a sense of consistency before he can take up the post of the Chief Executive, the Secretary of Department or the Director of Bureau. My present feeling is that no matter whom we demand to step down, a more important problem is who will fill the post afterwards? Chairman, I have always maintained that the Government should not assume that the \$6,000 handout alone can solve the problem. Does the handing out of

\$6,000 mean that the problems concerning property prices, wealth disparity, environmental and education issues will vanish? Of course, the answer is no.

Chairman, Mr Paul TSE also brought up a point worth further thoughts. He said that if there was no team spirit or party politics, everybody would adopt a "none of my business" attitude. Government officials have high salaries, and after staying in the post for several years, they can then earn "real bucks" outside the Government. Why should they care about accountability? It is a completely different story if political affiliation is allowed. There will then be a sense of continuity and a brand effect. Mr Frederick FUNG knows what to say if he speaks on behalf of the Civic Party; if he represents the DAB, he knows what the DAB would say; and if he represents the Democratic Party, he knows what the Democratic Party would say. The public need to have a brand name for identification. As "Long Hair" has said, if you drink a bottle of beer with no label attached, you may be drinking "sewage water". If there is a brand name, at least you can identify it and take follow-up action should any problem arise. I vote for you this time, but if you do not perform well, I will give my vote to another brand name in the next term. It is not like the present situation where every issue is "a one-off case". Every Budget is "a one-off case"; every Bill is "a one-off case"; and even every term is "a one-off case". It simply lacks continuity. How can we talk about sustainable development? The democratic camp has been asking the Government not to merely hand out cash, but also consider issues such as universal retirement protection and 15-year free education. Who will discuss these issues with us? Someone in the higher authorities made a decision and appointed you, you then form an "army of amateurs", and pass the ball from one party to another.

I think the people of Hong Kong really have to think deeply. The principles of "one country, two systems; Hong Kong people ruling Hong Kong" will not be materialized by mere talking, they can only be materialized through the development of party politics and the development of political parties with visions. Party politics does not mean coming together casually as a group for the purpose of election, or the formation of alliance at the time of voting. Of course, it does not mean allocating \$12 for every vote. Hence, I think the people of Hong Kong cannot demand democracy on the one hand, and hate political parties and fear political parties on the other. Political parties are open to the people. They are just a system, a tool as well as a means. If we really want "Hong Kong people ruling Hong Kong"; if we really want to develop party



politics, it is essential to repeal section 31. This is why I said that Dr Margaret NG's amendment today was the crux of the matter. If we are not determined to carry out reform in this regard, and to face this problem, we will be stuck in an impasse forever, drifting further and further away and having more and more difficulties. I think this year's Budget is actually an excellent case in point. We really have to ask ourselves what kind of a government do we want. What is meant by accountability officials? How come there is a Financial Secretary who has spent several months listening to the views of different sectors, claiming that even those who do not have a moustache can voice their views, and yet the Budget delivered by him is a "hotchpotch", lacking in foresight and unacceptable to all people? However, a few days later, after meeting with some Members of the Legislative Council and having secured enough votes to get the Budget passed, he did nothing. Chairman, what about the problem of an ageing population? Can we leave the problem not addressed? Do we have to wait for whoever is appointed as the Chief Executive of the next term to solve the problem? This is not sustainable development at all.

Chairman, I can only appeal to the people of Hong Kong, for your own sake and that of the next generation, come to Chater Garden at three o'clock this Sunday. We do not accept this Budget. We do not accept this Government as well. I think we really have to reflect upon this issue and support Dr Margaret NG's amendment. Thank you, Chairman.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, I really think that I benefit a lot sitting here, listening to Honourable colleagues' debate on this subject. The subject itself is of considerable importance, and it has also been widely discussed in Hong Kong. I wish to share with you some of my personal opinions after listening to some Honourable colleagues' views. Hence, my speech is sharing in nature.

How are political parties formed? I have participated in politics for several years. I personally think that the origin of political parties is the coming together of some people with the same or similar aspirations, sharing common views on public administration, the running of political life in society, as well as the formulation of policies. However, after a period of time, if they find that they have different views, or their differences are too big, they may choose to split. Hence, it is normal for members of political parties to get together or to separate. As a psychiatric doctor, I have associated this situation with that in the

schools of psychotherapy. There are countless schools of psychotherapy. For instance, in psychoanalysis, many different schools have been developed.

When people get together, naturally, they hope to participate in the political life of the local community. And certain electoral systems are in place in our society and in other places. To a political party, if one wants to participate in political life, the presence of an election machinery is essential. In other words, if an organization merely holds political discussions, such as a salon or an institute, a political party will not be formed. It is only when an election machinery is in place to support or motivate certain candidates and supporters to take part in elections in a well-planned and organized manner, a political party is thus formed.

In order to promote elections and motivate the supporting masses, a political party has to build up some social networks. For instance, establishing certain relationship with some organizations, or when elections have become more mature, there are some so-called "vote deliverers". In other words, political parties will, through networks, exert influence on the public and unite those who identify with the vision of the party.

I believe different political parties and groupings are actually doing the same tasks. Hence, it can be said that through inter-personal influence, the investment of a certain amount of resources and the presence of an election machinery, a political party, regardless of the nature of the so-called democratic system and political system of the place, actually exerts a strong influence on society. In this regard, I believe it is beyond any doubts. As in the case of Hong Kong, the situation around us is just the same. The opinion and orientation of political parties, through their networks and the heated response of the masses to their call, exert a great influence on society. Even some organizations or political parties outside Hong Kong with a similar vision may have some ties, exchanges and even collaborations with political parties in a region or society.

I have listened to Mr Paul CHAN's speech just now. I found his views pertinent, no matter whether we like it or not, people always ..... We take one step at a time, and we eat one mouthful at a time, so to speak. In fact, at present, regarding the development of political parties, the activities of political parties have been robust, but there is a lack of a comprehensive statutory regulation.

Why is there a lack of statutory regulation? I think many reasons are involved, which is a long story indeed. I believe many reasons are involved.

(THE CHAIRMAN'S DEPUTY, MS MIRIAM LAU, took the Chair)

Since political parties exert such a strong influence on society, when they have power, or when they gain greater power through election, is it necessary to better regulate these political parties? If there is an absence of a good regulatory system or measures, the power of political parties will go unchecked, and problems will arise. I am afraid this is not conducive to Hong Kong. I believe many Honourable colleagues sitting here may not like to hear these words. However, this is indeed the reality. The case is like a kid. Even though he has a strong build, he has, regrettably, an intellect of a small kid. As a matter of fact, sometimes in the process of development, waiting is necessary. Hence, under these circumstances, regarding the development of political parties in Hong Kong, it is necessary to have more time for deliberation and further discussion. Careful consideration should be given to the way forward.

At present, Hong Kong adopts the proportional representation system. Regarding this system, we can clearly see that it has hastened the birth of many different political parties, big or small. Hong Kong is not alone in this regard. Similar situation also occurs in other places of the world. Under the proportional representation system, as long as a political group secures the support of a certain number of the public, it will get a seat in the parliamentary assembly. That is why friends from many different factions and political groupings can have a seat in the Legislative Council today. At first, I am not very used to it. However, afterwards, I find it is something good after all. In fact, this precisely is a feature of Hong Kong's parliamentary system. Voices of different ethnic groups in society are represented in the parliamentary assembly, no matter how conservative, aggressive or liberal their ideas are. Hence, a much wider spectrum of public opinion can be reflected in the parliamentary assembly.

Relatively speaking, the United Kingdom adopts the two-party system. While I do not wish to criticize the United Kingdom, we see that the Labour Party eventually came into power and it turned out that what this so-called New Labour Party promoted was practically not much different from that of the Conservative Party, and the paths of the two Parties taken were quite close. Then, could the

New Labour Party still truly represent the working class? I really doubt it. Hence, this is not necessarily a good thing. When the two Parties are fighting for the leadership of the country, they may take a very close path, and consequently, people who want to make a choice cannot actually choose.

Of course, the proportional representation system also has its own weaknesses. The scale of political parties under this system is relatively small. A political party has a few seats. It is practically impossible for a political party to dominate and gain control of the whole parliamentary assembly. Even here in this Council, I believe the old friends of the FTU sitting in front of us ..... although the DAB is the largest political party in this Council, it cannot have a total control of the voting results without the consent of other political parties and groupings. This is the feature of this Council. What is the merit of this design? Although it makes this Council appear to be full of different voices and noises, the merit is that our society can be more tolerant and can embrace voices of the minority. This is the merit of the proportional representation system. I think in Hong Kong, it can be fully manifested in the Legislative Council. This is the present situation of the Legislative Council.

Regarding the existing electoral system, the Basic Law stipulates that the Chief Executive cannot belong to any political parties. What is my understanding of this phenomenon? Perhaps some Honourable colleagues will not agree to my views. I think this precisely tells the Chief Executive that the executive-led mechanism is like one side of the coin. Undeniably, the executive authorities enjoy great power. However, in no case must they forget that the other side of the coin is the Legislative Council that adopts the proportional representation system. Various voices in society are brought into this Council, which means telling the Chief Executive and the executive departments that if you wish to do a good job, you must have an open mind and listen to various voices in society, as well as consider the benefits and aspirations of different sectors in society. How can you know? Actually, Members will tell you. If you do not listen to the voices of Members and the people when the policy is at its formulation stage, after submitting the policy to the Legislative Council, you are forced to listen to these voices. In fact, there is wisdom in this system. In my view, in such an advanced society as Hong Kong; in such a highly-developed society as Hong Kong; and in such a society as Hong Kong where people are of a high quality and the atmosphere is good, we, the common folks, have the right to demand for an open-minded and tolerant government.

It has been a time fraught with difficulties lately. Policies introduced by the Government have been challenged to such an extent that revisions have to be made. On the face of it, the Government seems to be in an awkward situation. However, on another front, I think we should reflect on this situation. Is our system not working? I do not think so. Our system is like a complex musical instrument. You have to learn how to play it before you can produce lovely music. You cannot criticize the design of the musical instrument just because you do not know how to play it. The musical instrument will be at its best if it is in the hands of a person with sophisticated skills or training. These remarks of mine are my views on the present political system of Hong Kong.

Besides, I think that if the Chief Executive does not belong to any political parties, he will be urged to listen more extensively to different political parties and groupings, as well as different voices in society. If the Chief Executive belongs to a political party, he must follow the direction of that political party. Where will this eventually lead us? An Honourable colleague has just mentioned that the Prime Minister of Italy is changing like the spin of a windmill. If the Chief Executive must belong to a political party; if he is a member of a political party, he has to follow the vision of that political party, making it very likely that he cannot act in an open-minded manner. Then we may see that the Chief Executive will leave office just a short time after he takes it. And our politics will really turn unstable. Hence, in my view, it may be desirable if the Chief Executive can be relatively divorced from the political party system. This is my personal understanding of and reflection on the existing system.

**MR TAM YIU-CHUNG** (in Cantonese): Deputy Chairman, this amendment concerning whether or not the Chief Executive is allowed to have political party background has been discussed for some two hours — I think close to three hours. Members have put forward different views. A Member thinks that if the Chief Executive is not allowed to have political party background, Hong Kong will be stuck in an impasse, and this is the crux of the matter. Another Member thinks that countries worldwide are ruled and governed by political parties, and only Hong Kong is so special.

However, after listening to Dr PAN Pey-chyou just now, we can understand the reasons why such a stipulation was included in the legislation at that time. As far as I remember, before the establishment of the SAR, an organizing committee was set up in accordance with the Basic Law, which

comprised of members from all walks of life. During the transition period, we raised the issue that the Chief Executive would be elected by the Election Committee in future, which was a practice different from the past. We all thought that as the Chief Executive would be elected by ourselves, he should belong to all the people of Hong Kong, instead of belonging to just a certain political party. It was our concern that if the Chief Executive only belonged to a certain political party or grouping, he would pay heed to and trust only one side and act in a biased way under certain circumstances. Hence, this was the situation, as well as the majority view in society at the time. To respect the majority view in society, this restriction was added to the legislation.

Of course, today, is it necessary for us to make some changes to certain issues? However, when we look at the development of political parties in Hong Kong at present, in the mind of many people ..... Members may take a look at the poll results. As a member of a political party, I feel both disappointed and ashamed. I have recently learnt from an opinion poll conducted by The Chinese University of Hong Kong — Mr Paul TSE also quoted results from this poll earlier — The results indicated that the political party receiving the biggest support only got a rate of 11%, and the one receiving the smallest support got a rate of 0.4%. Under these circumstances ..... This kind of polls reflects, to a certain extent, the status and credibility of political parties in the mind of the people. Therefore, we in the DAB also have to continue to do our best.

In a direction camp held after 1997, we discussed the direction of our future development. At the time, a colleague suggested that the DAB should be developed to be the ruling party in the future. When we announced this new direction to the media after the camp, a great controversy was aroused. People queried how the DAB dare to be the ruling party? They doubted our capability and level of competence. We were dressed down and criticized in society at that time. Later, in view of the situation, we concluded that while it was desirable to have this ambition, we had to make some fine-tuning in addressing to the public. Eventually, we fine-tuned the saying to the effect that we would work towards being the ruling party and hoped to achieve this goal. Subsequently, the number of people criticizing and attacking us dropped. This incident also shows ..... This is an incident happened after 1997.

Mr LEE Wing-tat mentioned in his speech earlier that he did not understand why the think-tank of "grandpa" ..... and so on and so forth. He said, "As 'grandpa' does not want the DAB to grow steadily, hence political

parties such as the Kowloon West New Dynamic, the New People's Party, and so on emerge." However, in my view, if "grandpa" does not want the DAB to grow, what else does he want? By the same logic, is it possibly because "grandpa" does not want the Democratic Party to grow, he establishes the Civic Party and the League of Social Democrats?(*Laughter*) Therefore, he establishes other political parties. Is this really the case? Some people also suspect that Mr WONG Yuk-man is behind ..... Some say that he is a "mole". I do not know what a "mole" means, (*Laughter*) some say that it means an "undercover". So, he tries every means to break up the Democratic Party. Again, is this really the case?

Honestly speaking, sometimes, society needs diversified development. How can you stop other people? How can you influence other people not to establish a political party? In fact, it does not matter. At present, according to the so-called concept of a political party, even one person can call himself a political party. If you want to form a trade union, at least there must be seven persons because the Trade Unions Ordinance requires that a trade union can only be formed with seven persons. However, the formation of a political party can be done in all sorts of ways. It is all right if you do not want to register now as long as you call it some alliances or some leagues. This means if you only want to form a loose organization to hold some joint meetings, such as some grand alliances, and so on, then there is no need to do so. This means it is all right even if it is a loose organization and meetings are only held from time to time. However, some people label it as a political party.

In a diversified society like Hong Kong, many people may be interested in participating in politics. They may think that if they call themselves a political party, at least they can gain a position and receive a different degree of recognition from society and public opinion. Hence, how can you stop other people forming political parties? If he says "grandpa" does not wish the DAB to grow steadily, I will feel very strange indeed. I do not know the said "grandpa" is which "grandpa". Does it mean "grandpa LEE Wing-tat"?(*Laughter*) It is a pity he has only one opportunity and has no opportunities to respond now. Perhaps later he can do so outside. Really? Can he give a response?

**DEPUTY CHAIRMAN** (in Cantonese): He has the opportunity to give a response.

**MR TAM YIU-CHUNG** (in Cantonese): Well, our discussion earlier is actually about a wide range of matters, bringing up issues on various fronts. Dr Margaret NG quoted the example of beer mentioned by Mr LEUNG Kwok-hung, saying it is necessary to have a brand name. Otherwise, it will be like drinking "sewage water". I think it is right. If you have a label, it is easier for people to know you. However, your label only works if it is appealing. Otherwise, people show their dislike once they see your label. Therefore, there are pros and cons with regard to labelling.

I have heard a number of Members talking about the Budget earlier. The stance of the DAB is that as long as the people are happy, we are happy. If the Government takes heed of public sentiment and opinions and revise its measures, we certainly will give our support. We will not deliberately find some other issues to stage a huge dressing-down, saying that this Budget should solve all problems, which include deep-rooted problems, minor problems, as well as problems relating to political, economic or social issues. I think this is not realistic at all. We should continue with our effort to offer the Government our opinions and proposals, hoping the Government will listen to sound advices and make changes. This is what our political party has been doing all the time.

Regarding whether or not the Chief Executive should have political party background, I think the issue itself is insignificant. When conditions are ripe, success is sure to come. The people have given great recognition and support as well. At present, political parties in Hong Kong have a relatively mature development. It is generally thought that there is a pool of talents in political parties. And political parties have performed well in society. Hence, despite our different vision, the DAB wishes to share with other political parties for mutual encouragement, hoping all of us will strive to do better in this regard.

While verbal abuse and violent action may attract the media and gain exposure, I think they are not what the people want. The public would like have political parties which are rational and pragmatic, which can help them solve their problems and give them confidence. Thank you, Deputy Chairman.

**MR LEE WING-TAT** (in Cantonese): Deputy Chairman, first of all, I wish to respond to the issue raised by Dr Philip WONG. During the drafting of the



Basic Law, Mr TAM Yiu-chung, of course, was more a heavyweight than I because he was a member of the Drafting Committee while I was only a member of the Consultative Committee. At the time, "Uncle Wah" was a member of the Drafting Committee, and so was Martin LEE. At the time, we debated on the future government system. Both Martin and "Uncle Wah" opined that party politics was the trend of the world, which was not strange. Rather, a democratic system without party politics was really strange, as well as unprecedented. Therefore, as long as such a government system exists, it makes people scared.

Dr Philip WONG said earlier that it was not practicable. He asked if party politics was allowed in Hong Kong, was the Communist Party allowed to run in the election? My answer is yes. I agree to allow the Chinese Communist Party to run in the election. What do I believe in? I believe in the people's force. I believe in the people's choice. Even though the Communist Party has abundant resources and many intermediary organizations, trade unions, teachers' associations, and so on, at different levels; even though it has won in the first and second elections, the work and political achievement of the political party or person won in the election must meet the demand of the people. Let me tell Philip, I have confidence in people. I have also told Paul the same words. Even though a person comes to power through election, if he has not made any achievement to meet the aspiration of the majority, he only has two options. One is to step down, and the other is to make adjustments, as in the case of the Financial Secretary.

After the drastic political changes in Eastern Europe, many former communist party members have run in elections and won. For instance, in Bulgaria and Romania, many former communist party members came to power through running in elections. However, though they have called themselves the socialist party or the social democratic party, the major decision-makers are former communist party members. However, the way they rule has completely changed. Before 1989, it was "one-party dictatorship", the people in power did not care too much about public opinion. Later, these people adopted another "brand name" to run in elections after the drastic political changes in Eastern Europe. However, because of the implementation of universal suffrage, the work they do and the policy they devise are often different from those in the past. They are more willing to listen to public opinion and are more liberal-minded. People's power is thus manifested.

Hence, I do not understand why Philip is so scared. A couple of days ago, he said to me, "'Ah Tat', this does not work. 'One country, two systems' is implemented to show the world that there really are no Communist Party members to rule." I do not really mind. I am very liberal-minded. Let ZHU Rongji run in the election. After he has resided in Hong Kong for seven years and gets the Hong Kong Permanent Identity Card, he can run in the election and win. It does not matter even if ZHU Rongji and WEN Jiabao run in the election. As long as their work meets the wish of the people of Hong Kong, they can win in the subsequent term of election if they decide to run again. If a Member does not do a good job, failing to meet the interests of the people, he will not be elected in the subsequent term. This has never been my concern.

Chairman TAM said earlier that I always mention "grandpa". Is there any problem? Of course, I do not mean my own "grandpa". My "grandpa" passed away years ago. Everyone knows what I mean is the Beijing Government. The Central Government does not want the party politics in Hong Kong to become ..... Even though it does not speak it out, Mr TAM Yiu-chung should know about it. Since the formulation of the Basic Law by the Drafting Committee till now, this subject has been debated many times. Mainland members of the Drafting Committee did not agree to implement party politics based on the same reason as Philip's: should the Communist Party be allowed to run in the election? I have said that I do not mind. The question is, to the Communist Party, the adoption of divide and rule facilitates the management of society. What I said earlier is not "insincere words aiming to please". I do not object to the DAB being the ruling party.

If he has the guts, I think it is better this way. Therefore, Mr TAM Yiu-chung should not be afraid of people thinking that he is not competent. Rather, the most worrying thing is that he himself is afraid. He should consider himself a talent, and he can rule once he is elected. I do not understand why someone engage in politics does not want to rule. If somebody asks me, I will tell him I very much wish to do so. However, I think it is impossible at this stage. The political party I belong to will not have this opportunity for the time being. If an opportunity arises, why does one not start a political career and turn the vision and political platform held by the political party into policies in society? Is it the wish of every one of us to be a member of the opposition party, standing here giving others a dressing down and then leave without a backward glance?

This is precisely the situation at present. Some people criticize the Legislative Council, to which I do not totally disagree. It is because some of the things we say are so lofty but they cannot be carried out. Deputy Chairman, there is something wrong in it. Everyone is in the opposition party and no one is in the ruling party. I remember in the first year I joined the Legislative Council, Allen LEE was the Senior Member and the Liberal Party was not yet formed at that time. When we were chatting over a meal, Allen LEE said, "I support universal suffrage and party politics as well." He said to Martin and me, "Do not worry. Although the United Democrats of Hong Kong and the Democratic Party will win the first term election and rule, your political platform is so populist — I remember this seems to be the term he used — so grassroots and populist that you will lose power after ruling for one term. Then my Liberal Party will come to power. My political platform is quite stable, which is centre-right. It certainly will gain the support of society. LEE Wing-tat, just see in how many terms you will run." All right, I then ran in elections. His concept is very similar to mine. If one's political platform and concept are accepted and approved by the people, he will then rule.

Mr TAM Yiu-chung, do not be afraid. There is no need for you to be afraid ..... Paul, do not "talk back" to me. You always "talk back" to me but you cannot do so with him. He is really something. His political party has tens of thousands of members. However, he is very prudent in recruiting member. It is not difficult for the DAB to have tens of thousands of members. Just expand the scope and transfer the 300 000 members from the FTU to his political party, then his political party will have 300 000 members .....

(Mr TAM Yiu-chung raised his hand in indication)

**DEPUTY CHAIRMAN** (in Cantonese): Mr TAM, is it a point of order? Do you wish to seek an elucidation from Mr LEE Wing-tat?

**MR TAM YIU-CHUNG** (in Cantonese): No, I wish to clarify something he said.

**DEPUTY CHAIRMAN** (in Cantonese): Do you wish to clarify something he quoted from you?

**MR TAM YIU-CHUNG** (in Cantonese): Yes.

**DEPUTY CHAIRMAN** (in Cantonese): Then you can only make the clarification after he speaks.

**MR TAM YIU-CHUNG** (in Cantonese): All right.

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEE, please continue to speak.

**MR LEE WING-TAT** (in Cantonese): ..... I mean there is no need to worry too much. Regarding being the ruling party, he should do it if he has the ability to do so unless he thinks that the political platform and policies are not well-thought-out in the process of formulation and he has no confidence in ruling, or that the platform and policies are formulated just for the sake of election and they cannot be put into practice.

From a certain angle, the development of the government system at present has helped brought about two scenarios. It is everyone's wish to do something important, something as big as what Administrative Officers would wish to do. In the course of policy formulation, consideration must be given to a wide range of issues. For instance, is it financially viable? Consideration must be given to this point. Is mandatory enforcement possible legally? Is it possible in the work arrangement and administrative measures? They will consider matters in this manner. However, political parties may not consider matters this way. When they are deliberating an issue, they may come up with an idea and act on it immediately. As a result, all of us are in the opposition party. All of us are unwilling to give matters some careful thought.

Hence, Mr TAM Yiu-chung said just now that ..... Actually, I do not intend to criticize the DAB strongly. I only wish to say it is worrying that even the DAB, the largest political party in the Legislative Council, does not have the guts to rule. Of course, during the internal discussion of the Democratic Party, we note that it is very difficult to rule under the present government system, owing to the unwillingness of the Beijing Government and its insistence on divide

and rule. Regarding Mr TAM Yiu-chung's remarks earlier, I think he has confused diversified views with ruling. Society needs diversification, but the concept of diversification has no place in ruling. As long as one is authorized by the people, one can rule. Diversification is of no concern. For the Conservative Party or the Labour Party in the United Kingdom, as well as the Democratic Party or the Republican Party in the United States, in any case, as long as the authorization of the people is sought, for example, BUSH got the support of 50.01% of the voters, he could then rule because that was the majority and he was elected by universal suffrage. He would not say that diversification was needed to rule. This was not the case. However, of course, he had to listen to the views of other people.

Deputy Chairman, Mr TAM Yiu-chung asked whether the democratic camp was being divided by some people. I think this is not impossible. I remember in 2005 to 2006 when I was the Chairman of the Democratic Party, a survey was conducted on party members. This is an open secret because the related report has been published. Many people in the Mainland have made contacts with political party members in the democratic camp. To put it nicely, it is communication. There is a saying that such kind of contacts aim to "pick up information". To put it a bit severely, it targets to keep political party members of the democratic camp under observation. Actually, "Uncle Wah" used to tell me that every political party collected intelligence. Many countries and political parties do things they do not disclose in public, such as instigating defections, bringing troubles to foreign political parties, and so on. Of course, they will not talk about this kind of work in public. Therefore, regarding the question of Mr TAM Yiu-chung about whether or not there are people doing such things, despite a lack of evidence, I think it is not strange that these things happen. The United States supported the PAHLAVI government in the past. We all know that this government lost power in 1979. The present government is antagonistic to the United States. However, in the past, the United States mobilized an abundant amount of money and military force to support the PAHLAVI dynasty. Therefore, the United States, Britain and China have given support to foreign organizations to facilitate the implementation of their own policies. This is not strange at all. These countries have even resorted to some secretive means. This is not strange too.

Deputy Chairman, to sum up, if we hope that quality governance can be attained under the government system or the operation of the Government, I think

the *status quo* of the Legislative Council is far from perfect. I do not mean that it is so because political parties are small in scale. What is unsatisfactory is the absence of a ruling party or a ruling alliance. Why do most of the 60 Honourable colleagues oppose policies announced by the Government? Such a practice is actually not healthy. If the Government insists on adopting this mode of governance which is inferior in my eyes, then as I have said previously, we have to wait until the quality of governance has deteriorated to a state that it is "rotten to the core", making it impossible for the Government to move a step forward, and incidents like the Financial Secretary's announcement yesterday happen every week, with policies being substantially revised a week after its announcement, and people consider starting a Jasmine Revolution every week, the Central Government will, by that time, consider whether the design of the government system and the stipulations in the Basic Law still work. If party politics will only be implemented after frequent blunders in governance, and policies cannot be carried out effectively, the authorities concerned would have to pick those political parties which are regarded as loyal to the Central Authorities to form the ruling alliance, so that the Government can secure a stable majority in the Legislative Council, by that time, the DAB and other alliances will be put to the test whether they have the guts to be the ruling party and rise to defend government policies.

Actually, it is pretty good to be Administrative Officers. By that time, they do not need to "take the blame squarely". What do British under secretaries and ministers do? After the Prime Minister and the Chancellor of the Exchequer have announced the policy, they have to defend the policy and stand by the decision. Those participating in decision-making have to defend the policy. Deputy Chairman, this is right. If the policy is unsatisfactory, they have to bear the reaction of public opinion. If, at the end, their performance is not favourably received, they may either win again in the next election or they may have to step down. This is the ABC of political science. I do not see how abstruse it is.

Thank you, Deputy Chairman.

**DEPUTY CHAIRMAN** (in Cantonese): Mr TAM Yiu-chung, do you wish to clarify the part of your speech that has been misunderstood?

**MR TAM YIU-CHUNG** (in Cantonese): Yes, he has some misunderstandings in three areas.

First, he asked us whether we were worried about being the ruling party. My reply is "no". However, at that time, after we had raised this point, many voices were raised in society, there were even criticisms and attacks. Therefore, we later made a conclusion and had some fine-tunings, saying that we would move towards the direction, target and standard of being a ruling party. Therefore, we are not afraid of being the ruling party. We are neither afraid nor worried.

Besides, regarding diversification, what I mean is given that we are a diversified society, our political parties should also be diversified. I do not mean diversification in ruling. This is not what I mean.

Third, he said we had a membership of 30 000 people. We will move towards this target. However, the number of members in our political party at present is only close to 20 000, not yet reaching 30 000.

**MR ALAN LEONG** (in Cantonese): Deputy Chairman, the Chief Executive has power but no votes in this Council while this Council has votes but no power. This is our judgment made about the messy situation of the present political scene of Hong Kong. This judgment is, of course, forceful and tally with the current political situation.

Dr Margaret NG proposes this amendment on behalf of the Civic Party. If a team or a political party is truly formed with a concept of governance, as well as a mindset and vision of governing Hong Kong, it indeed has no reason not to support this amendment. However, there are always some abnormalities in this Council. In my view, if a political party claims to be bound by a concept, it is most unlikely that it does not wish that such a concept be put into practice some day through a party member being the Chief Executive of the SAR; the head of the executive authorities. Otherwise, would it be satisfied that it would always be the opposition party? Of course, I understand the significance of being an opposition party because it can monitor the government and those in power from a more critical viewpoint. However, Deputy Chairman, always being an opposition party is not necessarily healthy. If a political party always plays the

role as an opposition party and not requires itself to acquire a mindset to rule, it will prone to exaggerate the situation.

The Civic Party has, from the first day of its establishment, clearly declared that it will discuss politics and conduct policy studies in the mindset of a ruling party. Why? It is because if we wish to present an argument in a fair and square manner, we must ask ourselves, if a member of the Civic Party was made the Chief Executive the following day, could he put his words into practice? This is a very important test. I am very pleased to hear Mr TAM Yiu-chung say that the DAB has recently imposed such a requirement on the party. This is good.

However, I have just heard the comments of an Honourable colleague on the immaturity of political parties in Hong Kong at present, saying that despite being strong outwardly, they have an intellect of a kid. To put it simply, it means having a strong appearance but a simple mind, which is really unsatisfactory. Hence, based on such an opinion, some Honourable colleagues think that they should not support Dr Margaret NG's amendment even though they themselves are members of political parties.

Deputy Chairman, such remarks have reminded me of the Election Committee subsector election for the Chief Executive in 2006. At the time, I declared my aspiration to compete for the nomination, and I went around attending forums of different subsectors of the Election Committee. At the forum of the higher education subsector, a professor — I will keep him unnamed — voiced the following view which is surprisingly similar to the remarks of some Honourable colleagues made earlier, like singing different tunes with the same skill. He said that the degree of political maturity of Hong Kong at that time was only on a par with kindergarten level, or Primary One or Two levels at best. Then what should we do? We should spend some time to summarize the present and past experiences of places practicing democracy, discard the demerits and accept the good, and then devise a faultless democratic system to consult the public. If the system was accepted by the majority of the people of Hong Kong, we would then practise democracy. Owing to my status, it was not inappropriate for me to speak at that time because I did not belong to the subsector. However, in my view, if what this professor said was to be put into practice, Deputy Chairman, we would never, never be able to practise democracy.



Even in countries that have long implemented democracy such as the United Kingdom and the United States, discussions about how to improve the democratic system are still underway. Just think, democratization in the United States has a history of hundreds of years. However, the electoral system adopted after the emancipation of slaves by President LINCOLN was different from the current system. At that time, only white men could vote and women were left out. Hence, it is absolutely impossible for the gender mainstreaming mentioned by Members of this Council to become a focus then. Similarly, the system of the United States had seen revised, and women were later allowed to vote. Likewise, at first, the black people were not allowed to vote, and later they were given the right to vote. Today, the evolution is still going on. Hence, I hope that Honourable colleagues should not unduly humble themselves. Of course, people engaging in politics should be modest, but if they belittle themselves to the extreme, that would be untrue and that is hypocrisy.

Deputy Chairman, of course, I do understand why some political parties in this Council do not support the amendment proposed by Dr Margaret NG on behalf of the Civic Party. I am not that naïve. However, as Members have laid the cards on the table, I will discuss with you with my cards laid on the table.

Regarding the requirement that the Chief Executive has to withdraw from his political party after he is elected — I made similar declaration in 2007 because I was fortunate enough to be one of the candidates, but I had a strange feeling when I made the declaration — members of my political party had helped me in preparing the election platform on issues of education, economy, environment and the rule of law, and had practised with me in preparation for election forums. However, if I were elected on 25 March 2007, I had to "cut all ties" with them and treated them as total strangers, which was very strange indeed.

An Honourable colleague asked just now why we brought up the Budget in today's discussion of this topic. I think it is a matter of asking while knowing the answer. Deputy Chairman, why has the Budget made people so frustrated? It is because no matter whether we agree or disagree with the original Budget — the one released last Wednesday — proposed by Financial Secretary John TSANG, he must have a set of concept and logic of thinking behind. Of course, he must have given it detailed consideration, and has conducted the so-called

consultation for over half a year to listen to different views. Then he may have burnt the midnight oil behind closed doors and has only released the Budget after much thought and deduction. No doubt we hope this is the case, but I do not know whether it is really so. It seems it is not very likely because he can surprisingly make a sharp turn of 180 degrees. What worries us most is not the number of Hong Kong people smiling now after the announcement of the \$6,000 handout, but the fact that the set of logic, in our view or assumption, which has gone through much deduction, thought or bombardment can be totally disappeared overnight. Is it not terrible? This is what we are really worrying about.

Today there are voices in the media or callers to radio phone-in programmes demanding the stepping down of John TSANG, and requesting him to bear political accountability. Should we really have to do so? Should we demand the stepping down of Secretaries of Departments or Directors of Bureaux once they have made serious mistakes, so as to deal with political blunders? Deputy Chairman, Hong Kong is hurt in the wake of every such blunder. Of course, the smaller the harm inflicted, the better. If we continue to work this way, demanding the Chief Executive-elect to immediately "cut all ties" with his political party — that is, to sever with the team of people who have carried out policy studies for him, to distance himself from the tacit understanding established after years of co-operation in handling the overall situation of Hong Kong, and the mechanism for collecting public sentiments, assessing and verifying public opinion through district networks — if the Chief Executive-elect is required to "cut all ties" once he is elected, it is illogical. As I said earlier, this system is simply illogical. Therefore, it seems going too far to demand it to be logical.

Deputy Chairman, an Honourable colleague has also mentioned that we may not be able to bear the consequences resulting from the support of the Chief Executive by immature political parties. I need to state clearly that, Deputy Chairman, I very much understand there is a risk on the road to democracy. The question is how big the risk is. The risk in Hong Kong is very small — if I cannot finish my explication this time, I will continue with it next time — First, we have the rule of law. We will definitely not take to the streets and engage in fights with weapons for refusing to accept the election results. We will not do so. We believe in the rule of law, which is a major stabilizing factor.

Second, although we suspect that the media exercise self-censorship nowadays, Hong Kong is, after all, not a place where one voice alone rules. *Ta Kung Pao* may not cover Alan LEONG's comments, but *Apple Daily* and *Ming Pao* may do so. Even if there is no newspaper coverage at all, I still have my Facebook account as well as my blog. This is also a very stabilizing factor because Hong Kong is not a place where one voice alone rules.

The third factor is that Hong Kong has a very active and mature civic society, and participation in a civic society helps voters make a choice. I remember when I was running for the Chief Executive, we opened a blog. "Bus Uncle" Mr Roger CHAN was almost among the first group to join. He said that if he were elected as the Chief Executive, he would hand out cash from the Treasury, giving everyone \$80,000. He also said that Alan LEONG was capable of nothing and should step aside. If he really put forward this proposal, I think that professors in economics, the Taxation Institute and the Institute of Certified Public Accountants will definitely give him a dressing down because it will cause bankruptcy to the public finance of Hong Kong. In this case, the people will have a choice and avoid being misled by him.

The fourth factor is the high education level of the people of Hong Kong. These are some of the stabilizing factors. Hence, I hope that Honourable colleagues will consider supporting the amendment proposed by Dr Margaret NG to enable Hong Kong to take a genuine step forward.*(The buzzer sounded)*

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEONG, the speaking time is up. Mr Frederick FUNG, this is the second time you speak.

**MR FREDERICK FUNG** (in Cantonese): Deputy Chairman, I would like to speak again on three issues. First, just now there have been some criticisms alleging that the support rate of political parties is low. Second, whether political parties are not yet mature. Third, I wish to explore a new discussion topic, one which is most sensitive, and that is, the relationship between party politics in the SAR and the Central Authorities. As a matter of fact, I am worried that this is the core problem.

Is the support rate for political parties low? Of course it is low. The Hong Kong Association for Democracy and People's Livelihood (ADPL) had

fielded candidates for the District Council (DC) election and the Legislative Council election. When we fight for dual universal suffrage, we have to compete; and our success or failure would be decided solely by you. I wonder if you know, in the 1990s, the ADPL had won a majority vote in the Sham Shui Po District Council on the installation of street lamps in dimly-lit back lanes of private streets in the district. Even though a unanimous agreement on the installation of street lamps in back lanes had been reached, we still had to fight for a year before lamps were installed. Why was that so? Do you know which department should be responsible for the installation of street lamps, the payment of electricity tariff, as well as the maintenance work? Some people said that the Highways Department should be responsible for the streets, but the Department said that it was not responsible because street lamps were installed on walls, and therefore the Buildings Department should be responsible. As for the supply of electricity, we did not know which department should be responsible. In the end, dozens of departments shifted responsibilities to one another. Eventually, after dragging on for a year or so, a street lamp was finally installed. Of course, a major problem had then arisen. As street lamps should not be installed in Sham Shui Po alone, other districts in the territory should also be installed with street lamps, who then should pay for the electricity bill?

If I am one of the residents living in the dimly-lit streets, I would blame the ADPL for failing to get the work done after a year. Why did the ADPL fail to accomplish the task? It simply did not have the authority to do so, so how would its support rate be high? If we demand for street lamps to be installed today, and the streets are brightly lit on the following day; will residents not praise us? This is where the difference lies. When the support rate for a political party is low, please do not think that it is because the political party fails to accomplish its tasks. Objectively, it seems that the political party is incompetent, but in reality, it does not have the authority. The question is, if the political party is empowered with the authority, will it perform its duties? Will it be able to get the job done? With respect to this, I will explore again the issue on the maturity of political parties later in the meeting. Therefore, it is not surprising that the support rate for political parties is lower than that of the Chief Executive. You cannot compare an apple with an orange; and further state that this apple will definitely not become an orange.

Are political parties not mature? Speaking of maturity, I immediately think of food. How do we have our food cooked? For example, when you stew a chicken, you have to put the chicken in a pot to have it cooked, right? If

we do not put the chicken in a pot, how can we cook the chicken? You demand political parties to know how to govern Hong Kong, but you do not give them a chance to do so, how then can political parties come to know how to govern the place? What kind of logic is this? You have to let them try to be in power. It is only when they fail to perform their duties after being in power that you can say they are unsuccessful.

As early as 1990s, the ADPL had advocated that District Councils should be responsible for the administration of their respective districts. We can evaluate whether the political party is successful or not by the way the District Council manages its district. However, the Government refuses to delegate powers to political parties to govern a small area. Meanwhile, it demands political parties to be mature. How can that be? This logic is weird. If you do not put the chicken in a pot and stew it, the chicken will never be cooked. Likewise, the political parties will never be mature, and being not mature, they will never be able to be in power. I do not know what kind of conclusion this is. I do not allow you to be in power, so I think of many reasons for refusing to let you govern. Just think, how can this law of physics be tenable? If you want to have a chicken cooked but do not cook it, how can the chicken be cooked?

I would like to assess whether political parties are mature from another angle. Let us look at the Members with political party background now in the Chamber. Although the ADPL is only represented by me, there are two new Members from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) for this term. There are newly elected Members from the Civic Party as well as from the Democratic Party. Paul has no political party background — if you ask me, I will tell you that when new comers with political party background become Members, I know what they are going to say and what their policies are even with my eyes closed. As for Paul, sometimes I really do not know what he is thinking. Sometimes he goes against the "Party of Barristers", but sometimes he goes against the DAB. What actually does he want to do? I guess this is his personal style.

In my view, this will only happen when a political party is not mature. When a political party is mature, it will not be like that. With respect to new Members, in my view, even though new comers now present in the Chamber come from different political parties, at least they meet the basic requirements laid down by their own parties, and have not made a mess. They have been groomed by their political parties to stand for election. After they have become

Members, they also have the backing of their respective parties. Their speeches, arguments, and even petitions and protests follow the directions of their parties. In this connection, would you say whether political parties are mature?

As for members of political parties who now serve in the DC and the Legislative Council, when compared to other Western ..... you must not evaluate them from the perspective of authority, that is, criticizing political parties for not honouring their promises. This is because they do not have any authorities and I really have nothing to say on this point. However, from the general perspective, how can political parties be immature? According to my observation, from the first day the new Members joined the Legislative Council, their performances are by no means inferior to those colleagues who have served this Council for eight or 10 years. This exemplifies the functions of political parties.

Let us compare the difference between a Chief Executive elected on an *ad personam* basis and a Chief Executive with political party background. Just now, some colleagues have already raised some arguments, so I am not going to repeat them. Simply put, first of all, we would have a stable governance in terms of the process, political platform, values, and approaches. By looking at the political affiliation of the Chief Executive, we would know what kind of influence the political party has on him. We can draw reference from the historical development of his political party. If the Chief Executive is elected on an *ad personam* basis, he will not have this kind of background. Take Mr TUNG as an example. Although I knew him, he had never engaged in politics before he became the Chief Executive. I did not know whether his governance would be different from his way of doing business. If he applied his way of doing business on governing Hong Kong, major problems would arise. Donald TSANG was once the Chief Secretary for Administration and the Financial Secretary. We had known him as an official, but how about his performance as the Chief Executive? I also had no idea at all. Now they have become ..... I dare not say they are successful examples. Perhaps they have successfully told us we must not allow history to repeat itself.

Second, let us talk about talents. I have just said that political parties should groom and provide talents. We should not groom talents by appointing them to be Political Assistants and Deputy Directors of Bureaux. The officialdom is not a training ground for talents. When you are in a governing position, it is outrageous if hundreds of thousands of dollars are paid for your

training. Should taxpayers' money be used in this way? Political parties provide training to talents to actualize the ideas of the party, the Government has to perform its duties well in governance. Thus, I do not agree ..... I agree there should be an Accountability System for Principal Officials, but I do not agree to this kind of grooming.

Third, let us talk about businessmen. If you take up the position of the Chief Executive on an *ad personam* basis, you will not have this kind of grooming. If you run in the election for the Chief Executive, particularly after 2017, you will have to spend a significant amount of money in electioneering activities. How can you do that without the support of the business sector? This cannot be done unless you are very wealthy. If this is the case, there will be great problems. Only the billionaires can run in the election. If you do not have money, certainly you have to seek support from business organizations. For instance, a candidate needs an amount of \$20 million to \$30 million for running in the election. Does he have to gain support from a number of business organizations? If he is a candidate on an *ad personam* basis, it will be easy for these business organizations to control him. I will cite another example. A business organization offers a donation of \$30 million to the ADPL to help the ADPL run in the election — which is very unlikely — even if there is such a scenario, the incident will be easily exposed. Surely it does not mean that the donation can be accepted by the ADPL without notifying the Central Committee and the Central Executive Committee. When the Central Committee and the Central Executive Committee come to know about this incident, people outside the ADPL would also learn about the incident. I am not saying that it is wrong to receive donations. Accepting donations is correct. There are political donations all over the world. But we must let people know where the donations come from. However, a candidate on an *ad personam* basis does not have to release the information. If this is the case, the elected Chief Executive will be controlled by certain people in the future. Is this desirable? In the case of a candidate with political party background, such a problem will not arise.

Moreover, we can compare the two in terms of continuity. There is continuity in political parties. If I lose in this election, I can run in the next election. If I win in the next election, I hope that someone from my political affiliation will be able to succeed me, and they can field another candidate in future elections. How will there be continuity for a Chief Executive on an *ad personam* basis? When TUNG Chee-hwa ceased to hold office, he was succeeded by Donald TSANG. Donald TSANG did not like the policies of

TUNG Chee-hwa — he regarded the policy of "85 000 flats" undesirable, so he abandoned it; he also regarded the Home Ownership Scheme undesirable, so he abandoned it too. He can change all these policies. Ten candidates will have 10 different ways of governance. Will this be conducive to the development of Hong Kong?

Another point is that a candidate or the Chief Executive on an *ad personam* basis does not have policy support. More importantly, he does not have a team of people who formulate policies for him. You may not be aware, although the ADPL is a small political party, I have to go through a process before I can deliver my speech today. If the topic is a sensitive one, such as whether we should support the bid to host the Asian Games, I have to call the DC members of the ADPL to ask them to solicit the views of residents in the district. The ADPL has put in place its own system of collecting the views of residents. Our party workers (that is, the staff of our party) always contact residents of the district, and leaders of the party workers will then inform me of the views of the residents. The policies formulated by a political party must address the interests of its district or live up to the ideals of the political party; or even merge the two so that it becomes the policy of the political party.

If the Chief Executive is on an *ad personam* basis, all these will be out of the question. If 31 votes are secured, \$6,000 will be handed out to every member of the public. If only 15 votes are secured, not a cent will be handed out. These have become the reasons for policy changes which you yourself dare not negate. If I were the Chief Executive elected by universal suffrage and the ADPL was represented in the Legislative Council, I would fight with you till the end as I had the support from my political party. Even the 31 votes would not change anything. When it comes to the worst, there will be another election. Probably I will not be elected in the next term. In the case of a Chief Executive on an *ad personam* basis, without the support of any political party, there is no reason for him to insist on implementing what he thinks is justifiable.

Due to the time constraint, I have to talk about the third issue now, and that is, the relationship between party politics in the SAR and the Central Authorities. As a matter of fact, I think the crux of the problem is whether the Central Government wishes to see Hong Kong being ruled by a political party, irrespective of whether it is the DAB or the ADPL. If the Chief Executive is on an *ad personam* basis, it will be much easier for the Central Authorities to exercise control and exert their influence. Once the Central Authorities have



decided on a certain matter, the Chief Executive has to implement it. The Central Authorities has to convince one person only. But if Frederick FUNG of the ADPL is the Chief Executive, even if you can convince Frederick FUNG, sorry, I have to go back and discuss with the Executive Committee and the Central Committee. Comparatively speaking, it will be more difficult for the Central Authorities to control the entire political party. Thus, if a person with political background is allowed to become the Chief Executive, difficulties in exercising control will arise. Furthermore, when a political party comes to power in the SAR, the Central Authorities will worry that it will become a stronger party, which in turn, may affect the politics of the Mainland. I believe these are the issues the Central Authorities have to consider.

However, no one dares to raise this point now. I would like to ask the Central Authorities, what actually are you afraid of? If you are able to discuss with the Kuomintang about the reunification with China, the issues of which political party will become the ruling party and who will become the Chief Executive in Hong Kong are relatively insignificant. The Kuomintang is not merely a political party ruling Taiwan. The Kuomintang is not merely composed of a team of civil officials. There is an army under its control. If you are not afraid of that, why are you afraid of Hong Kong?

(THE CHAIRMAN resumed the Chair)

Looking around the world, the fact that the central government and local governments are ruled by different political parties is nothing extraordinary. When I was studying in the United Kingdom, Mrs Margaret THATCHER was in power. But Liverpool — the city, not the football team — was ruled by the Labour Party. When Mrs Margaret THATCHER was in power, the London Assembly was also ruled by the Labour Party. Why is it not possible? It is stipulated in the mechanism and the system that the ruling party at district level only has the jurisdiction over the affairs of the local district. Will local governments have different views from those of the central government? Yes, this is possible. Will their views clash with each other like the clash between the Mars and the Earth? Yes, this is possible. But even if that is the case, these problems will be addressed in accordance with the mechanism. There is nothing to be afraid of.

Even if the case is like what I have just said, and that is, the Chief Executive has political party background, will the ruling party becomes a stronger and more powerful political party? As a matter of fact, the Central Authorities need not be afraid of this. In the future, there should be a mechanism in place to govern the relationships between the Central Government and local governments, as well as the local ruling parties, with a view to addressing problems relating to people. The Central Authorities will no longer control or exert influence on one person, requiring him to follow the wishes of the Central Government. Instead, a mechanism will be put in place through which the local government has to follow the wishes of the Central Government because the HKSAR Government is a local government. Of course, the Central Government can exert its influence on the Chief Executive and even his political party through many different means. The Central Government has the full power to do so. If it is feasible even in Taiwan, there is no reason why it is not feasible in Hong Kong. If Taiwan can make it, Hong Kong should take the first step so as to set an example to Taiwan, indicating to Taiwan that it needs not fear of reunification with China as Hong Kong has already set an example of "one country, two systems". Thus, the more efforts made by the Central Government in prohibiting the Chief Executive to have political affiliation, and in restricting political party to be in power in Hong Kong, the greater number of people will doubt about the feasibility of "one country, two systems". I hope that the Secretary will answer this question when he responds later in the meeting. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, you are speaking for the second time.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Mr Frederick FUNG asked why the Chinese Communist Government was not afraid of implementing the idea in Taiwan but was afraid of implementing it in Hong Kong. In fact, he has got the relationship wrong. As a matter of fact, the Chinese Communist Government can do nothing about Taiwan. This is a matter of strength. He has raised a wrong question. There is nothing the Chinese Communist Government can do about Taiwan. Presently, what it can do about Hong Kong is just a matter of time. I guess you know this idiom. What can be done is just a matter of time. A matter of time means you can count the time by your fingers. The crux of the problem is the reason why the Chinese Communist

Government should give this kind of power to Hong Kong people. I really cannot think of any reasons.

First, according to what Dr Margaret NG said today, the Chief Executive was required to resign from his political party before he resumed the office once he had been elected. As a matter of fact, this is not empty talk without grounds. We put forward this question for discussion today because finally we have a so-called election by universal suffrage in 2017. It is only useful for us to discuss this issue against such a background. In other words, whether you like it or not, in 2017, we will have something called universal suffrage. Judging from this angle, if this universal suffrage is a genuine universal suffrage, what are the reasons why the elected Chief Executive cannot be a member of a political party? This is because Dr PAN Pey-chyou had not listened to the lecture carefully. He had not been listening to what was said by QIAO Xiaoyang, and that is, universal suffrage would be implemented in 2017. Thus, we cannot spare any time in waiting now. If universal suffrage is to be genuinely implemented, even if we have to "boost it", it has to be implemented.

Therefore, when he said we have to wait for a while, he really has not grasped the spirit of the Central Authorities. So what can be done? Even if you want to lick someone's boots, you have to lick the right boots. Otherwise, the other party will feel uncomfortable. Buddy, they have already said that universal suffrage would be implemented. There is no difference between our universal suffrage and the universal suffrage implemented in other places of the world. Back then, he said that the two were the same. Buddy, the two are the same, the only difference is the ways of expression. If the fundamental principle is the same, I would use this as a yardstick and ask this question: since party politics exists as a part of the genuine universal suffrage in other jurisdictions and countries, why can it not exist in Hong Kong? This is a serious question to be answered.

Thus — Dr PAN Pey-chyou is back — when he said we have to wait, he has, in fact, violated the spirit of the Central Authorities. It has been stated by the Central Authorities that universal suffrage can be implemented by the people of Hong Kong in 2017. It must be one or the other. One interpretation is that the Communist Party is telling lies, and Dr PAN Pey-chyou is well aware of that, knowing that it is a fake universal suffrage, hence he said we have to wait and wait patiently. He actually knows that it is a fake universal suffrage, and that we

have to wait. The other interpretation is that Dr PAN Pey-chyou does not know that universal suffrage is to be implemented in 2017; hence he believes that there will be a long wait. So does he actually think that the Communist Party is strong in physique but empty-headed, or is he himself like that? Only Heaven knows! Putting it in a more elegant way, this is a giant of thoughts but a dwarf of actions. Or we can put it in a reversed way: this is a dwarf of thoughts but a giant of actions.

As a matter of fact, there is a time limit regarding the issue put forward for discussion by Dr Margaret NG today. She knows that universal suffrage will be implemented in 2017. She believes in you, and does what little one can to help. This is a gift offered by her. She voluntarily sends cement and tiles. Even though they are just building a pigsty, she still sends bricks and tiles. And you actually say to her, "Thank you, Dr Margaret NG. You are over enthusiastic." I would really like to ask Dr PAN Pey-chyou, you have been to so many countries that claim to have universal suffrage, which country does not allow its leader to be affiliated to any political parties? There is now an express provision stating that the Chief Executive must resign from his political party once he is elected. This is the most despicable and shameless behaviour. Originally this is something naturally grown, but you allege that we are pulling up the seedlings to help them grow faster. This is something naturally grown after the reunification. Among yourselves, even some of you are members of certain political parties. This is something grown under the oppression of the Communist Party. But still you want to negate it. When the Communist Party itself indicates that reforms have to be implemented, you still want to accommodate it. This is what we call "a eunuch who is overly anxious about the emperor's business". You have no idea of what the Communist Party is thinking. It may change its mind tomorrow. When it is able to control the nominating committee, it may say it allows the Chief Executive to have political affiliation. Dr PAN or Mr LAM, what are you going to do then? By that time will you eat your own words and wipe the spittle off your face? Do I have to send you a bib so that you can wipe the spittle without using your hands to do so? That is not hygienic, and may spread diseases.

As a matter of fact, this is very simple. If we know that the time limit does not allow us to wait, Secretary Stephen LAM, as an accountable Secretary, must act in accordance with the spirit of the Central Authorities conveyed by QIAO Xiaoyang, and ensure that the future universal suffrage will meet the

general standard, that is, a political party comes to power through advocating its political platform and organizing electioneering activities. Someone may ask why ruling by a dominant party is not allowed. Of course, it is allowed. However, if universal suffrage is implemented and the cabinet system is adopted, even CAMERON has to listen to the views of others for the time being, and it will not work if the Liberal Democrats does not listen to his views. It is because this has been decided by the election result, so he cannot exercise autocracy overnight. If universal suffrage is implemented, he will not be able to exercise autocracy in the next election. It is not necessarily possible for him to immediately exercise autocracy. However, if the leader of a political party becomes the Chief Executive, you are afraid that he alone will dominate. For the moment, I will not ask why you do not raise this question in connection with the situation of the Communist Party. You can simply refer to common sense in political studies. He is automatically subject to the restriction of the election result, right? Will such a problem arise under a presidential system? It is relatively difficult under the presidential system. As the Chief Executive is under the category of the presidential system, you can then strengthen the monitoring function of the Legislative Council, right? There are political parties in the Legislative Council. There are also political parties in the Chief Executive Election. This is practised in the United States and in France as well. You often accuse others of being ignorant and incapable, resorting to violence only. You cannot bear it when I challenge you with words. And I cannot challenge you with action.

If I challenge you with words, will you call the police? Thus, you lose when we engage in rational argument. You also lose when we discuss the time limit. So what can be discussed today? In any case, political parties are bad. This is particularly so with the political parties in Hong Kong. They are certainly bad.

Members, there is another issue. Secretary LAM, when we criticize political parties, you are not prepared to introduce a political party law. I had asked you to introduce a political party law long ago. Since you say that we are violence groups, you may as well use a political party law to restrict us, stipulating that violence must not be advocated. Unfortunately, violence has not been advocated by me. You may as well require political parties to lay down party platforms, formulate all the detailed restrictions regulating how they should operate and how donations should be collected. However, you have not worked on this task. This is like the argument of Dr PAN Pey-chyou, and that is, when

the body of a child has grown too big, we have to bundle him up. What are we going to do if the brain of the child has not grown properly? All we should do is to feed him with more milk powder. Unfortunately, the milk powder contains melamine, which will damage the brain.

The question we are discussing today is simple enough — should a candidate who stands for the election of Chief Executive undertake to relinquish the membership of his political party upon being elected. In fact, the answer to this question is very simple: just allow him not to relinquish the membership. Are there any disadvantages in not relinquishing the membership? I have heard debates for so many years, but I really have not heard about the disadvantages of doing so. Some people say that the political parties in the Legislative Council have not achieved high scores. Nevertheless, we are getting a certain score. Some people are not even getting any score because they have not run in elections.

Buddy, deputies of the National People's Congress and members of the National Committee of the Chinese People's Political Consultative Conference are lining up to board their planes to China for the conference. Who voted for electing them? Having said that, are they not more childish? They claim to have strong physique and a quick mind, but they have never gone for a medical check. They claim to be human beings, but no one knows whether they should actually go to see a vet or a doctor. This is really unreasonable. Party politics or "kind of party politics" is developed in Hong Kong. As it is built on such a basis, does the Chinese Communist Party think that the elected Chief Executive should not belong to any political party? As a matter of fact, there is only one answer. And that is, why should they allow the elected Chief Executive to have political affiliation? There is another answer. And that is, why should I admit that a political party in Hong Kong has the right to participate in elections and gain ruling power, even though it is just temporary ruling power? This is the crux of the issue. If Hong Kong is allowed to do so — I am not going to say Beijing or the whole China for the time being — why is Shenzhen, which is only an hour's drive from Hong Kong, not allowed to do so? This is like Snow White in the children's story. "Mirror, mirror, am I beautiful or ugly?" This mirror cannot reflect the truth. Buddy, if the mirror reflects that you are ugly, something must be wrong with the mirror. How can I be ugly?

You need to know that with the fake universal suffrage of the Communist Party, elections in Hong Kong have become increasingly mature. More and

more people know about elections and come closer to universal suffrage. It is because of this openness, elections will be more competitive. I would like to ask Members, how does the Communist Party feel about this? Thus, the Chief Executive must not have political affiliation, and he can only assume the office on an *ad personam* basis. The truth is as simple as that. Why do we not reveal the facts? If a leader of a political party can take up the position of the Chief Executive, what is the role of the eight "vases" in the multi-party co-operation system of Political Consultative members of Mainland China? Why must they have these vases? This is the crux of the matter.

The Council does not have the courage to discuss this problem. Dr Margaret NG has not bothered to discuss this problem. She only states directly the general principle, she lays the issue on the table and asks you to implement the idea. Since this is the case, you should not talk about something else. Originally I did not want to say this. This is something that makes us feel ashamed. But since it has come to such a state, I can only speak out. I would like to challenge those present today who have indicated they will not vote in favour Dr Margaret NG's amendment — except for those who have based their decisions on other reasons, such as Mr WONG Yuk-man, who has indicated that because of his stance, even if he agrees to the amendment, he would abstain from voting — at least you have to give a reason, right? Buddy, you do not have a reason, but you want the Council to submit. This is particularly so with Prof LEUNG. You are teaching the Constitution of the People's Republic of China. Buddy, your instruction .....

**DR PRISCILLA LEUNG** (in Cantonese): "Big Sister".

**MR LEUNG KWOK-HUNG** (in Cantonese): Ah, "Big Sister". (*Laughter*) It doesn't matter .....

**CHAIRMAN** (in Cantonese): Please face the Chairman when you speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, Chairman TSANG. Our much respected colleague, Dr Priscilla LEUNG teaches the Constitution of the

People's Republic of China. I would really like to ask her what multi-party co-operation system is. As a matter of fact, she knows in her heart that her speech is irrelevant. She is learned but gutless, or she is not learned. I believe she is learned to a certain extent. Otherwise, I would feel very sad for the students of the City University. I would like to ask her to explain why the Chinese Communist Party scores one victory after another. The party committee is implementing the privilege system in every aspect. Why does the Chinese Communist Party always win? They also have parties. The reason for this is that in Hong Kong, we will trim the toes to suit the shoes. In brief, the Chief Executive will be required to relinquish his political affiliation once he has been elected. In the Mainland, the candidate is not required to relinquish his political affiliation. But definitely, he will not be elected. The matter is as simple as that. The two are actually one, and the one is actually two.

Members, do not insult this Chamber. I call on Members to close their eyes, just concentrate on the issue that has been laid on the table; and in accordance with the simplest truth, vote in favour of the amendment put forward by Dr Margaret NG. We can talk about other matters over a cup of tea when we are free. I will keep you company.

Please remember, what you do today must not violate the most basic logic. Otherwise, after the habit has been developed, you will go out of your mind and will be sent to a madhouse. Thank you.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, I have earlier spoken on this subject. I absolutely do not wish to repeat the arguments I put forward when I spoke in the first round. I am of the view that some colleagues are doing just that.

Ms Audrey EU mentioned just now that I seemed to have misunderstood the contents of Dr Margaret NG's amendment. I do not know whether Ms Audrey EU had misunderstood what I said, or had intentionally missed my words, or there are other reasons, anyway, I have never misunderstood the contents of Dr Margaret NG's amendment. In my speech, I understand clearly that today's amendment is to waive the restriction that the Chief Executive shall not have political party background. I really think that this practice is not suitable for Hong Kong at the present stage. All I wish is to express this point in simple



terms. I really hate to speak for 15 minutes again just to repeat my point. This is unnecessary. You can listen to the tape recording. With respect to alleging others of misunderstanding the contents of the third party's speech, I think we really should listen to the tape recording first before we make such an allegation.

I mainly wish to put forward one point, and that is, at this stage, it will be impossible to convince me as to why it is necessary to make such an amendment. Mr Frederick FUNG said just now that small parties managed to survive in foreign countries. We certainly or absolutely hope that they can do so. At present, even if we organize a political party, it will only be a small party. We also hope that there will be room for us to field candidates for the election of the Chief Executive in the future.

However, this is not the major issue. I have incessantly mentioned that in the development of party politics, conceptually, it is necessary to introduce a political party law. Apart from a political party law, we must also educate voters on the importance of party politics. Many Members have mentioned this point just now. Although Members may have different views, the views of the community illustrate that there is still a strong resistance to the word "party" among members of the public in Hong Kong. This has brought out where the problem lies. The Chief Executive is different from Members. Each Member can have his own political party, or has no party at all. For instance, members of District Councils can affiliate themselves to certain districts. This is possible because he is only a member. They can also form a small party, for example, a party with five members only.

In my view, the Chief Executive must be a person across all strata. There is no other option for him but to balance the interests of all parties. This is the role of the Chief Executive. With regard to whether representatives of the political parties will be able to convince the major parties and small parties now, we have different views, and I do not have the burden of which I must support a certain person. Some people have to safeguard their political parties. This is the essence of political parties. Members of political parties must safeguard their own political parties. They must not criticize the political parties to which they are affiliated. That is not allowed.

However, I think right now many political parties in Hong Kong focus on one single issue only. I have mentioned that before. To me, it is undesirable if

a candidate fielded by a single-issue political party is elected as the Chief Executive. People may say that a candidate fielded by a political party may not necessarily be elected. This is true. But still I am not convinced that such a requirement should now be abolished. I think political parties should be more concentrated. Will the public feel at ease if the two major camps can gradually come together when they become mature in the future? In fact, inter-party collaboration is possible, and individual party should go beyond its own interest. However, I can hardly be convinced by the present circumstance. Can various political parties, irrespective of whether they have three or five members, totally give up their own individual interests, and take into consideration the overall interests of Hong Kong, so as to balance the interests of various strata, parties and groupings? At present, I really do not think that political parties in Hong Kong have already reached such a mature stage.

I have no intention to continue criticizing whether political parties are mature or not. There is no need to repeat arguments previously said. I only wish to clarify one point: I clearly understand the contents of the amendment. I have pointed out the major issue because the views expressed by many colleagues who have spoken seem to indicate that if the Chief Executive does not have any political party background, the Government will certainly "collapse". I hold a completely different view. Thus, our discussion will have to be based on these arguments. Even if the Chief Executive has political party background, it does not mean that he can resolve the existing problems. To me, there is not much we can do about some problems. It may be the chicken or egg problem. Furthermore, I do not think we must rely on the existing political parties to groom the best capable leaders of the government.

At the present stage, I think the problem lies in that the political parties are not mature enough. This is particularly so as members of the public are still showing strong resistance to political parties. Some people well accept political parties while some do not accept political parties. If the Chief Executive has political party background, before he makes any move, people from the opposition party or supporters of those from the opposition party will go against him. This is politics. What will happen when party politics is mature? As mentioned just now, political parties will swap before the casting of votes. They will exercise influence on the primary election — the primary election of presidential candidates is a case in point.

Hong Kong has not yet reached this stage. I do not think the Chief Executive will be benefited from the label of a political party. This is not the right time. We should wait till party politics are better developed before we implement this measure. I think the introduction of a political party law should be seriously considered. It has been discussed for six years. This year is 2011. I worked with Mr Abraham SHEK on the Commission on Strategic Development before. At that time, I was the only person who incessantly advocated this but nobody gave much response .....

**MR ABRAHAM SHEK** (in Cantonese): I supported you.

**DR PRISCILLA LEUNG** (in Cantonese): ..... Thank you for your support. That is why we have become members of the Professional Forum. However, the matter has been discussed for six years. With respect to the development of party politics and whether the Chief Executive should have political affiliation, I think it requires a number of complementary conditions and factors before it can achieve a mature and healthy development.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak? Ms Audrey EU, this is the second time that you speak.

**MS AUDREY EU** (in Cantonese): Chairman, just now Dr Priscilla LEUNG alleged that I had misunderstood the contents of her speech. As a matter of fact, all our speeches are put down on record. I will be pleased to listen to the tape recording of her speech when she spoke for the first time. If I had really misunderstood her, I would gladly apologize. However, it was put down on record. I really listened clearly. She had indeed misunderstood Dr Margaret NG.

Chairman, many Members have spoken today. As a matter of fact, all Members feel that in the end and on a long-term basis, we need to have party politics. This development will be best for Hong Kong. However, they do not support Dr Margaret NG's amendment. The reason put forward by them is that

when we eat rice, we eat it mouthful by mouthful (this was said by Dr PAN Pey-chyou), and everything will be fine in the end or when conditions are ripe, success will come. Such a restriction will naturally be abolished by then (this was said by Mr TAM Yiu-chung).

Chairman, as a matter of fact, Hong Kong cannot afford to waste so much time. It does not matter whether you believe that universal suffrage will be implemented for the election of the Chief Executive in 2017, we need to break through the existing impasse or deadlock. It is no longer possible for Hong Kong to have further delays. Many people ask whether chicken comes before egg. Today, many Members do not support Dr Margaret NG's amendment. The reasons put forward by them include political parties being immature, there is an absence of a multipartite political group, or just as Dr Priscilla LEUNG said, the middle class will not give its support upon hearing the term "political party". It does not matter at all. If the middle class does not support political parties, it can support independent candidates, such as Dr Priscilla LEUNG. She can run in the election of the Chief Executive as an independent candidate. As she does not have political party background, and since the middle class hates party politics so much, the middle class can vote for her. They can do so.

Chairman, the existing problem is a problem that does not allow us to choose. It is not the issue of whether chicken comes before egg. Anyhow, we must put in place a system first. Chairman, why is the development of political parties so difficult? With the Central Authorities being the Communist Party that practices one-party dictatorship, of which Hong Kong is most afraid of, it would be better if the development of other political parties will be restricted to as small a scale as possible. The influence of a political party must not be enhanced. Otherwise, it will become a threat to the one-party dictatorship. This was what I referred to as an impasse or a deadlock just now. Many pro-democracy Members mentioned when they spoke that as a matter of fact, it was not easy for political parties to groom talents and integrate the philosophy of parties. They have to rely on objective environment. If the system is not opened up, with the development of political parties being suppressed in each and every aspect, and the Chief Executive not allowed to have political party background, how can we attract aspiring individuals to join political parties, form political groups or engage in politics? Political parties work with each other purely because they need to bundle votes in elections to meet their own interests. They do not do so for promoting the philosophy behind political parties, or

affirming whether political parties should adopt unanimously the line of leftist, rightist, centre-left or centre-right.

Chairman, I cited the example of the Budget when I spoke just now with the hope of illustrating that the Government should not bargain with those with voting power only after the Budget was announced. Otherwise, it will become a mess and a farce. How long can Hong Kong actually delay the process? I mentioned when I first spoke that someone had asked the Financial Secretary to step down. If a person responsible for financial matters of a company had done what the Financial Secretary did, he would have been dismissed long ago. Chairman, under the accountability system, he has to step down. There is no room for manoeuvre. However, what option does Hong Kong have? What can be done after we demand the Financial Secretary to step down? This is what I referred to as the impasse faced by Hong Kong. If you talk about supporting democracy without opening up the system, if we are not even allowed to talk about party politics, to open up the system to political parties, as well as to have the Chief Executive with political party background, it is just empty talk in all other aspects.

Chairman, we should not say that we eat rice mouthful by mouthful or when conditions are ripe, success will come. Instead, we should create objective conditions favourable to a healthy development of political parties in Hong Kong. Chairman, if Dr Margaret NG's amendment is not passed today, I am afraid that the day to change the system will never come, and this impasse will never be broken. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Before I ask Mr Frederick FUNG to speak for the third time, I wish to remind Members to make the best use of the speaking time, and avoid repeating your views as far as possible, including using another way to repeat the views you have already expressed. Mr Frederick FUNG, this is the third time that you speak.

**MS AUDREY EU** (in Cantonese): Chairman, just now I .....

**CHAIRMAN** (in Cantonese): Ms EU, you will have a chance to speak again later.

**MS AUDREY EU** (in Cantonese): Chairman, I only wish to add that the year I mentioned when I spoke for the first time should be 2001. Dr Margaret NG has just told me .....

**CHAIRMAN** (in Cantonese): I have noticed that. I believe we will have a record of it.

**MS AUDREY EU** (in Cantonese): ..... I would like to put on record that I was referring to the ordinance relating to the Chief Executive Election in 2001.

**CHAIRMAN** (in Cantonese): Mr Frederick FUNG, you are speaking for the third time.

**MR FREDERICK FUNG** (in Cantonese): Chairman, you had heard me speak twice, I believe you know that I had not repeated any points. *(Laughter)*

**CHAIRMAN** (in Cantonese): Mr FUNG, when we impose the speaking time limit of 15 minutes, we have not expected that Members would split a speaking time of two hours into eight and use 15 minutes each time they speak. You may speak now.

**MR FREDERICK FUNG** (in Cantonese): I am not splitting my speaking time into eight. After listening and disagreeing to the viewpoints put forward by other Members, I wish to put forward other viewpoints as my response. This is what a debate should be like.

Chairman, I would like to point out, the issue in hand is not that a candidate to run in the election on an *ad personam* basis is not allowed; it is only that people with political party background should also be allowed to run in the

election. As a matter of fact, one more option is offered, and this option is not exclusive, that is, with this option, a candidate on an *ad personam* basis can no longer be allowed to run in the election.

Second, talking about standing in elections, as a matter of fact, when political parties are engaged in politics, including striving for ruling power or positions of power, it is only natural that they have the aspiration of their members' assuming such positions. I do not know whether you have ..... if Members present hold the view that they have political party background, have they really never thought of this? Currently the most successful political party is the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). To say the least, there are Political Assistants, Deputy Directors of Bureaux, members of the Executive Council in their party. As a matter of fact, other political parties are inclined to do this. Of course, it will have to depend on whether the ideologies, values as well as policies of the party are the same as those of the Chief Executive. I think this is very natural and normal. This is the same all over the world. At present, many people say that political parties are not mature. I do not know how to gauge whether a political party is mature or not. You call tell me. What is the score of the ADPL at the moment? Is the score zero or is it one? Is the score of the DAB 30? You have not given a score. Why can't Frederick FUNG run in the election as a member of the ADPL but can do so on an *ad personam* basis? That person is the same Frederick FUNG, isn't he? This is really weird. If I really resign from the ADPL to run for the office of the Chief Executive, am I required to sever all my ties with my old friends of the ADPL? After assuming the office of the Chief Executive, will I be required not to ask members of the ADPL to be Directors of Bureaux? Will I be required not to ask them to be members of the Executive Council? I invite people with the same ideologies and values to take up government positions — just like what Chief Executive Donald TSANG had said — I believe there are certainly such talents among members of the ADPL. Upon assuming the office of the Chief Executive, members of the DAB will also do the same. Even if TAM Yiu-chung resigns from the DAB to assume the office of the Chief Executive, he will also do the same. What is the difference? Is it really impossible to take matters of the party into the office? I wish to ask the other way round, please tell me what political maturity is. Was the former Chief Executive Mr TUNG mature? Is the current Chief Executive Donald TSANG mature? As for those who will stand for the office in the future, such as "TANG TANG", "Chun-ying" and "Mrs FAN", are they mature? Would you tell me in what ways they are more mature than us? If you can measure maturity, you will

have to quantify it, and tell us what the actual circumstance is. Otherwise, I will ask why this is feasible while that is not feasible. When you say that is not feasible, you must have done a comparison.

Of course, some people may say we cannot allow some immature political parties and some immature people to assume the office of the Chief Executive, otherwise, great problems will arise and Hong Kong will collapse. It has been 14 years since 1997. If you ask me to rate the performances of Chief Executive TUNG Chee-hwa and Chief Executive Donald TSANG, I would say boldly that both of them are not mature. Chief Executive TUNG adopted the business practices to govern Hong Kong, but he failed in governing his civil service team. Chief Executive Donald TSANG adopted the means of governing the Civil Service to govern Hong Kong, but he has not provided a vision, a sense of value and a direction of development for Hong Kong. Under the leadership of the two Chief Executives, we had encountered the financial crisis, the financial tsunami and SARS. If you ask me, in the face of these crises and incidents, had the two Chief Executives guided us through all the obstacles? To a certain extent, they had, but generally speaking, I think they had not.

Basically, the social cohesion and values of the people of Hong Kong and our society have constituted a very important entity which is not easily disintegrated. If my analysis is correct, I think we have experienced slips and falls because of the two Chief Executives. If there are losses attributable to these slips and falls, we have experienced losses. Today, Hong Kong people are beginning to have no idea as to how our economy should be developed. Apart from the financial and property industries, what other industries do we have? Why no progress has been made for the six industries? Why are young people unable to move up the career ladder? Why are there insufficient positions at the middle and senior management level with high pay for our next generation to move up the social ladder? All these issues should be discussed, studied and addressed within the period of 13 years. How do we resolve the housing problem in Hong Kong? If the Chief Executive is experienced, can he just ignore these issues and allow them to aggravate to the present state? I have to ask, are candidates without political party background certainly better than those with political party background? I would not say this is certainly the case, and in that case, candidates with or without political party background will be equally good.



There are Members who said just now that the public accept political parties, and they would not have voted for political parties if they do not support them; and that the Chief Executive has to balance the interests of all sectors. In foreign countries, the ruling parties, presidents and prime ministers usually have their own positioning and public supporters. It is under this premise that he extends his policies. It is not that he has no stance or principle at all, and when people come to him, he has to collect public views. For example, if there are 10 strata in Hong Kong, he will have to strike a balance among the 10 strata, and listen to the views of these strata, subsequently, he has to draw up various policies that will benefit all the 10 strata. Is that possible? There will be thousands of views on the single issue of income limit for applicants waiting for the allocation of public rental housing. How are you going to strike a balance? Ultimately you will have to select an option. So are you going to formulate a policy catered for the grassroots; or are you going to formulate a policy catered for the middle class or the rich? If the policy is catered for the rich, there should not be any limit at all, so that anyone can apply for the benefit. Is that possible? That is why when you eventually formulate your policy, you have to prioritize, an act which reflects your values. Political parties have their worries. When something has gone wrong with the party, it is not just the problem of the Chief Executive himself; it is also the problem of the Legislative Council Members and District Council members affiliated to his political party. When something has gone wrong with me, Frederick FUNG as an individual, does it matter that much? When worst comes to worst, I just resign. Other people will not be affected. Even if someone is affected, it will not cause him to lose. It will not cause others to lose. But it will be different for political parties. On the contrary, when a party has to make decisions, it has to consider the views of the majority. I dare not say it has to strike a balance among all, but it has to strike a balance among the majority. I must attain 51% of the votes to win the Chief Executive Election. My entire political platform and action will aim at winning 51% and not 99% of the votes.

Chairman, finally I would still like to raise the issue of the Central Authorities. I think the Central Authorities are worried, because controlling an individual is easier than controlling a political party. When a political party comes to power, the situation will be radiated to the Mainland. Why is Hong Kong able to achieve this while the Mainland is not able to do so?

I used to say, particularly in the 1980s, when DENG Xiaoping was alive and advocated the implementation of "one country, two systems", Hong Kong

had to set an example of "one country, two systems" to Taiwan, with a view of achieving the great reunion of the Chinese nation. However, in 1990s, Hong Kong failed to set an example. Was that really so? I do not agree to this argument. We have set an example in respect of finance as well as housing. The existing housing policy of the Mainland is drawn on our model. I can boldly tell you that in the early 1990s, we had offered our law on uncompleted residential flats to the Ministry of Construction in China. At present, 90% of the law on uncompleted residential flats enacted by the Ministry of Construction had modelled on the law of Hong Kong.

Contemporary politics no longer focuses on controlling individuals. You can control an individual but political structures are inter-related and mutual interests co-exist. This is far more important than how to control the Chief Executive and how the Chief Executive controls his subordinates. This happens in the United Kingdom. It also happens in the United States. Of course, it is not that we should follow the systems of the United Kingdom or the United States, but we can adopt the focus of their systems, and that is, using the system to inter-link instead of to restrict an individual.

I said just now that there were often conflicts between the central government of the United Kingdom and local governments. This is because they are ruled by different political parties. The same also happens in the United States where arguments arise in the Congress and the Senate when one is ruled by the Republicans and the other is ruled by the Democrats. There are even arguments between the Parliament and the President. It is not a matter of granting three more weeks to discuss the Budget. Does that matter? This is not a matter of argument but a matter of the system itself, which allows all parties to come together and discuss until a conclusion is reached. We need to do so in implementing "one country, two systems" in Hong Kong. We do not need the Central Government monitoring "Ah TUNG", "Ah TSANG", or the Chief Executive. If we wish to reunify China, we will need to run this trial system in Hong Kong, so that it will set an example of "one country, two systems", with a view to illustrating to Taiwan that we allow Hong Kong, as a local government to have its own system, powers, and participation of the people under "one country, two systems"; and to what extent such a system can cover. It is only through this that Taiwan will be convinced of "one country, two systems".

Today, the example set by Hong Kong to Taiwan is no longer an example of a general policy; instead, it sets an example of the system in its actual implementation process. Today, regarding the discussion of whether the Chief Executive should have political party background, Taiwan will certainly not disagree. Thus, they will wonder why we are debating on it. I studied Social Policy and Public Administration in Bradford University of the United Kingdom in 1979. I had also studied Political Science and Public Administration in The Chinese University of Hong Kong. There are actually no programmes on the governance by a Chief Executive with political party background. We study how to develop political parties, how to develop pressure groups, how to develop this and that; but the subject of whether a Chief Executive should have political party background has not been touched upon. This issue is not even considered elementary in our programme. But now we are still discussing this elementary issue.

Chairman, I have spoken a lot just now. In brief, there is really no need for us to worry. If you ask me whether I am worried about having a Chief Executive with political party background, I can only say I am more worried about a Chief Executive on an *ad personam* basis without any political party background, as he can assume the office of the Chief Executive out of the blue today but can be nowhere in sight the following day. Thank you, Chairman.

**MR ALBERT CHAN** (in Cantonese): Chairman, I speak again because I have heard many Members, particularly pro-government Members, speak on the review of the system for selecting the Chief Executive, I think their handling of this issue is slipshod.

Chairman, the annex of the Basic Law has stipulated that after the completion of two terms of office of the Chief Executive, a review of the political system will be conducted, subsequent to which amendments will be made. Under general circumstances, basically there are only several models for conducting reviews. First, a comprehensive, in-depth and meaningful analysis must be conducted on the existing model and the actual operation of the system. After the review of the operation as well as the actual effectiveness of the system, and subject to the result of this review, assessment on whether there should be changes will be made.

If changes are considered to be unnecessary and the system should remain unchanged, just like the conclusion reached by a number of pro-government Members, a decision will be made after a review has been conducted on various aspects, including the operational model of the entire system; and the performances of the Chief Executives of two consecutive terms — not only two terms, but two Chief Executives — which comes to four terms of office of the Chief Executive; the effectiveness of the policies formulated and the results attained, as well as the support rate of people.

Unfortunately, a number of Members support that the system should remain unchanged. I hope that when Secretary LAM speaks later — he has brilliant debating skills — he will clearly tell the people of Hong Kong that the model and method of selecting the Chief Executive for the past three terms or so, the actual operation, the forming of the governing teams, as well as the governance are absolutely perfect; and that it is not necessary to change the relevant systems, which include the method of selection, the composition of the ruling teams or governing teams. Let him convince the Council and the public. It is a basic requirement to demand a review, I do not see there are any organizations or Members who support a full preservation of the system would make such an analysis and come to this conclusion.

I mentioned the two Chief Executives and their governing teams when I spoke just now. I am not going to repeat. If you do not adopt the methods and models I mention just now for conducting reviews and drawing a conclusion on the basis of the analysis, you can adopt other models. The Legislative Council or a number of committees have often paid duty visits to overseas countries to study their system to understand what their merits are, so that we can draw reference from them as examples for reviews when we come back to Hong Kong.

Subsequent to his visit to Japan earlier, Secretary for the Environment Edward YAU showed great admiration of the country. He thought that Japan was just marvelous. I visited the place two decades ago. I had also raised similar questions in the Chamber. I had raised those questions as early as two decades ago, but it seems that government officials had fallen asleep, oblivious of the fact that the world was turning. They have not been able to keep abreast of the times. You can conduct a review to see which system in other parts of the world is similar to the one in Hong Kong. You cannot find one. Since problems similar to those in Hong Kong have not risen in systems operating all

over the world, why do we still insist on this "weirdo" system? You should identify what methods can be used to conduct a review.

Up until now, the Government and pro-government Members who support to have the system remained unchanged have not offered a full and reasonable account and explanation. I am not going to cite examples of foreign countries. I am going to cite the system in Mainland China, our great Motherland. Over the past two decades, the governing model of provinces and cities in China had undergone total reforms. DENG Xiaoping had laid down the regulation that the central leaders could not resume the position for more than two terms of office, which was different from the previous lifelong system in MAO Zedong's era. This system of resuming a position for not more than two terms of office allows a rotation of leadership. In just a period of several years, the governance of the entire Communist Party had undergone comprehensive and seismic changes. In general, the district leaders — be it leaders of towns or villages, have to be transferred within three to five years. Those with good performance will be promoted while those who do not have promotion opportunities can be demoted at any time without prior notice, and subsequently deployed to elsewhere.

At present, it is also obvious that Mainland officials are getting younger and younger. Some secretaries and deputy secretaries of towns and villages take up the post when they are in their thirties. Those who perform well may be promoted to resume office at the province level. Those who perform well at the province level may even be promoted to the leading position of another province. Subsequent to two terms of office, the outstanding officials may be promoted to assume office in the Central Authorities.

**CHAIRMAN** (in Cantonese): What you are saying now, how does it get to do with the new section 3D?

**MR ALBERT CHAN** (in Cantonese): I beg your pardon?

**CHAIRMAN** (in Cantonese): What does your speech get to do with the new section 3D?

**MR ALBERT CHAN** (in Cantonese): Chairman, this is the model for selecting leaders. It is because the selection of the Chief Executive in Hong Kong is some kind of a mismatch. I had talked about this point when I last spoke. Your political system ..... I said that a set of system should be put in place for the selection of high level leaders. Since you do not have a comprehensive and effective internal review model, you have to draw reference from other places. We cannot find such a system in overseas countries. As we are implementing "one country, two systems", and so many people here like Mainland China, I have cited a comparison between the selection methods of leaders at the district level in the Mainland to those of Hong Kong.

My conclusion is that, if you think the method in Hong Kong is so desirable — I was talking about this part — outstanding officials in the Mainland will be gradually promoted, from the level of village, town, city, province to the Central Authorities. The situation of Hong Kong is nothing like this. TUNG Chee-hwa was haphazardly selected all of a sudden because he had shaken hands with JIANG Zemin. Will the next Chief Executive be someone who has shaken hands with Xi Jinping? Regarding the leaders selected by you, at first it was a businessman. His rule was a mess, resulting in 500 000 people taking to the streets. Donald TSANG was a civil servant. I have no idea how the mismatch is going to be for the following term. The selection of the Chief Executive in Hong Kong was totally not based on strong factual evidence or proven track records to demonstrate his calibre and ability; which is very different from the practice in the Mainland. In the Mainland, HU Jintao came to power because of his achievement attained during his governance of Tibet. To the Communist Party, he obviously has ability in governance, right? There were reports that in the process of making preparations for the Beijing Olympics Games, Xi Jinping had fully displayed his organizing power, which confirmed his position as a leader. So it is based on achievement and performance in the past.

The existing election of the Chief Executive in Hong Kong .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please focus your remarks on whether the Chief Executive in Hong Kong can be a member of a political party.

**MR ALBERT CHAN** (in Cantonese): ..... Yes. Regarding the Chief Executive Election in Hong Kong, if you think the system of the Chief Executive Election in Hong Kong is so desirable, why not adopt this system for selecting the Mayor of Beijing, the Mayor of Shanghai, and the Mayor of Chongqing (Chongqing is a municipality now). Why not ask the Central Authorities to adopt the election system of Hong Kong. Of course, the Central Authorities will not do so. The Central Authorities clearly know that if such a system is adopted, the relevant districts will become a mess. Since provinces and cities in China do not adopt the system, why are pro-government Members of Hong Kong so eager to adopt this system in Hong Kong? It is because this system ..... Regarding the Chief Executives of the past three terms or so, it has been proven that with this election model and the restrictions on political parties, we can hardly choose some competent leaders. Why do we not make some changes to this situation? If you have certain reasons to conclude that Dr Margaret NG's proposal is inappropriate, what other substantial options can you offer to improve and enhance the existing regulations of the Chief Executive Election, so that the elected Chief Executive will better meet the requirements of this system, and ensure the Chief Executive Election will not be excessively regulated, with a view to electing people with better calibre to serve the people of Hong Kong?

The existing system has been in place for over two decades, during which seismic changes have emerged in the Mainland, Taiwan, Hong Kong and other parts of the world. We are talking about a system formulated over two decades ago. Now you insist that since Beijing has not indicated and initiated any need for changes, everything must remain unchanged. The times are changing. Seismic changes have emerged in the Middle East over the past few weeks. Seismic changes have also emerged in Taiwan over the past two decades. Someone said that "one country, two systems" served the purpose of setting an example to Taiwan. It can be set aside then because it no longer has its historical role to play. Over a decade ago, TUNG Chee-hwa had already been portrayed as a laughing stock in the elections of Taiwan. Political parties in Taiwan have already rotated twice. Their president is already returned by direct election. If you say that the model of "one country, two systems" in Hong Kong is used in the united front work for the purpose of pursuing reunification with Taiwan, it has become history already, and has been swept into the garbage bin of history. It is no longer necessary to use "one country, two systems" in Hong Kong to serve the purpose of pursuing reunification with Taiwan. Now it no longer has this role to play. The Central Authorities are already employing

direct and more effective models to tackle the united front work of reunification with Taiwan.

Thus, it is necessary for Hong Kong to conduct a review on the system now. As the Taiwan element no longer exists, we have to focus on the domestic interests of Hong Kong and the ultimate public interests. Election is a means and a process. The most important point is whether a suitable and competent leader will be selected under this election system, so that relevant policies will be formulated to address the needs of the public and the times. The existing regulation is using the rigid political dogmas to restrict the constitutional development of Hong Kong. In ruling China over the past six decades, the Communist Party knows clearly and understands profoundly that rigid dogmas will only suffocate the society and economy, in the end it is the people who suffer. The Communist Party knows clearly the harm of this kind of political doctrine, and Hong Kong is subject to its harm now. Why is the political system in Hong Kong still so very rigid? Why does the Government remain intransigent and refuse to make any changes? Why are people with political affiliation not allowed to run in the election of the Chief Executive? This is the result of the influence of the rigid doctrine.

This is really ridiculous. The developments of various fronts of "one country, two systems" in Hong Kong should be more advanced than developments in the Mainland. With respect to changes in the political system, I mentioned just now that rapid and accelerating developments had been found in the Mainland, with direct elections and the number of candidates exceeding the number of seats put in place in villages and towns. However, the Chief Executive Election of Hong Kong is still a small-circle election. It is certain that elections in the Mainland do not impose restrictions on political parties, right? Insofar as villages and towns are concerned, some people who are not members of the Communist Party are able to run in the elections now. Thus, Chairman, if we continue to cling to the out-dated thinking, models and rigid political concepts, and obey the Central Authorities ..... Mr WONG Yuk-man has said many times before, "The governance of slaves under slaves, and the governance of lackeys under lackeys will only bring disasters". In respect of this constitutional review, particularly this amendment put forward by Dr Margaret NG, the thinking of the pro-government Members as revealed by their speeches will only make Hong Kong sink further into degeneration. Such a situation will only deteriorate increasingly in the future.



**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR PAUL TSE** (in Cantonese): Chairman, today's debate has started from nine o'clock this morning up to now. This is a bit unexpected. However, my following speech can prove that we have not wasted a single minute. Both the audience in front of the television and Honourable colleagues in the Chamber who are more concerned about the contents of Members' speeches will think that this kind of debate is conducive to the development of democracy in Hong Kong. Regardless of the backgrounds, attitudes and approaches of Honourable colleagues, we are all working from various perspectives with a view to strengthening the democratic culture in Hong Kong. It is precisely due to the lack of this kind of democratic culture in Hong Kong that no progress can be made in many constitutional reform issues.

Chairman, I can only speak with humility because I am a greenhorn in politics. Nonetheless, I still wish to spend some time to help Members gain a deeper understanding of the relevant issues through my personal perceptions.

Many Honourable colleagues have talked about the ABCs of politics, which Members can also learn from books. Regarding such issues as how desirable the relevant system is, how to set up a system first and what the merits of party politics are, Members all understand the logical and theoretical pros and cons. Chairman, nevertheless, I am afraid that politics is more than the rationale, the logics and the ABCs of politics. Politics is about the reality.

Chairman, allow me to challenge Honourable colleagues present in this Chamber: Who can list out the countries in the world that have the same democratic systems? We are not discussing science, or how to make a hydrogen bomb, or a question of "one plus two equals three". Even for places with similar backgrounds, such as British colonial backgrounds, the British still backed up different systems in these places. They would adopt different approaches in response to various local factors, such as local difficulties, the new challenges encountered, the background, the inherent factors, the history and the people's characteristics.

Even in the United Kingdom (which is called the "Father of the democratic system" or the "Mother of the democratic system" and it is up to Members to adopt the description of "Father" or "Mother"), nowadays, we can still find the

coexistence of three kinds of systems, namely, the monarchy, the aristocracy and the democracy. This situation is very different from that of the United States and those of other countries. We cannot make reference to the systems in other countries because we wish to create a perfect system, hoping that we can find a perfect recipe. This will not work.

More importantly, Hong Kong is a very special society. Nowhere else in the world can we find the "one country, two systems" approach. Although this "invention" can be described as very great, it has also created a lot of troubles for Hong Kong. We have nothing to make reference at all and have to "grope our way forward" and adopt an ad hoc approach. Of course, I agree with the saying that the two Chief Executives, either with a businessman or a civil service background, have their shortcomings, as history has shown, giving rise to numerous problems in governance in the past decade or so.

Returning to the subject, why do we not have a Chief Executive who has a political background? The reason is precisely the absence of political talents in Hong Kong. Hong Kong people are very smart. They are very clever in doing business, investments, all kinds of trade and professions. However, because of the colonial background of Hong Kong, we were not encouraged from childhood to acquire political knowledge, nor would we participate in political discussions. In this regard, the foundation of our political culture is very shallow. We are very good at cooking and nowadays, there are many television programmes about cooking; we are very good at gambling and playing mahjong because we watch people playing mahjong and gamble on horse racing since childhood.

However, there is no political discussion in Hong Kong. This situation does not only occur in primary schools, secondary schools or universities, even grown-ups do not discuss politics. However, the situation is now changing. To some extent, some issues are being politicized. This situation can be considered both good and bad. It is good in that nowadays, there are more people interested in and concerned about politics. Our "post-80s" and "post-90s" are willing to take part in politics. No matter what approach is adopted, it is anyway a kind of participation. In contrast, we did not take part in politics when we were small. Chairman, it takes time to nurture political participation.

Since the democratic culture and political culture in Hong Kong are still not mature, our current discussions on the relevant issues are only empty talk.

This kind of experience is not limited to Hong Kong only. We can take a look at the progress of democracy in the United Kingdom and the United States. At first, many members of the public also did not accept political parties at that time and in society, only some professionals or elites took part in politics. They sacrificed their time to do something for society. At that time, those countries also had no party politics.

This is a slow process. When the culture in a place becomes more profound, more and more people accept the political culture and are willing to play a part in local culture and systems, political parties will gradually emerge. Their appeal do not depend on any single colour, slogan or motion, rather, they stress diversified development on all fronts and absorb elites from various sectors of society to join the political party. Initially, they were small societies, reliable small societies but gradually, party politics emerged. Its nurture takes time.

An Honourable colleague said that we did not have the time because the Chief Executive Election would take place in 2017. Of course, our present discussion is not about laying down a basket of requirements that the Chief Executive must comply with all at once. We are just discussing one of the items, which is a restriction that has been adopted for many years, that is, we do not want the Chief Executive to have any political affiliation. In this regard, some Honourable colleagues, Mr Frederick FUNG, for example, may ask why it would not do if he has no political affiliation but it would do if he has none? Let me give an example to show the difference. Why do we have to retain a barrister but not a solicitor. Because a barrister practises on his own account, so he can uphold his neutrality and independence. They do not want a solicitor's firm, which has different clients, to affect their intentions, which will make them insufficiently neutral and brave enough to defend the interests of their clients. This is precisely the arguments advanced by barristers.

So, what is the difference between the identity of an "individual" and that of a "party member"? A party requires allegiance. Party members have to be loyal to their party, unlike the political parties in Hong Kong, which have no discipline. They are not formal political parties but just political groups. If one belongs to a certain political party, he will lose his autonomy. On some matters, he must discuss with the political party that he belongs to. Chairman, this is the greatest difference. At the present stage, most people in Hong Kong think that we still do not have a kind of culture, habit or system that can make us feel at

ease and allow the Chief Executive to have political affiliation and to swear allegiance to the political party, to which he belongs, to have disputes with other parties and even fighting with each other. Chairman, we do not want to see this kind of chaos.

Chairman, today, I was impressed by a number of Honourable colleagues, including Ms Audrey EU, Dr PAN Pey-chyou and Mr Alan LEONG, who explained the ABCs of politics in a relatively mild attitude and some of their arguments are also very inspiring. However, I cannot help but jump up immediately on hearing the remarks made by Ms Audrey EU towards the end of her speech. After a long speech to present her arguments, she called on the public to join the rally this Sunday to oppose this Budget. This is precisely what makes the public feel that local political parties are not mature enough. It was already fine for her to present her arguments. At present, there are many people who support the Budget. Yet, having said so much, she then called on the public to join the rally and lobby. People cannot help but ask what the political parties are doing. Are they working for the good of society or are they fomenting disturbance for the sake of doing so?

Of course, the way I put it is a little bit aggressive. However, I must admit that what she said made me understand why a lot people have reservation about political parties. When a party representative ran in the Chief Executive Election, why was a film director in the entertainment sector selected to teach him the art of speaking? I absolutely have no intention of attacking Mr Alfred CHEUNG at all. I know him and also know that he has his own personal views. However, when a leader of a political party ran in the Chief Executive Election asked a film director to teach him the art of speaking, what kind of political party is it? Of course, he had to splash out a lot of money, as I know that it cost \$10,000 per hour. This would make members feel worried, not to mention asking someone who admires MAO Zedong and regards him as an idol and even has a style very much akin to MAO Zedong, to serve as the party leader and rule. This will only scare Hong Kong people out of their wits.

Chairman, this is why we are scared. We would rather have a civil servant whom we are familiar with to serve as the Chief Executive because we have seen how he handled matters. Even if he does a very poor job, he would still have a bottomline. Of course, people of various backgrounds all have their own problems. I also acknowledge that there are definitely many problems with

the Government of the last two terms. However, Hong Kong is very special and complicated, so it is not easy to do the work. Who can clearly point out and select, among the 30 directly-elected Members here, which one of them is obviously neither left-wing nor right-wing, who is neither anti-communist nor totally pro-government? In Hong Kong nowadays, since the differences in ideology are so great, members of the public dare not select someone with party affiliation to take the office of the Chief Executive and cannot be sure whether or not he really knows the essence of "one country, two systems", so that he would not show special favour to the country or be "anti-communist".

Chairman, we do not have such confidence for the time being. Although one may say that there will still be some limitations if the post is taken up by a civil servant, this is a desirable approach because comparatively speaking, he can at least convey a greater sense of neutrality. It is also desirable to have a businessman as the Chief Executive because at least he has a set of beliefs. All people have their own weaknesses. The question is that we need time and everyone's participation. Therefore, we have to go through what is so-called "trial and error". However, that particular person should not go through the "trial and error" stage only when he is serving as the Chief Executive. Rather, I hope that more people can participate in political discussions. Political participation can be distilled as time goes by.

Of course, Mr Frederick FUNG will ask, "I wonder which approach will Paul vote for?" I can only answer that I hope there is the feeling that ..... at least, I have one principle, that is, I hope that each and every matter will embody my ideas. I may not necessarily support the Civic Party, the Democratic Party, the Democratic Alliance for the Betterment and Progress of Hong Kong or even your esteemed party. I believe all members of the public know that some people behave in this way, so they will appreciate this. This is the situation that I wish to see. Some independent Members present here or those from whom I have some admiration, such as the five independent Members and Members of the Professional Forum behind me, they always have their own views when dealing with matters on each occasion and do not dispute certain beliefs obstinately. Also, they are not those who sound powerful at a theoretical level but fail to deliver anything, nor would they insist on following certain line just because they have to adhere to that line.

Chairman, sometimes, people in politics whose thoughts are too predictable are not very suitable either. They should have their own independent views and arguments on all matters. No matter what is right or wrong, they have to explain to others why they have certain ideas or vote in a certain way. I think that only in this way can they make members of the public think that they are appropriate candidates.

Chairman, an Honourable colleague told us not to be so worried because the risk is actually very low. In Hong Kong, there are the rule of law, the freedom of speech and also a very good civic society, and members of the public are also very well educated. Chairman, allow me to repeat one point. We have indeed done quite a good job in various areas. Chairman, therefore, please allow us to slow down a little bit and also be more cautious about the progress of democracy, because a democratic system is ultimately intended for the protection of the values mentioned by Members just now, including the values in such areas as the freedom of speech and the rule of law. In fact, we already have the conditions in this regard. The only thing we lack is a clear democratic voting system. Of course, a democratic society is actually not just about a voting system because voting is only a kind of manifestation. More importantly, have we safeguarded the values we have talked about just now? In this regard, fortunately, Hong Kong can do so. Even in education, although I criticize the inadequacy of political culture in Hong Kong (this is a fact), we have done a good educational work in other aspects.

When our knowledge, passion or habit in political participation is developed to the extent that it is on a par with many other overseas countries or some developed western countries, or we even have a well-developed political establishment, then ..... take the reunification of East Germany and West Germany as an example, I believe Members will never forget it. The current Chancellor of Germany, Angela MERKEL, is from East Germany and has a communist background, so why can she become the Chancellor of Germany after the reunification of East Germany and West Germany? East Germany and West Germany have their own very mature systems and are not afraid of anyone joining in. There was no concern even when the whole population of East Germany was added to West Germany. It is only when many other factors are also mature and when there is sufficient maturity in society that democratic direct elections can be regarded as something nice to have.

However, if everything is not yet ready but one has to introduce this so-called direct election system or many bookish democratic theories, then it will be just like serving the half-cooked rice. The consequences may not be acceptable in many ways. There is no petrol, mineral resources or any other industrial support. What we rely on is the stability in society and the confidence in society. Our very foundation is very weak.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, before coming to the Legislative Council to deal with these two Bills, a friend told me that this debate on constitutional reform would be a marathon. In fact, in discussing Dr Margaret NG's amendment this morning, it seems that we are already half-way through the marathon.

I would like to give my response in several areas. First of all, I have to state a fundamental position. Being the Secretary in charge of constitutional affairs, I often get in touch with Members belonging to various political parties. In fact, I have great respect for Members, no matter if one has any political affiliation or not. This morning, we talked about our aspirations for constitutional development in Hong Kong and hope that the person who is the Chief Executive can govern Hong Kong effectively. However, I wish to tell Mr Ronny TONG and Dr Margaret NG, the fact that the Chief Executive Election Ordinance provides that the elected candidate must withdraw from his political party is not founded on the belief that the Chief Executive has to be politically neutral. This is not our thinking. We are fully aware that the Chief Executive of Hong Kong is the most political figure in Hong Kong society because he is responsible for the governance of Hong Kong. To govern Hong Kong, one has to balance the interests of all parties and make choices. Having to make choices and decisions, he is already the most political figure. Since he is the most political figure, he has to balance the demands and interests of various political parties and groupings. In the present extent and level of political development

in Hong Kong, it is more practical and effective for the Chief Executive not to have any political affiliation.

We had once conducted an opinion survey and found that more than half of the public do not wish to see the Chief Executive of Hong Kong belong to any political party. Why? Because the present situation of Hong Kong is that there is a plethora of political parties and the election system is that of the "proportional representation system". In the legislature, political parties, big or small, all play a part but there is no one or two particular political parties that can dominate the Legislative Council as the largest party. In society, there are political parties with a membership of several hundred people and not many parties have a membership of 1 000 members. There is only one party with more than 10 000 members — or close to 20 000 now. In these circumstances, Members can keep tabs on public opinion but no particular political party can represent the interests of the great majority of the public. Therefore, coming back to this point, in view of the present extent and level of political development, the public recognize and hope that it is better for the Chief Executive of Hong Kong to have no political affiliation.

Let us consider this: If the party leader or the helmsman of a particular political party becomes the Chief Executive, would other political parties give him support inside and outside the legislature? Although our incumbent Chief Executive has no political affiliation, it is already very difficult for us to rally support from Members. It would be even more difficult if someone who is affiliated to a certain political party serves as the Chief Executive. However, on the other hand, I think the Chief Executive has to make full use of the scope given by the Basic Law and he can consider forming an informal political coalition with various political parties, so that we can discuss our proposed policies with different political parties and forge a consensus internally before unveiling them. Later, I will talk about how to do this.

At the same time, I would like to give my reply to the queries raised by several Members regarding why there is no political party law. I understand that some Members hope that there is a political party law. However, I also wish to reiterate that it is better not to have a political party law in view of the present level and stage of development of political parties in Hong Kong. What is the purpose of formulating a political party law? If we propose it, members of the public may hope that such a piece of legislation can regulate the participation of



groups as political parties in elections and politics, so that they can represent the public. At present, political parties in Hong Kong are still at a relatively early stage of development, just beginning to burgeon but not yet mature. What they need is a greater room for development rather than more legal regulation. If the political party law imposes a great deal of regulation, they must be specific. For example, if the law regulates the sources of financing and donations of various political parties, be it from local or overseas, I believe that various political parties may not necessarily give their support to this legislation at the present stage.

What is meant by providing greater scope for development? In fact, I am very practical. Since I have taken up the post of the Director of Bureau of this Policy Bureau in 2002, whenever I have the chance to do so, I would suggest increasing the number of elected seats. The number of District Council seats has been increased from 390 seats to 412 seats this year; as regards the Legislative Council, after our second attempt, the number of seats was finally increased from 60 to 70. With the new seats, more people can run in the elections and there can also be more changes of batons within political parties, thereby allowing the younger generation to take the helm. People with greater experience in politics may not have to step down immediately. In this way, we can have more room for development.

Next, I wish to answer several questions. A Member asked if principal officials are fighting all alone. I have to tell Members clearly that this is absolutely not the case. Every morning, we have a morning discussion meeting to discuss matters that have to be dealt with on that day, in a week and in the coming few weeks. Members can try to recall that last year, when we dealt with the constitutional reform package for 2012, although Members held different views on our "Act Now" campaign, as a matter of fact, I was not the only one who came out to face the public and rally for support, rather the entire team did it together.

Some people also asked should someone without any political affiliation take the office of the Chief Executive, will he have any political platform? A Member pointed out that both Mr TUNG and Mr TSANG had spelt out their political platforms. We, as politically appointed Directors of Bureaux or Deputy Directors of Bureaux, must support his platform before joining this Government with a tenure of five years. We are doing our work, such as the 10 major

infrastructure projects and other laws, in accordance with the election platform of our Chief Executive, Mr Donald TSANG.

The third question was raised by Mr Frederick FUNG and several other Members. It is about the relationship between constitutional development in Hong Kong and the Mainland. I think the fundamental rationale is very clear. Hong Kong is a relatively small place with a population of 7 million. It has a liberal atmosphere and the foundation of the rule of law. The election system and democratic system developed in Hong Kong are suitable for the soil in Hong Kong. There are 1.3 billion people on the Mainland and it has a very different historical background. The constitutional development in the Mainland will assume its own direction.

My response to the fourth question is: Although Mr Albert CHAN is not here now, he asked me earlier if we have ever reviewed our system for electing the Chief Executive. The answer is of course in the affirmative. Otherwise, we would not have passed the package of electing the Chief Executive last year, nor would we have enlarged the membership of the Election Committee from 800 to 1 200. He also raised another question, saying that the leadership on the Mainland can only serve two consecutive terms. He might have forgotten when we formulated the Basic Law in 1990, we had already provided in Article 46 of the Basic Law that the Chief Executive of Hong Kong can only serve for not more than two consecutive terms. Therefore, Hong Kong has its own system formulated in accordance with the Basic Law.

Lastly, I have to sum up. Chairman, if someone without any political affiliation takes the office of the Chief Executive, what is the key to his governance? We may not have a perfect answer but a practicable and feasible answer is that, according to the Basic Law, there is room for a Chief Executive to establish an informal political alliance. Article 55 of the Basic Law provides that Members of the Executive Council shall be appointed by the Chief Executive from among the principal officials, Members of the Legislative Council and public figures. Here, he may invite some party representatives with ballots in the Legislative Council or independent Members to join the Executive Council. The actual situation in Hong Kong is that the Government and Members of different parties need each other.

Mr TAM Yiu-chung thinks that there may be a lack of people with sufficient experience or talents for assuming the leadership posts. Our colleagues with civil service background may have more experience in administration and there are more resources and opportunities for policy research in the Government, so what do we lack? Unlike you, we do not run in elections directly and do not liaise with various sectors and districts daily. You understand the pulse of the community and there is a difference between the opinions voiced by you and the public sentiments observed by us. However, if we can join forces, there will be hope for Hong Kong. Therefore, Article 55 of the Basic Law allows the Chief Executive to invite people with party affiliations and with support in the legislature to join the Executive Council.

Since 2002, all Secretaries of Departments, Directors of Bureaux, Deputy Directors of Bureaux and politically appointed colleagues can have political affiliations. Although Ms Miriam LAU said that Secretary TANG has already left the Liberal Party, our policy allows this kind of affiliation. At present, in our politically-appointed team, some colleagues also have political affiliations. Chairman, therefore, the situation is that the Chief Executive cannot be someone with party affiliation and people with party affiliation cannot take up the top governance posts. However, political parties and groupings in Hong Kong can adequately participate in the politics and governance of Hong Kong. They cannot be the ruling party but they have ample opportunities to participate in politics. They can join the Executive Council and the team of principal officials. We are gradually establishing such a system. Between now and the election of the Chief Executive by universal suffrage in 2017, we still have two opportunities for active promotion and participation.

In about one year's time, the election of the fourth Chief Executive will commence. Six years later, the election of the Chief Executive by universal suffrage will also be implemented. From now until 2017, Members should not give up these two opportunities but should actively express their stances and views and get involved in the process. I hope that in future, Members can continue to comment on the performance of principal officials. However, do not say that this system is not suitable for Hong Kong. Before laying down the timetable for universal suffrage, we have actually taken the step to introduce the political appointment system for principal officials, which is similar to the cabinet system and the ministerial system in overseas countries. We hope that one day, when the election of the Chief Executive by universal suffrage is implemented in

2017, the Chief Executive-elect will, disregard of his previous background, have a team to draft the platform for him, rally support from various sectors and the public and form a cabinet. I believe that by that time, the informal political alliance will be more mature and well-established, and there will be enhanced participation of the parties and groupings represented by Members here, and of the interactions in Hong Kong politics.

Chairman, I so submit.

**CHAIRMAN** (in Cantonese): Dr Margaret NG, do you wish to speak again?

**DR MARGARET NG** (in Cantonese): Chairman, I am grateful to various Members for their impassioned speeches, which have enriched this debate. Many Members have been engaged in politics for many years and have been working hard to develop their political parties amidst great difficulties. Most of their speeches today are very impassioned because they think that the present amendment proposed by me has actual implications on political party development and they spoke from their experience.

Chairman, I would like to come back to this subject matter. What is clause 3D of my amendment about? In what circumstances is it proposed? Today, our debate on the Chief Executive Election (Amendment) Bill 2010 is to review what should be the next step of development. Therefore, when discussing these issues under this subject matter, we have to review on the next step to be taken. Firstly, we have to review a restriction, that is a candidate who intends to run in the Chief Executive Election must, prior to election, undertake that he will sever all ties with political parties once he is elected. Regarding this restriction, we had already raised at the beginning that it infringed upon the right to freedom of association. Therefore, there must be adequate justifications to imposing such a restriction. Presently, we must review if there are still strong justifications for retaining this restriction. We do not have to care whether or not there were strong grounds in the past but whether there are still strong grounds now?

Secondly, we have to plan ahead, can we still impose such a restriction if we want to take forward the election of the Chief Executive by universal suffrage. What I demand is the abolition of a restriction, I do not intend to impose a

requirement on any candidate, for example if you do not have any political affiliation, please do not enter politics. This is not a condition, and the crux of the problem is, the candidate is free to choose whether he is going to run in the election in his capacity as a member of a political party or with his political affiliation. He can tell members of the public that he is running in the election in his capacity as a member of a political party. If he thinks that this will win him the greatest support from the public, he can do so. Conversely, if he thinks that the public will not find this acceptable, he can choose to continue to say, "I have no political affiliation. Even if I had political affiliations in the past, I will sever all those ties after being elected the Chief Executive." In that case, just let members of the public choose!

However, the present requirement in clause 31 makes it impossible for members of the public to choose. This is the first point. Second, talking about looking ahead, the amendment proposed today is to abolish this restriction by means of legislation. Just now, a number of Members said that the development of political parties required nurturing of personnel and a mechanism should be in place to attract more people to enter politics and run in elections. There is a process of training and also a process of elimination. Those who can actually stand in the Chamber as Members or serve as the Chief Executive in the future will have fought many battles. Moreover, even for those who enter politics only today, they also know that they will have such a prospect if they can do a good job. It takes time for us to achieve these goals. Therefore, it is really not too early for us to abolish this restriction as there are only six more years to go before the election of the Chief Executive by universal suffrage in 2017. In fact, it can be said that this is rather late.

Chairman, a number of Members talked about the issue of quality, that is, the quality of political participation, rather than just the quantity. What Secretary Stephen LAM talked about are numbers, such as more seats and more people running in elections. We are not talking about the quantity. What we are talking about is someone who is willing to devote time to engage in politics and have a career in politics. In order to attract quality people, there must be lofty goals. The loftier the ultimate goals, the more it can attract quality people who are willing to devote their time and work up from the bottom.

Chairman, I remember ..... Members can perhaps take a look at this: In the past, although only the election of Urban Council members was open to the

public, there were also political groups similar to political parties, such as the Civic Association and the Reform Club. Although these two political groups used such names, they were actually pioneers of political parties in the Urban Council. Of course, they had not done great deeds because of the strict restrictions on the electorate of the Urban Council. Although the Urban Council had administrative powers, the constraints on its administrative powers were also quite great. All it could do was to hold a general discussion every year to debate the policies in Hong Kong. Due to such a constraint, no great political parties had been formed, and its development could hardly arouse any interest. However, in 1985, when the policy of "Hong Kong people ruling Hong Kong" in the Sino-British Joint Declaration became widely known, political parties became more active. In fact, after the signing of the Sino-British Joint Declaration, the Xinhua News Agency began looking for people to form political parties. At that time, Mr SZETO Wah was asked to form a political party. As a matter of fact, an organization called "Hong Kong People Association" was already formed at that time. People from the Xinhua News Agency had approached it, but the condition was that Margaret NG could not be a member. At that time, people still had great hesitation in joining political parties. However, when the election of the Legislative Council was opened up in 1999, more people were enthusiastic. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), the Democratic Party, and so on ..... in fact, what I mean is that it was an era. We need not say that there was direct election in 1991, there were already indirect elections for members of the District Boards. All in all, when the Legislative Council had been opened up, many people were interested to join in and form political parties. Therefore, if the ladder to the Chief Executive has glass ceiling or steel ceiling which does not allow people to reach it, certainly no one would come to play a part. Talents in the financial sector or the academic sector, or people who can originally become Administrative Officers or be promoted to become Directors of Bureaux would not want to take part. If you let them become accountability officials and open up those channels, of course, one would rather have a stable prospect. I do not mean they are greedy, what I mean is one's political aspirations. It is a matter of a calling.

Earlier, Mr Paul TSE also said that people making money in the business sector are involved in many different trades but the politics in Hong Kong is still very amateurish. Chairman, some two decades ago, and I cannot recall which year it should be, I had a meeting with the Prime Minister of Singapore, Mr LEE Kuan-yew. He told me if he had come to Hong Kong instead of returning to

Singapore upon completion of his studies, he would surely enter the commercial sector rather than politics because it was a dead end with no prospect to be a politician in Hong Kong; on the contrary, there were many opportunities in the business sector and one could set up a big business and be very successful. Hence, he would surely go into business. However, it was not the case in Singapore. There were prospects to be in politics, so he went into politics. Therefore, can this actually encourage more people to go into politics? This completely depends on how far one can go. If one can only reach the District Council level and no more, why should one give up other aspirations to do such a thing?

Chairman, in order to remove from these shackles, there is really no time to lose. This is really necessary if we want to have a good Chief Executive, if we want to have party politics and co-ordinated platforms with long-term commitment. First of all, I would like to respond to the comments of a number of Members, but Chairman, due to the time constraint, I cannot discuss them in detail.

A number of Members have pointed out that first, there must be a political party law. In fact, political parties have existed in the United Kingdom for centuries but a political party law has only been introduced recently. A political party law is introduced only at a certain point, when it is considered necessary to impose regulation to make political parties more transparent. However, even though prerequisites are required, if we have such an objective, let us start drawing up a political party law now. You ask yourself: What is the use of a political party law? The Secretary has raised many questions. The first point is more or less the same as what Dr PAN Pey-chyou has said. He said that at present, the Chief Executive is not allowed to have any political affiliation, the idea is not to maintain political neutrality but to strike a balance, so that he can discuss with various political parties. Dr PAN Pey-chyou indicated that if the Chief Executive has political affiliation, he would be constrained by his party. I really find this saying odd. The leader of a political party, even if it is a small party like our Civic Party, will not be constrained by the policies of the party after decisions have been made. Otherwise, how can he be considered a leader? Therefore, he must be the one to lead the political party and if he is to lead the party, of course, he has to balance various parties and formulate a cross-strata political platform.

Chairman, I want to tell you why ..... sorry, I should not say "tell you" because actually, you already know without me telling you why at that time, the Xinhua News Agency failed in forming a political party. Chairman, you have served in the legislature longer than me. At that time, the precursor of the Liberal Party was called the Co-operative Resources Centre, while other organizations were called think tanks or political groups. What the Xinhua News Agency wanted at that time was a middle-class political party. However, for any political party to get adequate support in Hong Kong, it cannot just represent the middle class but also those who need help from the public policies of the Government. Therefore, it is a dead end. If our future Chief Executive, or even the Prime Minister of the United Kingdom or the President of the United States wishes to go into politics by way of a political party, the political platform of the party must be able to offer help to those who are most in need of help.

Secretary, at present, the Government formulates a policy first, then depending on our responses, make amendments when the policy does not work. This is how the present policies are formulated. Are the present policies very good? Very often, in devising a government policy, we need to make many choices and set priorities. We may not be able to win the applause from all people in a short time. However, if we persist and stay firm, the public will be able to see that the Government is heading towards the right direction, then they will naturally support it. Conversely when the Secretary thinks this is a strength of the Government, in fact, it is a weakness.

Earlier, the Secretary mentioned that the Chief Executive can have his political platform and can form his team later, but this is a platform drawn up for running in the election. It is different for political parties. People in a political party will, after working together for 10 or 20 years, formulate a political platform together with commitment and mutual understanding. They can co-operate with each other and know the bottomline. Although the platform for the election this year only covers a limited scope, there are already many well established understandings behind. If a political platform is cobbled together for an election, it will fall apart quickly, just like our Budget, it will fall apart quickly.

If a group of people is to be gathered together afterwards ..... we opine that many political parties are not really political parties. For example, in this legislature, a number of Members may join hands to vote together and take a



common stance or may discuss an issue together, but this is not really a political party. Why? Because they group together only after they have become Members, but we need a political party that can go into the masses and keep interacting with the public, so as to formulate a long-term political platform.

I want to respond to Dr Philip WONG. Although he only said a few words just now, he was able to express the worries of Hong Kong people, that is, if there are political parties, there will be the Communist Party; if there is the Communist Party, when they practise communism, nothing will be left of our capitalist society. I think if you are under the control of the Western District, you should not be shy but should step up to the stage and tell everyone that you are a member of the Communist Party. What is wrong with that? You can say that your proposed political platform is not communist but a capitalistic one suitable for Hong Kong, and what is wrong with this? If so, a lot of people may be willing to give their support. However, if you say you are a Communist Party member who wants to practise communism, of course, you will lose in the election. Therefore, we do not have to think ..... sorry, Mr Ronny TONG is right in saying that this is against the Basic Law. There is no need to take the first step at all and one will already be defeated.

Chairman, lastly, I wish to repeat what Ms Audrey EU has said. This is the crux of the issue and our future development depends on it. We have to start the work now. Please support my amendment.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That new clause 3D be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Dr Joseph LEE, Dr LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Mr Jeffrey LAM, Mr Andrew LEUNG, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming and Dr PAN Pey-chyou voted against the motion.

Mr WONG Yung-kan, Mr WONG Ting-kwong, Mr Paul CHAN, Mr IP Kwok-him and Mr Paul TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mr WONG Kwok-hing, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan abstained.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 26 were present, eight were in favour of the motion, 13 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the motion, four against it and six abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negated.

**CLERK** (in Cantonese): New clause 10A

The Schedule, section 29  
(System of voting and  
counting of votes).

**DR MARGARET NG** (in Cantonese): Chairman, I move that new clause 10A be read the Second time.

Chairman, this clause is about the District Council (DC) seats in the fourth sector. Actually, what is the electoral method for those 117 seats? The present proposal put forward by the Government is to adopt a "bloc vote system" but it can easily give rise to monopolization of the 117 seats by the largest party, thereby resulting in a complete imbalance under the principle of balanced participation, which the Government attaches great importance to.

Therefore, my amendment seeks to amend the "bloc vote system" to a "multiple seats, single vote" system, that is, no matter how many seats there are, each voter can only cast one vote. As such, the 117 candidates who get the highest number of votes will be elected. This will enable the DC seats in the fourth sector to represent more political parties and groupings.

Chairman, regarding the differences between the two voting systems, we have already discussed them in this Council on a number of occasions. I believe

that most Members are very familiar with the differences between them, so I am not going to go into the details. I just hope that Members can support my amendment.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clause 10A be read the Second time.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): Chairman, Dr Margaret NG said earlier that there would be a great deal of argument on whether the "bloc vote system" or the "single vote system" should be adopted, did she not? The debate is often centred on the claim that certain political parties or groupings will be benefited. In fact, we should not look at this matter with this kind of thinking. In the same vein, Mr TAM Yiu-chung would say in retort, "Did you people in the pan-democratic camp not say that you would win 60% of the votes? If the 'bloc vote system' is adopted, would all the seats be taken by you?" Who would have expected that in the election in 2007, the pan-democratic camp had a resounding defeat, right? For this reason, in the elections of geographical constituencies, under this "single seat, single vote" system, that is, that kind of system in which one candidate is running against another, it is very difficult for you to run against the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), which has a great deal of money and influence. In these circumstances, they will surely do better than you in District Council (DC) elections but they can also say that they also had a resounding defeat in 2003, did they not? However, the elections in 2003 were very politicized.

All right, the coming elections in 2011 will also be very politicized, will they not? All of us have to thank the "pigeon party", do we not? They had closed-door negotiations with the Communist Party, passed the constitutional reform package and proposed five new functional constituencies, in which the DCs will make the nominations, DC members will run as candidates and be returned by Hong Kong people through "one person, one vote". In recent days, they are still trumpeting about how great and correct they are, how the "one person, two votes" arrangement will be a brave new world but this is exactly

where the deadlock is and where the devilish details lie. I will wait until we have discussions on the Legislative Council Bill to blast you and discuss with you, but this is also related to the formation of the DCs, buddy.

Now that the Secretary has left, Chairman, allow me to stray a little bit from this issue. When he responded just now, he said that the Chief Executive should not have any party membership and political affiliation, that if he had, it would be very troublesome because there were scores of parties here. In this kind of election under the proportional representation system, no party can win an overwhelming majority, in other words, if you want to form ..... for example, it will be very difficult for the Chief Executive to form a ruling party, buddy, because under the present political scene, his party definitely will not be a majority party. The DAB is not a majority party either and it must join forces with the united front in the pro-establishment camp in order to form a majority party in the legislature, must it not? This is all the more so for those people in the pan-democratic camp. Their political spectrum has spread wider and wider and just as the catch-phrase that you people often use, "it is one against another and all fragmented", is it not? These are the words that the *Wen Wei Po* likes to use the most: Just like "dog eating dog". In fact, this is not so. I may be a sheep and he is a dog, or he may be a tiger and I am just a rabbit, right? This really is not "dog eating dog", only that our lines are different and directly opposite, so do not be mistaken. People talk about the pan-democratic camp but the pan-democratic camp has disintegrated after the passage of the constitutional reform package. To put it more bluntly, do not deceive yourselves. Why is there still this talk of the pan-democratic camp?

In some circumstances, for example, if we join hands to bargain together with the Government on issues concerning people's livelihood, this may not always refer to the pan-democratic camp, right? For example, on the issue of the transport allowance, except the DAB, most of the people in this Legislative Council joined forces and formed a coalition, only that this coalition was shattered overnight and it was just a short-lived one. This is what the Government calls .....

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please speak on this clause.

**MR WONG YUK-MAN** (in Cantonese): ..... a coalition ..... no, I must give a thorough account of the whole issue, otherwise, I cannot possibly speak for 15 minutes, Chairman, can I? I still want to speak for a second time, do I not?

I want to talk about the speech given by Secretary Stephen LAM ..... Mr Ronny TONG, have some patience, I have only strayed away while speaking. Just now, he said that since no political party could have absolute superiority, what was the use of the Chief Executive having political affiliation? After saying this, he then said that he did not support party politics and did not support enacting legislation on political parties. This is what he said earlier and this is relevant to the "bloc vote system" or the "single vote system" that I am now talking about, is this not, buddy? There are the "multiple seats, single vote" system and the "multiple seats, multiple votes" system, the "bloc vote system" can be used under the "multiple seats, multiple votes" system and there is also a type called the "simple bloc vote system". I had better not waste time on talking about these things with you; their merits and demerits are very obvious. However, some political parties are worried that the pro-establishment camp will stand to gain. If the "bloc vote system" is adopted, would it be like what they say in Taiwan, that they will "take all away in one bowl"? However, in the present political scene, this is indeed also a reality, is this not? Yet, if you say so, when you look further into this, you will find that this saying does not hold water because you can also win, buddy, can you not? You can also win more than 50% of the seats and in that event, will you not also "take all away in one bowl"? However, this is not possible because there are appointed members, buddy, are there not? There are 20% of appointed members. Although some people say that appointed DC members will not be entitled to vote, they could in the past, buddy. We only wish to raise one point, that is, you say here that new seats have been added but why do you not abolish those 20% of appointed seats? This can be done through local legislation but still, you would not do so. Therefore, this Government is simply nonsensical. This is a very simple rationale and herein come the disputes, right?

At present, in the DCs, that is, the seats in the Election Committee, or the election of the DC seats in the Legislative Council, those appointed DC members have now been kicked out and in fact, this is not fair to the appointed DC members. They are also DC members, are they not? Therefore, as I said in my speech on the Bill as a whole yesterday, all these arguments on the nitty-gritties are irrelevant to the major principle and not very meaningful. Worst of all, some

political parties often talk about principles with other people but as they go on and on, they suddenly abandoned them. Then, they talked about technicalities with other people, did they not? Therefore, the amendments to be proposed by them tomorrow will really make you feel the absurdity. They want the threshold for the nomination of DC members as candidates for Legislative Council Members to change from 15 persons to 10 persons. Wow, they are really most absurd. Have you not settled that already in your negotiations with those people? This kind of political party is really shameless to the extreme, is it not? Moreover, the person who proposes this amendment is the one who is truly shameless. She once said in the legislature that if they demanded that the number be set at 10 persons but the threshold turned out to be too high, this means this is deception and she would step down to assume responsibility. I have played the recording over and again ..... next, it will be her turn to propose amendments .....

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, we are now discussing the Chief Executive Election (Amendment) Bill 2010.

**MR WONG YUK-MAN** (in Cantonese): ..... sorry, Chairman, you know, you have to understand my situation. Sometimes, I may stray very far as I speak but it is all political exposition and I am still talking about elections, Chairman, am I not?

This "bloc vote system" has its own merits and the "multiple seats, single vote" system also has its own merits, but in the present circumstances, I am more inclined to supporting Dr Margaret NG's position. I am only more inclined to supporting her position but I am not supporting her amendments, OK? We have already made it very clear. Just now, concerning the Chief Executive ..... you cannot strip him of his right to join political parties. After he has established political affiliations, he wants to run for the post of the Chief Executive. Then, you tell him to withdraw from the party but I think this is a violation of human rights. Concerning this position, I support Dr Margaret NG's amendment and I am not behaving like some Members who are not informed about this matter but go on to rave irrelevantly about not having political affiliation or having political affiliation, am I? As a result, the discussion is turned into one about whether or not one should have political affiliation and there have been a lot of disputes. In

fact, Dr Margaret NG's amendment has already made it very clear. As to this "bloc vote system", it is the same, is it not? I am more inclined to supporting making changes by not adopting the "bloc vote system". Of course, just now, I also said that I hoped we would not look at this from the viewpoint of the interests of political parties. You people say, "This is not beneficial to me.". In that case, will you agree simply because something is beneficial to you? Can it be like this? Systems are here to last a long time and the most important thing is that it is universal, equal, fair, impartial and open. Any system has its favourable and unfavourable aspects.

Let me give an example. Taiwan has become bipartisan, with the blue camp in rivalry with the green camp and the proportion of votes they get is 60% to 40% and depending on the elections, sometimes, the proportion of votes is 55% to 45% but in the final analysis, the blue camp is always a little ahead. As such, voters do not have any choice. Be it an election under the "multiple seats, single vote" system or the proportional representation system, no matter under what kind of election system, there is no choice. It is either blue or green.

Therefore, some people in the middle — I remember that there was a person called Mr CHIEN Hsi-chien and he was the former vice commander-general of the Red Shirt Army back then and before that, he was the legislator of the Legislative Yuan from the labour sector in the Democratic Progressive Party (DPP). He was involved in waging populous struggles and in the end, he withdrew from the DPP. He just could not put up with the rivalry between the blue camp and green camp, so he persuaded some legislators who were more neutral to sign up to request making amendments to the Election And Recall Act, which is like the election legislation under discussion now. In Taiwan, it is called the Election And Recall Act.

What provision was amended? The amendment was made to one of the provisions concerning the votes. The option "none of the above" was added at the end of the list of candidates. The proposal says that if voters choose "none of the above" in an election or on the ballot paper, that is, if the number of votes for the "none of the above" option exceeds the number of votes for the elected person, the election would be invalid. Have you ever heard of this sort of thing? That is to say, even if we cast blank votes, this cannot reflect the actual situation. I like neither of them, none of them, so do not ask me to choose between the blue camp and the green camp. I will choose neither. If this kind of votes reflecting



public opinion are greater in number than those for the blue camp or green camp or other candidates, the election will be invalid. However, this amendment to the legislation was not passed because ultimately, most of the people in the Legislative Yuan belong to the blue camp or the green camp, so it could not pass through. This is my example.

Another matter is: So long as any minor design of the electoral system is carried out under the principle of fairness and openness or through a democratic procedure, such a change to the electoral system will have a profound effect. However, this effect is intended to target at a certain party or some small parties. For example, some people often say, "Does the proportional representation system not benefit you people in small political parties?" Buddy, this kind of talk is also problematic because that is something decided by voters. Voters know how to allocate the votes for you and you too know how to allocate the votes, do you not?

For example, under this "multiple seats, single vote" system, many political parties have to formulate some vote allocation strategies because it is a "multiple seats, single vote" system, so it is necessary to allocate votes. If not, one more list can be compiled, for example, the present proportional representation system is one type of proportional representation systems. Although this type of proportional representation system is so called, it should actually be called "the largest remainder formula for the multiple seats, single vote system under the proportional representation system" and the votes can be transferred to the next person in the list. No matter what the system is, the effect on any person is the same. It all depends on how you run your election campaign.

Of course, given our very immature party politics, or in this very immature political environment and under this incomplete democracy, the change to this kind of system will really have implications on certain political parties and groupings. However, we cannot, on account of such implications, say something ..... in fact, the rationale is very simple. I think Dr Margaret NG's rationale is more preferable because she did not focus on the question of which party would be benefited, rather, she is looking at this under the principle of fairness, so Members have to get this clear.

However, Mr Alan LEONG mentioned earlier that some political parties and groupings may be benefited. If I remember correctly, this is what Mr Alan LEONG said — please correct me if I am wrong. However, Dr Margaret NG

did not mention this aspect when she talked about the principle and arguments for the amendment, did she? Therefore, this is a minor difference between them, so just sort it out between the two of you. This shows that I have paid attention and I am not an ignorant fool.

Here lies the problem. In fact, all people have differences and I hope that Members will not look at this issue from the angle of their own political parties and groupings, rather, they should look at this from the entire spirit of democracy and why this amendment has to be proposed in this legislative process, for example, in our present debate on the Second Reading? Does it deserve our support? This is what matters the most.

The formulation of a system is intended to ensure long-term good governance and stability. In fact, the design of a system can turn things around and change a world of difference. To cite a simple example, this secret ballot is a great invention and it is only with this secret ballot that the foundation of democracy can be laid. What is the use if one can only vote? For example, the bloc vote system is adopted on the Mainland. In the National People's Congress (NPC) of our great Motherland, the simple bloc vote system is always used. This "simple bloc vote system" is like this: You do not have to say anything and the entire list is given to you. The same approach was adopted in electing the Deputies to the NPC in the past. Those 30-odd people were all in a list. There were a list for the DAB and another list for some other people. That was a planned election using the "simple bloc vote system", was it not? This is a problem of immature politics and this is not an election under a sound democracy. This kind of "simple bloc vote system" can take your life.

I hope Members can see where the rationale lies if we look at this matter from this perspective. I would not consider this issue from the perspective of the interests of political parties and groupings. On what basis can midget groupings like ours, which is not even a political party, contest them in elections? However, we will not take part in this kind of elections either. Therefore, concerning this kind of amendments, we must consider them in the light of their spirit rather than the interests of a political party or grouping. This is the most important thing.

As regards the so-called "multiple seats, single vote" system, in this election, I think that comparatively speaking, it is better than the "simple bloc vote system". If the two are compared according to their voting system and

nature, the former one is fairer. Of course, this system will make those political parties and groupings engage in a tussle. As I said just now, when the existing "the largest remainder formula for the multiple seats, single vote system under the proportional representation system" was initially introduced, people also felt very lost.

At that time, what was most laughable was that some people said it was designed to benefit the DAB because the DAB had little competitiveness in direct elections, so a system was devised to enable the DAB to benefit from it. In the end, it turned out that the League of Social Democrats was the one benefited, so you can imagine how awful that is, right? As a result, this kind of claim does not hold water. What does not make sense? Initially, it was said that this proportional representation system was tailored for them but it turned out that they were well capable of even taking two seats in some constituencies. Consequently, some people clamoured again and as a result, the system was changed back to the former "single seat, single vote" system with small constituencies.

Chairman, there is another thing that I wish to take this opportunity to talk about. Concerning that super DC Functional Constituency, those buddies are also arguing about whether it is better to have five constituencies or one. What are they arguing about? Have they not settled this when negotiating with those people? If you ask for my personal opinion, in terms of system, I think it is definitely preferable to have a proportional representation system with a single constituency for the whole of Hong Kong. However, initially, you could have said no to those people and as Mr Albert HO said, it would not be necessary to spend \$6 million on each constituency. Later on, he said that it did not matter to spend \$6 million and it was also him who said so. Chairman, such instances of self-contradiction are really a spectacle to behold but they are less often found in your case. Thank you, Chairman.

**MR RONNY TONG** (in Cantonese): Chairman, I always think that among so many systems of democratic elections, relatively speaking, the so-called "bloc vote system" is the most undemocratic system of democratic elections.

Chairman, under a bipartisan system, the shortcomings of the "bloc vote system" may not be very evident but when political powers are more fragmented, the undemocratic and unfair elements in the "bloc vote system" will be more

pronounced. In particular, when a certain political party is more dominant and the other so-called opposition parties are fragmented, the "bloc vote system" will enable a political party to monopolize all the seats in the entire election. Chairman, as such, I really cannot figure out why Secretary Stephen LAM has all along insisted on not amending the so-called electoral method of "bloc vote system".

Chairman, at the early stage of discussing this Bill, I was the first Member to propose the amendment of the electoral method. However, in the internal discussions of the Civic Party, and even some members of the pro-democratic camp also pointed out that if we make amendments, will it be impossible for other sectors, for example, the legal sector to get all the seats? However, it has all along been my position that we should not consider this issue from this perspective at all.

On this point, I quite agree with the view expressed by Mr WONG Yuk-man in his speech just now. I think that if one always concerns about the political interests of his political party in all matters, the system can never be improved at all. When considering how to move towards an electoral method closer to democracy, we must approach the issue from the angle of the effect of an electoral method on functional constituency representatives.

Therefore, I am completely at a loss as to why Secretary Stephen LAM thinks that this amendment is not worthy of support by the Government or the pro-establishment camp. Secretary Stephen LAM has mentioned more than once, as he also did in this Chamber yesterday, that the Chief Executive Election Committee (the Election Committee) has to be as diversified as possible and also has to be broadly representative. Chairman, as we all know, Article 45 of the Basic Law provides that when selecting the Chief Executive by universal suffrage in the future, we must have a broadly representative nomination committee. Currently, a rather loose thinking that is akin to a consensus has been formed in the community, that is, things should not be made too complicated and that it is better to transform the present Election Committee into a nomination committee. It is hoped that doing so can reduce controversy.

Regarding the above proposal, I think the Democratic Party has accepted it with reluctance. They just hope that universal suffrage can be achieved as early as possible, so they accepted it with reluctance. However, from this angle, if the

electoral method for forming the Election Committee is not amended, when transforming the Election Committee into a nomination committee in the future, it is absolutely possible that the nomination committee may be monopolized by a certain political forces or political interest. When the nomination committee is completely monopolized, the so-called election of the Chief Executive by universal suffrage on a "one-person-one-vote" basis will become totally meaningless. Chairman, it will become totally meaningless.

I believe that all Members should understand, and we have also repeatedly cited an example, that is, when all three candidates are LEUNG Chun-ying, that means if we have to choose one out of three LEUNG Chun-yings, is it meaningful? It is meaningless. Chairman, it is only an analogy. Please do not think that this is an insinuation. It is only an analogy that carries no other implications.

Hence, the issue we are now exploring is that the electoral method for the Election Committee or the composition of the electorate base is actually quite unfair. Members have also raised this point many times earlier and have even spoken till their mouths are dry. In the Election Committee, the great majority of the members, that is, 770 out of the 800 members, are not returned by democratic electoral methods. Only 30 directly-elected members, whom we called "ex-officio members", are representatives of public opinion; whereas all the others are "indirectly-elected members" returned through one after another rounds of indirect elections. Or, they even cannot be called "indirectly-elected members" at all because they are just representatives returned by corporate votes.

When the electorate base is already so unfair, how can the electoral method become more diversified and accommodating? Adopting the "bloc vote system" will only accentuate the small-circle nature of this small circle. Of course, even if the electoral method is changed into that of a "non-bloc vote system", it still cannot legitimize this kind of small-circle elections. I absolutely ..... as I have said yesterday, this term "legitimization" does not deserve our devoting any time to discussing it at all because the problem does not lie therein at all and the principle does not lie therein either. However, at least, if we want to move forward a little bit, we must take this point into consideration, that is, in view of this imbalanced electoral basis, if we wish to achieve greater diversification or tolerance, adopting a "bloc vote system" will actually make the entire distorted system more distorted.

Moreover, Secretary Stephen LAM has, throughout the process, been trotting out the claim that they hope the Election Committee or the future nomination committee can be broadly representative, saying how it should be diversified and accommodating. However, on this topic, he even took the lead to ask the pro-establishment camp to vote against the amendment. Unless he is "crying up wine and selling vinegar" and not practising what he preaches, it baffles me why he has to do so.

Chairman, although I believe that Secretary Stephen LAM is not this kind of person, I still hope that after listening to Honourable colleagues' speeches, he can reconsider his position if he should support Dr Margaret NG's amendment.

**MR IP KWOK-HIM** (in Cantonese): Chairman, just now, when listening to Mr WONG Yuk-man's speech, I agree with many of the arguments advanced by him, especially the point on not letting a system benefit certain political parties or specific groups. However, I do not agree with his final conclusion. This is also relevant to Dr Margaret NG's amendment. The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) does not agree with and will not support it.

The main reason is that at present, all the elections for the Election Committee adopt the "bloc vote system". Many Members present here are also involved, such as Members from the legal sector, the education sector and the social welfare sector. These sectors also adopt such a mode. We all know that in these circumstances ..... Dr Priscilla LEUNG also said in the previous discussion that the most salient thing in elections was "colour". Although she did not know a certain colour represents what people, in the end, she was elected. Is it not a result of the "bloc vote system"?

According to this clear line of argument, why is the District Council (DC) sector the only one that cannot adopt the "bloc vote system" and has to change to the "multiple seats, single vote" system instead? However, the electoral methods for the legal sector, the education sector and the social welfare sector will not be changed and someone is even making high-sounding remarks here. I really do not understand this. Since there is such a clear argument, all of them should be amended at the same time. Otherwise, this can only support the claim

that all the EC seats occupied by the pan-democratic camp in this regard will be won by them in an unqualified success.

Therefore, with such unconvincing ..... if they really admit that this is not a measure with specific targets, it may still be acceptable to all parties and we would be willing to consider this kind of discussion. However, this is not the truth.

In addition, we are making a rational analysis and the result of our analysis is that if the "multiple seats, single vote" system is adopted only in the election of the DC subsector seat, how will the result be like? If we pass the relevant amendment here, there will be 412 DC members who are eligible to run in the election and 117 representatives will be returned from these 412 DC members. If 10 additional seats are added, it may become .....

Therefore, it can be seen that for the 117 representatives elected in normal circumstances, actually a candidate for the DC sector will only need to obtain 3.5 votes to win a seat. If his own vote is counted as well, only 2.5 votes will be needed as he will surely vote for himself. Just by obtaining 2.5 votes, one will get a seat. In the course of an election, candidates with high reputation and greater support may win more than 2.5 or 3.5 votes and I also believe that they will vote for themselves. Hence, they will stand a chance to be elected. In that case, this will become a kind of lot drawing. Is this approach rational or appropriate?

Rather, we should analyse it from a realistic perspective. This approach will indeed significantly reduce the representativeness of the representatives returned. Therefore, I really hope very much that we can be consistent. If you want to make great achievements by making such changes, I ask you to think clearly. Why not take a look at other sectors? One keeps quiet when one stands to gain but when one thinks that something is more favourable to others, such means are used to hamper other people, so as to let oneself or one's companions get the opportunities. If this is considered fair and just, I would find it very difficult to agree.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, regarding this amendment proposed by Dr Margaret NG, I wish to repeat two points of my analysis.

First, a "bloc vote system" is indeed applicable to elections of some other 30 subsectors of the Election Committee (EC), so we have to deal with this matter in a consistent manner.

Second, we have also considered that in November this year, 412 elected District Council (DC) members will be returned in the DC elections. If they elect 117 DC representatives to join the EC, together with the four of the 10 "Special Members" seats allocated to the DCs, there will be 121 members. That is to say, only three or four votes are needed for entry and become representatives of DCs in the EC. Based on the 412 elected DC members, this means that one would only need to receive about 1% of the votes to gain entry and it can also be less than 1%.

Regarding the proportional representation system for direct elections in geographical constituencies (GCs), although the situations in respect of voters and candidates running in them are different, one usually has to garner more than 5% of the votes in the list system operating under the "multiple seats, single vote" system before one can win the last seat.

When we amend the Legislative Council Ordinance, Members also discussed and queried whether the percentage of 5% of the votes can be maintained for entry into the Legislative Council if there are nine seats in New Territories West GC. As Members are so concerned about another area, namely, to elect 117 representatives from the 412 DC members, I think Members should also be concerned about their representativeness.

Chairman, I have already made an analysis of these two areas for Members.



**DR MARGARET NG** (in Cantonese): Chairman, this amendment is the last amendment proposed by me on the Chief Executive Election (Amendment) Bill 2010 (the Bill). Therefore, I also wish to say that our duty as Members is to convey public aspirations to the Legislative Council, so as to conduct a debate. Chairman, nowadays, every single member of the public in Hong Kong can express his views, we have forums on the Internet and we can also display placards. All members of the public can express their opinions but only Members of this Council can propose a bill or an amendment. Therefore, when the community voices various views or think that there are areas in which amendments are merited, so long as they do not run counter to our principles, I think it is incumbent on us to bring it up for discussion. We should not be lazy. Therefore, Chairman, although we have been discussing this for many hours, I still think that this is our responsibility as Members.

Coming to the last clause, in fact, it is also quite a simple one. I agree with the position of Mr WONG Yuk-man. However, whenever we propose amendments to any system, we should follow one principle. If my party is a small one now, they might be unfavourable to me. However, under the principle of fairness, my party can become a big one and it may be able to gain a little more support. However, if a system has to be tailored to suit people, then the system will have to change frequently and will never be a fair one. Therefore, I also take this attitude in dealing with this issue. Mr Ronny TONG and I share exactly the same opinion.

Mr IP Kwok-him said that all the seats in the Election Committee (EC) are returned by a "block vote system". However, the seats in the District Councils (DCs) are very special because their electorate base is particularly small. According to the original amendment proposed by me earlier, there is no need to run in elections at all as all 412 elected DC members can have a seat. Therefore, I believe that there is absolutely no problem with 3.5 votes. On the contrary, I wonder why it is said that this is too few. However, there is nothing we can do as the framework has existed for a long time. In fact, I also think there is something wrong with returning the only DC Constituency seat in the Legislative Council at present by a "block vote system".

Chairman, the Secretary said that it was to be "consistent" in respect of all sectors. Chairman, I do not think that the Bureau is so "consistent". He will adopt this principle only when it is favourable to his objective. Now, although

some discontinuities and inconsistencies have occurred, this is due to the inadequacy of the system proposed by them and they can turn it into a sound system. Therefore, I will hand this responsibility over to the Secretary.

Actually, which one is better: a "bloc vote system" or a "multiple seats, single vote" system? Both are not completely satisfactory, only that the one proposed by me is more desirable. I think Members should strive for an even more satisfactory approach. Therefore, I urge Members to support my amendment.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That new clause 10A be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the motion.

Mr Paul TSE abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung and Miss Tanya CHAN voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, four were in favour of the motion, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 15 were in favour of the motion and nine against it. Since the question was not agreed by a majority of

each of the two groups of Members present, he therefore declared that the motion was negatived.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

### **Third Reading of Bills**

**PRESIDENT** (in Cantonese): Bill: Third Reading.

### **CHIEF EXECUTIVE ELECTION (AMENDMENT) BILL 2010**

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, the

Chief Executive Election (Amendment) Bill 2010

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Chief Executive Election (Amendment) Bill 2010 be read the Third time and do pass.

Does any Member wish to speak?

**DR MARGARET NG** (in Cantonese): President, I would like to briefly say a few words. President, the Chief Executive is the pivot of "one country, two systems". He is, on the one hand, the highest in command of this system, and the point of contact between the Special Administrative Region (SAR) and the Central Government on the other. If the Chief Executive is effective, the "two

systems" of Hong Kong can be well developed and our relationship with the Central Government will also be very good.

However, if anything goes wrong on the part of our Chief Executive, then the "two systems" will also be adversely affected. As such, it can be envisioned that the Chief Executive Election Ordinance can be said to be the most important piece of legislation. This is the foundation of our governance under the Basic Law. Under our "one system", the Chief Executive is responsible for appointing Members of the Executive Council and making recommendations for all principal government officials. As such, the way by which he is elected will certainly affect his recommendations and appointments, and will thus have a great impact on the governance of the whole SAR, no matter whether it is on direct governance and the formulation of policies, or political culture and ethos.

Though the framework of today's Bill has been laid down by the Decision of the National People's Congress (NPC), the NPC has only provided us with a framework, which merely comprised of a page out of the Basic Law which was in my drawer. It only said that the Election Committee shall be composed of four sectors, with 300 people from each sector, and that candidates for the office of Chief Executive may be nominated jointly by not less than 150 members of the Election Committee, and that was it. In fact, there should still be much room for us to manoeuvre within such a framework in formulating our local legislation, without going beyond the Decision of the NPC. Given the importance of the legislation, I deeply regretted that we have actually failed to make full use of such latitude and took the opportunity to improve our system.

The other significance is that the Election Committee of this term, in particular, will be the future Nomination Committee. As such, what is even more important is how we look at the Election Committee. However, I find that the authorities have absolutely failed to make full use of such latitude in formulating our local legislation. In the course of our discussions, even though we, Members, have done so much work on moving Committee stage amendments to the Bill, the attitude of the Government was still very negative.

As such, President, it is with infinite regret that I have to say on behalf of the Civic Party, that we will vote against the Third Reading of the Bill. Thank you.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MS CYD HO** (in Cantonese): President, I am against the constitutional reform package, in particular, the method for the selection the Chief Executive, which delays the progress of democratization. Though it is proposed that the membership of the Election Committee will be increased from 800 to 1 200, it is an obvious setback, for various barriers have laid down in the selection method, which made it even more difficult than before for people with different political views to secure enough nominations for participating in a contested election.

I have much respect for my colleague, Dr Margaret NG, for she has spared no efforts in making proposals for "minor revamps and repairs", but I believe that she will be in an even more difficult position if her Committee stage amendments (CSAs) for the "minor revamps and repairs" were passed, and I trust that she will still vote against the motion during its Third Reading. However, the whole issue is not a question of technology or system design, but rather whether there is a determination to introduce a democratic system.

We have spent a lot of time earlier just on discussing whether the Chief Executive can have any political affiliation. In fact, this is a very simple issue and quoting something which the Central Government has often said, we want to create the environment and condition, the environment for giving more latitude to the 2017 Chief Executive Election and our future democratic development. But, in the end, if we view this from a political perspective, then the situation of a multi-party competition will definitely be better than that of a two-party competition and that bipartisan monopoly will definitely be better than single party monopoly. However, the request of Hong Kong is very humble for we think that a single party monopoly is after all better than the manipulation of an invisible party in the Western District behind the scene. Our request is just that simple, but the Government has still failed to make such "minor revamps and repairs".

President, instead of dwelling on technical issues, I would like to talk about the opportunities we will lose if the Chief Executive is still not returned through universal suffrage in Hong Kong by 2012. Election campaign is a process for forging consensus, and many candidates will put forward their own ideas, get in

touch with voters and listen to their views during the campaign. On the one hand, they will take part in the election, and make amends and consolidations, on the other, to broaden their base of support. The process is also one through which candidates proceed from getting acquainted with the public to obtaining trust and legitimacy — a process through which candidates make commitments to the public. First of all, candidates will introduce their future governance policies, and then cross-examine each other, no matter by means of making objective and rational criticisms, or making relentless attacks on or discredit each other, every candidate does have the responsibility to come out and clarify issues with the public in the electoral process. As a result, we will have an understanding of and trust for the future Chief Executive through the whole electoral process.

Let us look back at the Budget, which was actually resulted from the lack of legitimacy. As such, everyone has gone along with the public opinion and followed the lead of political parties. If the whole issue was really that simple, the philosophy of governance could be completely abandoned in the process of Budget preparation, we could actually just set up a website for everyone to go online and make selections by pressing buttons .....

**PRESIDENT** (in Cantonese): Ms HO, you may still recall that it is a recent practice for allowing Members to speak during the Third Reading of a Bill. The main purpose for allowing Members to speak at this stage is to let Members give a brief explanation on their intent to vote. Policies and political issues in relation to the Bill should have been thoroughly discussed during its Second Reading debate. As such, I would ask Members to make proper use of their speaking time during the Third Reading.

**MS CYD HO** (in Cantonese): President, thank you for your tolerance and for bearing with me for three minutes and 45 seconds. However, I would still like to give my reasons for voting against the Bill; I would like to explain why I vote in support of the CSAs still have to vote against the motion at the Third Reading.

It is precisely because we do not have such an election process that we miss the chance to foster consensus in society and this is a great shame. However,

what is happening now? Instead of introducing themselves to the public, candidates have chosen to work behind the scenes. As in the case of LEUNG Chun-ying, who will obviously take part in the election, he still does not dare to make a commitment, in spite of the commentaries he has written. It is because everyone is afraid that the further they go and the more advanced their position, the sooner they will be shot down and made to leave the game. As such, though there are still 15 months until the Chief Executive Election, no one has made proper use of the time to introduce their future governance philosophy. On the contrary, everyone has been trying to win support behind closed doors. This will actually lead to shady operations and political deals behind the scenes of small circles, thus making it easier for the Government and businessmen to collaborate as one and public interests to be further hampered.

President, despite the number of CSAs that has been passed earlier or the number of CSAs that the Government has accepted after listening to the views of the Bills Committee or whether the CSAs moved by Members have been passed or not, I will vote against the Bill at its Third Reading.

**MR RONNY TONG** (in Cantonese): President, I must clearly state that to strive for the election of the Chief Executive by universal suffrage is our unwavering target. However, I must also clearly state how the Bill of today has come into existence? It is resulted from the passage of the constitutional reform package in June last year.

President, what has led to the passage of the constitutional reform package? Here, I have no wish to rake up the past. Some wounds are better left alone to heal slowly than be touched and tore open each time. However, I must make it clear that during the one and a half year before last June, while discussions were held on how an agreement on a constitutional reform package acceptable to all could be reached; the two sides did not discuss the 2012 Chief Executive Election in any detail. The reasons are several. First of all, it is due to time and circumstances constraints; secondly, because everyone were of the opinion that the greatest difficulty facing Hong Kong people, or perhaps it could be said, facing the Beijing and the SAR Government was actually not the issue of universal suffrage for the selection of the Chief Executive but that for the formation of the Legislative Council. But, such views do not necessarily mean



that universal suffrage for the selection of the Chief Executive is not the most important issue. I, personally, strongly believe that the next Legislative Council is most crucial, for Hong Kong people must resolve the issue of universal suffrage for the selection of the Chief Executive during the next Legislative Session and we must ensure that the 2017 Chief Executive Election will be in full compliance with the principle of universal suffrage and not a fake election. However, this is not a problem which has to be dealt with today for the Standing Committee of the National People's Congress (NPCSC) has already decided that there will not be universal suffrage for the selection of Chief Executive in 2012.

As such, why do we not spend the time on discussing changes to the method for the selection of the Chief Executive? I have explained earlier and I do not feel any need to give any reasons in self-defense. This is a political judgment and may also be said to be a political judgment brought about by circumstances. No matter whether the political judgment is right or wrong, the price we paid is the situation we see today, and that is, we can only make changes to increase the number of Legislative Council seats, but no consensus can be reached over the Chief Executive.

However, it is precisely because of such circumstances that I have always thought that we do not have any restrictions on the method for the selection of the Chief Executive. It means that only if ..... I also mentioned this yesterday, it is not against the Decision of the NPCSC and meets the definition of an interim plan, and is not in contravention to the direction of a roadmap, all electoral methods can actually be modified within the power of the SAR Government. And, President, it is precisely for this reason that I have spoken in full support of the CSAs which Dr Margaret NG moved yesterday and this morning.

However, when we come to this moment, the time of the Third Reading, should we vote against the Third Reading of the Bill? President, to me, this is a very difficult situation. There are times when loyalty and righteousness cannot be reconciled and this is the most difficult situation, thus I must hereby declare that I am not one to escape responsibilities or the reality, but I feel that if I am going to walk out of the Chamber, I have to declare why I have to do such a thing — something which some people will find very stupid, but I think I should at least clearly explain why I will abstain from voting.

**MR ANDREW CHENG** (in Cantonese): President, if you do not see me in the Chamber later when the votes are cast, it is not because I leave on purpose but because I am suffering from a flu and have an appointment with a Chinese herbalist .....

**PRESIDENT** (in Cantonese): Mr CHENG, we will be voting pretty soon.

**MR ANDREW CHENG** (in Cantonese): I know but I am afraid that many colleagues will speak after I have spoken. I saw Mr LEUNG Kwok-hung press the "Request to speak" button.

President, I am against the Third Reading of the Bill and would like to give my reasons. After listening to the speech of Mr Ronny TONG, it seems to me that his position as a member of the Civic Party and my position as a former member of the Democratic Party have been reversed. The decision which the Democratic Party made in mid or late June last year made me very sad. The issue of universal suffrage has been under discussion for a long time, from the implementation of dual universal suffrage in 2008 to 2012, and then to what we said now, genuine universal suffrage in 2016 or 2017, we have waited again and again. Mr Ronny TONG said earlier that the coming District Council election or the next Legislative Council election is very critical for they will determine whether there will be genuine universal suffrage in 2017, but President, I do not share his optimism.

Let us look at the Resumption of the Second Reading debate and Committee stage amendments (CSAs) of Dr Margaret NG. After repeated defeats, such CSAs will no longer result in genuine universal suffrage for the selection of the Chief Executive, because it is no longer possible. However, we still hope to get closer and closer, but that is also impossible. Is Mr Ronny TONG really so optimistic as to believe that the representatives of the next Legislative Council or that of the super District Council can really facilitate genuine universal suffrage for coming Legislative Council and Chief Executive Elections?

President, it is very regrettable that I often see a kind of "Stockholm Syndrome" when I come across certain kidnapping cases. The Syndrome shows that if kidnappers are relatively kind to the abductees, feed them rice or even

steaks and become their good friends, then if the kidnappers are eventually arrested, the abductees may even plead for them and say that they are good people. What made me feel sad for those in our pan-democratic camp is that the course of our fight for dual universal suffrage has been very painful. Year after year, time and again, we pleaded until we are hoarse and soaked with sweat at the Victoria Park .....

**PRESIDENT** (in Cantonese): Mr CHENG, I have to interrupt you.

**MR ANDREW CHENG** (in Cantonese): President, I will soon finish.

**PRESIDENT** (in Cantonese): I have said earlier that the purpose of allowing Members to speak during the Third Reading is not to let you repeat the views which you have already expressed at previous debates, including those on CSAs which have already been debated upon and put to vote. We should not expressed our views again on the voting results of various CSAs before voting on its Third Reading for this is the same as repeating earlier debates.

Mr CHENG, it may be more appropriate for you to make the earlier speech at the time when the motion concerning the amendment to the Annexes to the Basic Law was held in June last year, or during the Second Reading Debate of the Bill. I hope that you can just briefly state your intent to vote.

**MR ANDREW CHENG** (in Cantonese): Yes, President, I am only going to spend one or two more minutes at most to make a speech, I hope you ..... for I have missed the Second Reading debate. I certainly have no intention to ask for exemption and I only want to make one more point. I mentioned the "Stockholm Syndrome", and what I want to say is that I hope that pan-democrats in Hong Kong will not be suffering from a "Victoria Park Syndrome". As we have been persecuted for too long and fought too hard, so when the Central Government grants us a little favour, as in the case of the proposals of this Bill, we would persuade ourselves to accept it. However, we need to uphold our principles, we need to have perseverance and we need to believe that, we will never know whether something is feasible unless we have tried.

As such, President, I am not going to say anymore because I also ..... I may not be able to vote later because I have an appointment, but I request to put on record that I would vote against the Bill which is a far cry from the spirit of universal suffrage at the Third Reading. Thank you, President.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, my speech will be very short, don't worries.

First of all, I would like to make a statement in regard to the political parties which supported the method for the selection of the Chief Executive. I condemn them and held them in contempt. The reason is that I fail to see that the passage of the current proposal will make the 2017 .....

**PRESIDENT** (in Cantonese): Similarly, Mr LEUNG, you should have made this point at the stage of the Second Reading debate.

**MR LEUNG KWOK-HUNG** (in Cantonese): Can I not do so now?

**PRESIDENT** (in Cantonese): You have ample opportunities to express your views or criticize political parties which support the Bill and you cannot do so at the stage of the Third Reading.

**MR LEUNG KWOK-HUNG** (in Cantonese): I understand. Then I should have talked about myself instead, but I cannot criticize or praise myself in my speech.

In talking about political parties earlier, many people mentioned this party, that party or whatsoever party. There are revolutionary parties in this world of which I had been a member. I am now a member of a missionary party, one that does not seek to govern but to promote a mission, and thus I will vote against this ..... for what I advocate is the concept of social democracy, so we will vote against a method for the selection of the Chief Executive which does not allow Hong Kong people the right of universal suffrage.

Here, I would also like to take this opportunity to apologize to our supporters for the failure of our previous Five Geographic Constituencies Referendum Campaign or for failing to fulfilling its mission. I will vote against the motion so as to carry through with their ideas. Thank you, President.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Secretary, do you wish to speak?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I will briefly say a few words. As Dr Margaret NG has said, the Chief Executive plays a key role in the political structure of Hong Kong, and he is the most important figure in the "two systems". It is precisely because of this reason, we have cautiously proposed a set of amendments to the method of the selection of the Chief Executive in 2012 in accordance with the amendments to Annex I of the Basic Law, approved by the National People's Congress. Over the past day or so, all aspects of the amendments have been fully discussed by Members in the Chamber. I believe that everyone will respect the views of every party and Members in regard to representatives to be elected in accordance with the Basic Law and the relevant legislation, and make their final decision on whether or not to support the Bill. Thank you.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Chief Executive Election (Amendment) Bill 2010 be read the Third time and do pass. Will those in favour please raise their hands.

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Margaret NG rose to claim a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Mr Albert HO, Dr Raymond HO, Mr Fred LI, Mr James TO, Mr CHEUNG Man-kwong, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Ms Emily LAU, Mr Timothy FOK, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr KAM Nai-wai, Ms Starry LEE, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr Priscilla LEUNG, Dr LEUNG Ka-lau, Mr WONG Shing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Mrs Regina IP, Dr PAN Pey-chyou and Mr Paul TSE voted for the motion.

Mr LEE Cheuk-yan, Dr Margaret NG, Mr Andrew CHENG, Ms Audrey EU, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that there were 54 Members present, 42 were in favour of the motion and 11 against it. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

**CLERK** (in Cantonese): Chief Executive Election (Amendment) Bill 2010.

### **Resumption of Second Reading Debate on Bills**

**PRESIDENT** (in Cantonese): This Council will now resume the Second Reading debate on the Legislative Council (Amendment) Bill 2010.

### **LEGISLATIVE COUNCIL (AMENDMENT) BILL 2010**

#### **Resumption of debate on Second Reading which was moved on 15 December 2010**

**PRESIDENT** (in Cantonese): Mr TAM Yiu-chung, Chairman of the Bills Committee to study the above Bill, will now address this Council on the Report of the Bills Committee.

**MR TAM YIU-CHUNG** (in Cantonese): President, we have finally proceeded to the part on the Legislative Council (Amendment) Bill 2010 (the Bill). In my capacity as the Chairman of the relevant Bills Committee, I would like to make a report.

According to the proposal of the Administration, though the number of Legislative Council seats for the Fifth Legislative Council in 2012 returned by geographical constituencies (GCs) through direct election will be increased by five, the number of GCs will be retained at five. One of the amendments proposed by the Bill is to enlarge the number of seats for each GC from not less than four nor greater than eight to not less than five nor greater than nine.

Some members of the Bills Committee are worried that under the proposal of the Administration, the New Territories West GC is expected to have as many as nine seats and a large number of lists of candidates would compete for the seats, making it difficult for electors to get well-informed of the platforms of the candidates. Moreover, there may be situations where candidates may win a seat with less than 5% of the total number of valid votes cast for the constituency. Members are of the opinion that in order to ensure the representativeness and

legitimacy of Legislative Council Members, the Administration should, in the long run, consider increasing the number of GCs.

Some members expressed dissatisfaction that the subsidy rate per vote would only be slightly increased from \$11 to \$12 with the cap of financial assistance payable maintained at 50% of the declared election expenses. They urged the Administration to enhance the financial assistance to enable people with limited means to participate in the election.

In response to the views of members, the Administration will move Committee stage amendments (CSAs) to the effect that the amount of financial assistance payable in respect of a list of candidates or a candidate would be capped at 50% of the maximum amount of election expenses that may be incurred, instead of 50% of the declared election expenses.

President, the Bills Committee discussed in detail the issues of eligibility for candidature, nomination and voting, nomination threshold and related issues like election expenses limit of the new District Council Functional Constituency (DC FC). Some members expressed objection to the "one person, two votes" proposal for returning the five new DC FC seats. They commented that such proposals do not provide for equality in the right to nominate and the right to stand for election. Dr Margaret NG will move CSAs to enlarge the eligibility for candidature and extend the right of nomination to all persons who are eligible to be nominated as candidates at DC elections including all DC electors. Mr WONG Kwok-kin will move CSAs to enlarge the eligibility for candidature to a member of any DC who is elected or has been elected.

The Administration explained that the democratic elements embedded in the "one person, two votes" proposal for returning the new DC FC seats are very clear as only elected DC members would be eligible to nominate and be nominated as a candidate. The election for these seats would be FC election, and not GC direct election. There is legal consideration in restricting the relevant right of nomination and the right to stand as candidates, and any further relaxation would thus be difficult.

As regards the nomination threshold, some members are of the view that the nomination threshold for the new DC FC should be lowered to 10 instead of



15 as proposed by the Administration, so as to allow more candidates to participate in the election.

With the proposed nomination threshold of 15, the Administration envisaged that the 412 elected DC members of the fourth term DC could nominate up to some 20 candidates or 20 lists of candidates and this would ensure sufficient competition in the new DC FC election. The Administration considered this to be a very low and also reasonable threshold.

Some members are also concerned that the election expense limit of \$6 million as proposed by the Administration would be too high. The Administration advised that it had considered the proposals put forward by various political parties ranging from \$4 million to \$8 million. The proposed limit of \$6 million is set on the basis of an estimation of the election required for the election.

President, it is the general policy position of the Administration that there should be no substantial changes to traditional FCs and reviews would only be made on whether there is a need to propose technical adjustments to the electorate of traditional FCs. Some members expressed disappointment at the Administration's refusal to take heed of the requests made repeatedly by many representative trade organizations over the years to be included as constituents of the traditional FCs. A member also considered that the absence of proposals to expand the electoral base of traditional FCs is inconsistent with the principle of gradual and orderly progress under the Basic Law. The Administration will move CSAs to add certain groups into the transport, wholesale and retail, and information technology FCs respectively. Dr Margaret NG will move CSAs to abolish corporate votes and corporate nominations in the elections of a number of FCs, and substitute them with directors of the company or all practitioners or members of the FCs concerned.

The Administration advised that when the motions to amend the two electoral methods for 2012 were endorsed by the Legislative Council, it was commonly understood that democratic elements of the FC system would be enhanced through the implementation of the "one person, two votes" proposal for returning the FC seats in 2012 and that no substantial changes would be made to the electorate base of traditional FCs. The proposals that "corporate votes" of

the traditional FCs should be replaced by "director's" or "individual votes" and the voting right should be expanded to all practitioners or members of FCs are not in compliance with such understanding.

President, the following are my personal views which should also be taken to represent the views of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB).

The DAB agrees to and supports the Bill and relevant CSAs moved by the SAR Government.

It is proposed in the Bill that five new DC FC seats will be created and that current elected DC members will play the role of nominees and candidates, and Members for the relevant seats are to be elected by more than 3.2 million voters who currently do not have the right to vote for the FCs. Apart from providing elected DC members with a new function, enhancing their social status and legitimacy, the brand new "one person, two votes" electoral system also injects a new element into existing FCs by providing them with additional public mandate, thus enhancing the existing FCs.

At the same time, the SAR Government has proposed CSAs to broaden the electoral base of the Transport, Wholesale and Retail, and Information Technology FCs and adjust the financial assistance model for the Legislative Council election. The relevant CSAs are proposed in response to the demands of Members and relevant sectors. Among other things, the SAR Government has proposed to increase the subsidy rate per vote for the Legislative Council election from \$11 to \$12, and cap the amount of financial assistance payable in respect of a candidate or a list of candidates at 50% of the legal limit of election expenses, instead of 50% of their declared election expenses. As the proposed arrangements would, to a certain extent, increase the amount of financial assistance for political parties or individuals intending to run for future Legislative Council elections, we think that it is worth giving favour and support to such proposals.

As regards various CSAs proposed respectively by three Members in respect of the newly created DC FC, the DAB is of the opinion that since the existing Bill is based on the Basic Law and the decision made by the NPCSC in 2007 on the issue of universal suffrage in Hong Kong, and in accordance with our

consensus over the 2012 constitutional reform proposals which we voted on last June, we take the stance that the DAB should not support any of the CSAs which deviate from the content and spirit of the 2012 constitutional reform proposal endorsed by the Legislative Council in June last year.

I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

**MR JEFFREY LAM** (in Cantonese): President, we have already spent a day or so on the debate of the Chief Executive Election (Amendment) Bill 2010 at yesterday's meeting. The Legislative Council (Amendment) Bill 2010 we are debating today also concerns a key element determining the passage or otherwise of the constitutional reform proposals half a year or so ago. I recalled that the Government's constitutional reform package was endorsed by two-thirds of the Legislative Council Member back then, and our debate was also focused on the five newly created DC FC seats.

President, there have been much discussions on the issues of the eligibility for candidature, nomination and voting, as well as the nomination threshold in relation to the five DC FC seats at the Bills Committee and we have listened to the views of many groups. We are of the opinion that, in principle, the Committee stage amendments (CSAs) proposed by the Government are not much different from the original improved proposal that we endorsed. We agree that the eligibility for candidature of the five newly created DC FC seats should be limited to elected DC members, and the candidates should be nominated by not less than 15 elected DC members and elected through the "one person, one vote" method by 3.2 million registered voters of the existing traditional FCs. As regards the eligibility of overseas government organizations to register as electors, as in the case of my FC, the Commercial (first) FC, most embassies and international organizations have not registered as corporate electors, so the CSAs moved by the Administration will plug some loopholes in the relevant provisions and I believed that they can answer some queries of the community.

President, as regards CSAs moved by other colleagues, I would like to talk about those moved by Mr Paul TSE in particular. His CSAs propose to impose

restrictions on the height, education level and current monthly salary of candidates standing for the DC FC election, resulting in those who are too tall, have a high education level and high monthly salary not being eligible to stand for election, and that means "people with three 'highs' are not allowed to stand for election". In fact, I understand his motive for moving the CSAs. However, I would like to remind him that he can actually add another criterion, and that is, if "people with three 'highs' are not allowed to stand for election", then many of those who are suffering from high "triglyceride" in our society should also not be allowed to stand for election. We are aware that to cope with the heavy workload, those who are engaged in the work of the District Councils and the Legislative Council must be physically fit.

President, the passage of the two electoral methods for 2012 is only the first step on the road to universal suffrage. As regards how further steps can gradually be taken after the first step, there are different voices in society and some regarded FCs as an obstacle on the road to universal suffrage. Certain Members with dissenting views have linked the FC system and Members returned through FCs with trumped up charges like "government-business collusion" and "vested interests"; they have turned a blind eye to the function of the FC, blamed Members of the FCs for the problems of our society and alleged that it is all their faults. It is only unfair to demonize FCs in such a manner.

Hong Kong is an export-oriented society and the business sector is after all the locomotive of the Hong Kong economy. Since its reunification, Hong Kong has faced the challenges of the Asian financial crisis, avian flu and SARS outbreak, as well as the global financial tsunami in the recent two years. Members of the FCs, including those from the commercial sector have worked closely with the SAR Government and various trades to offer advice on relief measures, and strive for credit guarantee for small and medium enterprises (SMEs), so as to achieve the goal of "supporting enterprises and preserving employment". Although these are only some minor examples, they are all issues of public interests and would help promote Hong Kong's economy positively and effectively. As such, unlike what some people have said, FCs do not only serve to uphold the interests of the minority.

There is already a clear timetable for implementing dual universal suffrage in Hong Kong and we have already taken the first step. As regards the issue of FCs, we, as Members returned by FCs, could only do our best within the system

to work for the overall interests of Hong Kong and the well-being of Hong Kong people. As to how the system may be changed so that it complies with the principle of universal and equal suffrage, it can only be done in accordance with the provisions of the Basic Law and the actual circumstances of Hong Kong, through consulting the views of the public and various sectors extensively and striving to forge the largest consensus.

Hong Kong is a rational and tolerant city and it is also a pragmatic and motivated society, where everyone loves to see a harmonious and prosperous community in which people work and live in happiness under a stable system. On the basis of the above principles, it is the responsibility of the Legislative Council to urge the Government for effective governance. We should avoid creating troubles, provoking conflicts and causing division, no matter in regard to issues of the political system or people's livelihood. We should not call upon certain people to take drastic actions, as in the case where radical actions have taken place recently in our society, for this is definitely not conducive to social harmony.

I believe that Hong Kong can only progress steadily if various sectors of society can communicate in a rational and peaceful manner, maintain an attitude of mutual understanding and compromise, exchange views humbly and try our best to forge consensus among the majority in society.

It is my strong belief that the goal of universal suffrage in Hong Kong can soon be achieved. President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): President, on behalf of the Hong Kong Confederation of Trade Unions (CTU), I oppose the Second and Third Reading of the Bill. The main reason is the same as that of my opposition to the constitutional reform proposals last year. As the proposals are transitional in nature, if there is no clear timetable to abolish functional constituencies (FCs) and they still exist, we would still oppose the proposals which do not lead us to universal suffrage.

Just now, Mr Jeffrey LAM tried to speak in defence of FCs again. He said that there are many unfair views about them like "collusion between the Government and business", and he talked about the contributions of the industrial

and business sector. We have to make it clear that our opposition to FCs is targeted against privileges, but not the industrial and business sector.

The industries and trades all over the world will not be as shameless as those in Hong Kong. What I refer to just now are the representatives of the sector, but not the whole sector. All the industries and trades in the world would not specially elect representatives through FC elections to go into the parliament or senate. They need not and do not want to do so. They agree with the democratic system in a capitalist society and will find representatives to protect their interests in their own way. Even if the candidates are elected by the public, they will also protect the interests of the industrial and business sector and then ask their own parties to balance the interests for all.

However, the situation is very strange in Hong Kong. Representatives occupy places and guard their interests which often contradict those of the public. They will stand for their own interests when there is a conflict. As a result, Hong Kong society will never make progress because there are always some privileged classes which guard the interests of the business sector or small circles in the community. It is a very unfair system.

The ineligibility for participation stipulated in the Basic Law is in fact "making fools of us". The Government's interpretation for "ineligibility for participation" becomes the participation of privileged people only. The so-called balance is taken to mean that there are representatives for various sectors, even for sectors which comprise a hundred or so bankers or a hundred-odd transport groups. They think that it is a form of fair and balanced participation. But actually it is ridiculous. It is privileged but not balanced participation.

The most evil part of the FC system is that the representatives always stand for their own rights and disregard the interests of the entire community, which results in the division of society. They cannot resolve the conflicts in the Council as they always take the seats to act against collective interests, and separate voting will keep this happening forever.

Harmony will never be achieved in Hong Kong if this problem remains unresolved. In fact, all of us do not want to see violence in or outside the Council. However, can you think about the violence of the system? The system itself is creating a Council that can never resolve conflicts. Public opinions are blocked and not listened to. Why? It is because the system of

voting in groups by Members returned by GCs and FCs is always blocking the way.

Of course, under certain circumstances where there is no conflict between individual and public interests, Members of this Council are united. But very often when conflicts arise, those returned by FCs always tend to block the voices of people.

President, first of all, we think in principle that as long as there are FCs, the deep-rooted conflicts in Hong Kong can never be resolved.

Secondly, I would like to talk about the amendment proposed by Dr Margaret NG. I support all her amendments except one. I especially support the arrangement that allows industry employees to vote in their respective FCs, which makes the constituencies not "functional" at all. From the industrial and business sector's point of view, the entire FC is functionless. I am totally supportive of this amendment because FCs should not exist. Voting by all industry employees means participation by the public. But of course we all know that this amendment will not be passed.

The only amendment I oppose is the adoption of five constituencies for returning five District Council seats by a "single seat, single vote" system. It is because we believe that the ideal way for universal suffrage for Hong Kong is 30 seats returned by the direct "single seat, single vote" system and another 30 seats returned on the basis of proportional representation of political parties, which is, to a certain extent, the proportional representation of the electorate in Hong Kong. The "five District Council seats" proposal is somehow a *de facto* proportional representation of political parties. Although it is not genuine universal suffrage, I think we have to go in this direction anyway. Why do I say it is not genuine? Because it still requires the candidates to be District Council members. If there is no requirement that only District Council members can be eligible for candidature, this arrangement is the same as the proposal put forward by Dr Margaret NG that District Council electors can stand as candidates. And this *de facto* proportional representation of political parties, although a little bit changed, will not come true. Therefore, instead of a "single seat, single vote" system, I want a territory-wide system of proportional representation to be implemented in Hong Kong.

On behalf of the CTU, I will vote against the amendment. Thank you, President.

**MR RONNY TONG** (in Cantonese): President, I do not think that I should repeat what I have said. I cannot possibly vote against both the Second Reading and the Third Reading of this Bill. Nevertheless, I believe I must still state my stance and the reasons for it unequivocally.

President, as I stated yesterday, I find it difficult to accept any double standard. The many problems found in this bill are in fact the result of double standard. President, let me start with the amendment moved by Dr Margaret NG. I agree entirely that in the case of a place totally free of constraints, a democratic electoral system should be like this, or I should say that the ideal electoral system should be like this. Unfortunately, however, ours is not a place totally free of constraints. Members all understand that whether we agree to it or not, the Standing Committee of the National People's Congress (NPCSC) did make a decision in 2007 (the NPCSC decision), and this decision is constitutional (whether we respect it, and whether it is correct). Unless we take any actions outside of the constitutional framework, we must be bound by it.

That being the case, it is very difficult for us to see how any amendments can possibly help us attain the state proposed by Dr Margaret NG, or the state described by Mr LEE Cheuk-yan as desirable just now. The reason is that the current proposal — I mean Dr Margaret NG's proposal, and I must say that I do not mean to belittle this proposal, and that I am only speaking from a pragmatic perspective — allows all to make nominations, stand in the election and cast votes. Mr LEE Cheuk-yan remarked just now that he hoped to see an electoral system based on political party participation. This is a slight move in that direction, but it is not such a real move anyway. This kind of reasoning is tantamount to saying that everyone should know that "a mother is a woman". If the amendment put forward by Dr Margaret NG can be implemented, there will be some form of universal suffrage in principle (This is also the intent of Dr Margaret NG's amendment), and not only this, some may think the proposal is even more democratic than the current system of direct elections, because the "single seat, single vote" system is adopted.

When we proposed to expand the electorate base of the District Council Functional Constituency (DC FC) to cover 3 million people in Hong Kong, there were very great reverberations in society already. Some people maintained that



this proposal was a direct election package in disguise. As a result, the Central Government did not give the green light until four days before the Legislative Council voted on the constitutional reform package. So, Members can well imagine what will happen if a package which is even more democratic, more direct and more universal suffrage-inclined than the existing one is put forward. Will it be accepted by the Central Authorities? And, will it contravene the NPCSC decision? The answers are very obvious. If you stay within the constitutional framework and accept the NPCSC decision, you simply cannot put forth another package to alter the ratio between directly elected seats and FC seats. In that case, I do not think that you can have two choices. Well, you may say that you are sorry, that it is definitely impossible for you to accept the NPCSC decision, and that you want to set up another system outside of the NPCSC decision. However, you cannot say that you accept the system, and then go on to put forward a contrary package. To me, this is the greatest difficulty.

Regarding the second difficulty, I already explained yesterday that the Government's present constitutional reform package is only an intermediate package. However hard you try to embellish it or defend it, it will remain an intermediate package. It is impossible for you to make it attain the requirements of any ultimate reform package. For this reason, from the perspective of logic, this is not an approach that can meet the standards of consistency. This is the second difficulty faced by me.

The third difficulty is about the following question. Is this the direction we want to follow? With regard to the package, there are two options for our consideration. One of these is the ideal and perfect option: to devise a system with maximum compliance with universal suffrage, a system that conforms to the purest and most "authentic" form of universal suffrage. I agree that in the case of many countries, the "single seat, single vote" system is an electoral system that is most direct and closest to democracy. I am not saying that the proportional representation system cannot achieve the same effect. But many people believe that the proportional representation system is itself marked by various problems. I am not going to spend any time on discussing such problems here today. But are we going to adopt the abovementioned model as the ultimate electoral system for the Legislative Council? If this model is adopted, how are we going to deal with FCs? Are we supposed to return half of the seats by geographical constituencies (GCs) under the proportional representation system, and return the other half by GCs under the "single seat, single vote" system?

President, this proposal was once put forth in the past. However, following extensive discussions on this proposal, including several years of repeated consideration by academics and members of the pan-democratic camp, we came to the conclusion that this proposal was not feasible. A more feasible proposal is to retain the present system of GC direct elections based on proportional representation for returning half of the seats. This system may evolve into the "single seat, single vote" system over time, but in the meantime, the aforesaid existing system should be retained. As for the other half of the seats, the implementation of proportional representation in one single constituency should replace FCs. This can smooth the evolutionary path to democracy and stands some chances of success. If we tread the path proposed today, that is, if we adopt the "single seat, single vote" system, what are we going to do after 2012? Are we supposed to increase the number of seats from five to 30? I would like to know the answer, too. Of course, someone will surely challenge or even criticize me later on, saying that my proposal is just the same. They are right, because an intermediate package is by definition an intermediate package, not a package for universal suffrage. But at least we can see that ..... Well, I will just be very frank. We actually hope that the number of seats can eventually be increased from five to 20, or we hope that there can at least be a 50% increase in 2020, coupled with the abolition of any nomination restrictions, thus achieving the arrangement proposed by Dr Margaret NG — all are eligible to nominate candidates and stand in elections. The only difference between my proposal and hers lies in the fact that under my proposal, the form of universal suffrage to be implemented is based on the adoption of the proportional representation system in one single constituency.

President, this is no secret at all, because last year ..... sorry, it should be the end of the year before last, the Alliance for Universal Suffrage and I both put forward such a proposal. Hence, this is no secret. You may search the relevant information on the Internet. All is explained very clearly in an article written by me. This is never an excuse for concealing my position. All along, we have been going in this direction: we want to set up an electoral system based on the adoption of proportional representation in one single constituency. At this stage, due to the restriction imposed by the NPCSC decision, we are left with no alternative but to accept the eligibility restrictions on nomination and candidature. We have no alternative but to accept such restrictions. This is a political reality.

President, Dr Margaret NG said righteously that we should have the right to nominate, stand in election and vote, and these three components are inseparable. President, I have no objection to this, never ever. The only problem is whether we can attain this goal at this stage. This is the only problem. President, I hate to criticize other honourable colleagues, not to mention that this colleague is a member of my political party. But if you look at the other amendments, you will see that I likewise have no objection at all. The reason is that in the course of all dialogues, we have never undertaken not to make any changes to other FCs. Changes may be made. Nevertheless, the other amendments all aim to achieve a situation similar to that of the "nine new FCs". They are actually no different from the extension of the electorate base for the five "super DC FC seats". Why do you so resolutely oppose the five "super DC FC seats", even going so far as to say that anyone who agrees to this package are guilty of betraying and abandoning the cause of democracy, while on the other hand, you claim that such changes can be made to other FCs? On the one hand, you say that the "super DC FC seats" will give legitimacy to FCs, but on the other hand, you yourself want to introduce amendments to give legitimacy to FCs. If this is not double standard, what else can it be?

President, as I said yesterday, I find it extremely hard to accept any double standard. I am sorry to say that such an approach really cannot earn my respect. For this reason, President, I wish to declare very reluctantly that while I cannot vote against the Second Reading and the Third Reading of the Bill, I am also unable to support Dr Margaret NG's amendment on changing the electoral method for returning the DC representatives on the Legislative Council to the "single seat, single vote" system, albeit her proposal conforms to democratic principles. My opposition to this amendment does not mean that I have betrayed democratic principles or given up the fight for universal suffrage altogether. All is just because I find it difficult to accept any double standard and do not agree that such a proposal is feasible at this stage. If everybody thinks that this proposal is not feasible, why should it still be put forward?

President, I do not see any problems with the other amendments pertaining to FCs. I already explained this very clearly earlier on. All along, we have never undertaken that we will not touch other FCs. In 2008, or in 2005 when the previous constitutional reform package was discussed, such amendments were

brought up for discussion. I remember that years ago, I spent quite a lot of time on discussing the issue over and over again with Mr James TIEN, the then Chairman of the Liberal Party, with the aim of seeking the support of the Liberal Party. At that time, the Liberal Party was the second largest party in the pro-establishment camp. President, do you remember that? If we could get their support, the democratic camp would have been able to secure enough votes to expand the electorate base of FCs. But eventually Mr James TIEN overthrew all previous consensus with just one single remark. He said: "FCs are constituencies for bosses. I am sorry. Employees cannot have the say." With just this simple remark, he overthrew everything.

President, the abolition of FCs has never been any easy task. It is a very difficult one. I am still very skeptical as to whether FCs can really be abolished in 2020. However, this does not mean that I am less determined than before. As a result, President, I am in total support of all other amendments, and I think there are no problems with them at all.

**MR FREDERICK FUNG** (in Cantonese): President, by going through the Second Reading of and voting on this Bill today, we are revisiting once again the issue of constitutional reform. We have to make a decision by voting. The constitutional reform package we are dealing with is in fact the one proposed in 2005, that is, the "2005 package". Apart from the "2005 package", the Administration put forth a package of proposals last year, that is, in 2010. The Hong Kong Association for Democracy and People's Livelihood (ADPL) also submitted its proposal to the Government. Regarding the 2005 package, it was not until the last 14 days in 2005 did the Government hold discussions with us. As for the package put forth last year, it was not until the last two or three weeks did the Government hold discussions with us.

There is a difference between the circumstances in 2005 and 2010. In 2005, as its efforts in lobbying major political parties were in vain, the Government turned to lobby small political parties like us. The Government had to secure six votes and the ADPL had one vote in hand. As the Government needed our vote which was critical, I raised three conditions for voting in favour of the relevant motions. Firstly, the Chief Executive had to provide a timetable and roadmap for implementing universal suffrage within his term of office, that is, within one and a half years. Secondly, upon the passage of the package, the

Chief Executive had to visit Beijing with the 26 Members from the pan-democratic camp to discuss the future democratic development with relevant authorities, that is, the Hong Kong and Macao Affairs Office. Thirdly, the appointment system for District Councils (DCs) had to be abolished. The Government was agreeable to the first two conditions. As for the abolition of the appointment system for DCs, the Government finally agreed in principle but the appointment system for DCs would be phased out within the following three terms. We could not accept the Government's counter proposal. Through negotiations, we finally reached a compromise with the Government that the appointment system for DCs should be abolished in 2011. We found 2011 acceptable as there should not be any adverse implications. In 2005, the ADPL was of the view that even if dual universal suffrage could not be implemented in 2008, we should strive for its implementation in 2012. Subsequently, as you all know, the Government could not garner sufficient votes and it did not accede to our request, so we voted against the relevant motions.

The situation in 2010 was a bit similar in that we also put forward a proposal in anticipation of the 2012 package to be announced by the Government. However, as revealed by the 2012 package announced by the Government, universal suffrage would not be implemented in 2012.

Despite the decision made by the Standing Committee of the National People's Congress (NPCSC) in 2007, we continued to hope against hope that universal suffrage would be implemented in 2012. At that time, we believed that the decision made by the NPCSC in 2007 could be overridden by its later decisions and, as such, we should not give up until the very last minute in our bid to change the political system. The announcement of the package of proposals by the HKSAR Government marked the last minute of our bid. There would not be universal suffrage in 2012.

With the Government putting forth the package of proposals, our bid to implement dual universal suffrage in 2012 ended in failure. We no longer needed to vote in favour of or against the implementation of universal suffrage in 2012. I am sure all of you are aware of the whole story as it has been reported by many newspapers. The Democratic Party had eight votes and it made a number of conditions. The ADPL also set out two conditions. We objected to the Government's original proposal. If the appointment system for DCs was not to be abolished, we would vote against the relevant motions. It would not be

acceptable if only either one of our two conditions was fulfilled. Why did we ask for less this time as compared with that in 2005? It was because the Democratic Party had eight votes whereas we had one vote. If the Democratic Party could reach a compromise with the Government, the one vote we had would no longer be significant. The Government could go without it. I had made myself clear to Mr Albert HO that if the Government really accepted the conditions made by the Democratic Party but did not accede to the ADPL's request to abolish the appointment system, we would vote against the relevant motions.

Following the voting on the relevant motions, a lot of people swore at us with foul language on the Internet. On 1 July, we were criticized by many people though not as severely as the Democratic Party. Of course, I understand the reactions of the people who support democracy. I would like to emphasize once again that we had indicated in our 2008 election platform that we strived for the implementation of dual universal suffrage in 2012. We are neither the Government nor in power. If I took part in the Chief Executive Election and pledged to implement dual universal suffrage in 2012 upon being elected, and if I were really elected as the Chief Executive but I did not implement dual universal suffrage, I would break my pledge.

Members and political parties have been debating for a long time. As you all know, we can only fight for our cause. As to whether we will be successful, it is out of our control as we do not have power. Ever since the publication of our election platform in 2008, we have done what we can to fight for the implementation of dual universal suffrage in 2012. When the Government put forth its package of proposals and made it clear that there would not be universal suffrage in 2012, we knew our bid had failed. I have asked myself whether we did try hard throughout the whole process. I believe the ADPL and I did try our very best. Since the fight for the implementation of direct elections in 1988, our efforts have never stopped. We started young and now we are turning old, but we are still fighting for our cause.

The situation we are faced with now is like the one in which we were dealing with the payment rates of the Comprehensive Social Security Assistance (CSSA). I wonder if all of you will remember. Mr TUNG adjusted the CSSA standard rates downwards by 11% in 2002. Several years later, as the economy improved, we demanded in 2005 that the 11% decrease in CSSA payment be returned to CSSA recipients but the Government refused to do so. Ultimately,

the Government proposed that the CSSA standard rates be increased by 3%. Taking into account inflation and the CSSA computational method, we found 3% acceptable. If we supported the proposal, CSSA recipients could get a 3% increase in CSSA payment. But if we voted against the proposal, the increase would be zero.

Similarly, given that there will not be dual universal suffrage in 2012, the most important factor we should take into account in deciding to vote for or against the bill is whether any progress would be achieved by the package of proposals.

President, under such circumstances, it would be difficult and painful to make a choice. The ADPL had disputed for several times about how we should vote. Some people had criticized us for demanding too little. But, we only had one vote which would become insignificant when the Democratic Party's proposal was accepted by the HKSAR Government and even the Central Government. Finally, we accepted the Democratic Party's proposal to return five seats by a big constituency. We considered this proposal better than the original one in that this proposal could achieve progress, no matter how little it was. As to what progress, I shall address this later.

Three days before voting, the Chief Executive had a meeting with us at which he personally made a promise to abolish the functional constituency (FC) election system. Consequently, we voted in favour of the relevant motions.

(The Secretary for Constitutional and Mainland Affairs rose to his feet)

**PRESIDENT** (in Cantonese): Secretary, what is the matter?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, would Mr Frederick FUNG please clarify that during his meeting with the Chief Executive .....

**PRESIDENT** (in Cantonese): Secretary, just a minute, please. Mr FUNG, the Secretary has sought clarification from you. Are you willing to listen to what he would like to say?

**MR FREDERICK FUNG** (in Cantonese): Would you like me to clarify the matter now or after my speech?

**PRESIDENT** (in Cantonese): You may wish to listen to what he would like to say first. You may then clarify the matter as you wish.

**MR FREDERICK FUNG** (in Cantonese): Sure.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, according to Mr FUNG, during his meeting with the Chief Executive, the Chief Executive promised him to abolish FCs. I believe this was a slip of the tongue on the part of Mr FUNG. What the Chief Executive had said should be he would abolish DC appointed seats.

**MR FREDERICK FUNG** (in Cantonese): President, I agree with what the Secretary said. The ADPL asked for the abolition of the appointment system for DCs and it was one of the two conditions made by the ADPL which I mentioned earlier. The other condition was that there should be some progress. Three days before voting, we obtained the Chief Executive's consent to abolish the appointment system for DCs. It was not until then were we certain that the proposal would not violate the two conditions we set.

President, although we have tried our best, we have failed in our bid to implement dual universal suffrage. How should we vote? Why do we consider the Democratic Party's proposal better than maintaining the *status quo*? The additional five seats will be returned by an FC election in name only. However, this FC election is different from the traditional FC elections. What is meant by a traditional FC? Firstly, the registered electors in a traditional FC share common interests. They are in the same occupation or in the same profession such as the commercial sector. Dr Margaret NG has proposed that the five seats be returned from each of the existing five geographical constituencies (GCs) while other Members have suggested to return the five seats from the whole HKSAR as a single constituency. No matter how these five seats are to be



returned, the electors would not be grouped according to sectors, making this FC election different from the traditional FC elections.

Secondly, each FC clearly represents certain interests. For example, the Legal FC represents the interests of the legal profession; the Accountancy FC represents the interests of the accountancy sector; and the Social Welfare FC represents the interests of social workers. For the proposed new DC FC, it will not represent the interests of any sector regardless of whether the five seats will be returned from a single constituency with an electorate base of some three-odd million or from each of the existing five GCs with an electorate base of one-odd million. The electors of this new DC FC are from different sectors.

Thirdly, the electorate base of a traditional FC is relatively small, ranging from 100-odd to 80 000-odd registered electors with the Education FC having the largest electorate base. As for the new DC FC, the electorate base will be three-odd million in the case of taking the whole territory as one single constituency or one-odd million in each constituency in the case of dividing the whole territory into five constituencies. As you can see, the electorate base of the new DC FC will be far larger than those of the traditional FCs. Speaking from this perspective, we can say that the additional five so-called FC seats will be returned through "*de facto*" universal suffrage. The creation of the new DC FC implies an end to the traditional FCs. They will not be expanded and will become history. Yet it is still uncertain when the FC system will be abolished. The electoral method proposed by the Democratic Party is different from universal suffrage in two aspects. Firstly, only elected DC members may nominate candidates for the new DC FC seats. Given that DC members do not represent any specific interests, the new DC FC will be different from the traditional FCs. Secondly, there will be a difference of 200 000 to 300 000 electors. If I do not remember wrongly, the difference should be 200 000-odd electors. Registered electors who have opted to vote in the traditional FCs will not be able to vote in the new DC FC. 200 000-odd electors represent 10% of the total electorate of the territory. In other words, 90% of the total electorate may vote in the new DC FC election. As its electorate is 10% less than that for universal suffrage, it is up to everyone to judge whether the new DC FC election can be regarded as *de facto* universal suffrage. Under this proposal, three-odd million people may have two votes, which is different from the original proposal. Therefore, I consider this proposal an improvement on the original proposal.

Would the Secretary please give a response later as to why there has not been any progress in the abolition of the appointment system for DCs? The Secretary once told me that upon the passage of the relevant bills, the appointment system for DCs can be dealt with by administrative means. Under such circumstances, I would rather have a little bit change than no change at all.

President, it has been a tough and difficult journey for us to get to today's debate and voting. In the 1990s, the ADPL took what we described as a "dangerous and steep" path. At that time, we had a very hard and painful time and the Democratic Party might not agree to the ADPL's approach. Similarly, the path taken by the Democratic Party today may not be the same as that taken by the ADPL. The Democratic Party has been denounced for its contacts with the Central Government. We feel sympathy for it as we have been in the same boat. I believe that on our way to democracy, we may take different paths and we may have different paces. As long as we share the same goal, we should be united and should not reproach one another. The NPCSC has said that universal suffrage may be implemented for selecting the Chief Executive in 2017 and forming the Legislative Council in 2020 — it is actually the incumbent Chief Executive rather than the NPCSC to have said that universal suffrage may be implemented for forming the Legislative Council in 2020. As members of the pro-democracy camp, politicians and members of political parties, we should strive to achieve our goal in 2017 and 2020, so as to allow every elector to really elect the Chief Executive and all members of the Legislative Council in 2017 and 2020 respectively.

We should have dreams, regardless of whether our dreams will come true. If we do not have dreams, we will never have ideals. If we have ideals but do nothing about them, how can our ideals be achieved? Whether our dreams will come true depends on whether we can join hands and be united not only among ourselves, but also with the pro-government camp, government officials, the HKSAR Government and even the Central Government. We can only achieve genuine dual universal suffrage by working together.

Let us not forget that we should act in accordance with the Basic Law. Without the Basic Law, we will have nothing to follow. The involvement of the Central Authorities in the democratic development of Hong Kong is inevitable. This does not mean that the "One country, two systems" principle is undermined since the Basic Law provides the Central Authorities with this right. I hope that the Central Government will understand the aspirations of the people of Hong

Kong, that is, to meet the needs of the times by implementing universal suffrage. I hope that the Legislative Council, the Chief Executive and the NPCSC will all give the green light to allow us to move into the era of dual universal suffrage. Thank you, President.

**DR MARGARET NG** (in Cantonese): President, just now, I listened attentively to Mr Ronny TONG's remarks. From what he said, I can see that he is deeply confused.

President, Mr Ronny TONG is a very important member of the Civic Party and he is also our close comrade. His criticisms against the Civic Party will not make us unhappy. On the contrary, the Civic Party should accommodate different voices.

Perhaps let me share my views. As far as Mr Ronny TONG's biggest confusion is concerned, he thinks that now that he is in the Legislative Council, he can only fight for democracy and human rights within the establishment, and that fighting within the establishment and people's movements are mutually exclusive. However, is it really the case? As lawyers, we know that we must abide by the law, but at the same time, we also know that many laws are unfair and have flaws. What should we do then? We should strive for legal reforms and there is no conflict between abiding by the law and striving for legal reforms. However, people who strive for legal reforms are always in a very difficult position because it is not easy to find someone who can understand them. Yet, I believe Mr Ronny TONG should understand them.

During the battle against the legislation on Article 23 of the Basic Law, Mr Ronny TONG had still not been elected into the Legislative Council. At that time, we had to strive for support not only in the Legislative Council, that is, in the Bills Committee, but also out in the streets. We had to appeal for support from different parties and even from the international community and we did it on the basis of legal jurisprudence. In the end, did we succeed? Originally, we did not have any hope. Against all the odds, we went on fighting for our cause. President, by 23 June, amidst the critical circumstances, a miracle came and the legislation was finally shelved.

President, as politicians, we must guard against false pride as it will easily make us think too highly of our responsibilities, status or importance. However, if we turn away from the people, we will not have any public acceptance and it is impossible for us to succeed. All we should do is to be persevering and to adhere to our principles. Once we give up our principles, we will not longer have our foothold. Let us not be worried or unhappy for not having any immediate achievement because truth and justice will always prevail. The human race has been striving for more civilization for hundreds and thousands of years and we are just passing visitors in the course of history. As long as we discharge our responsibilities, we need not be worried about whether there is any immediate achievement.

President, Mr Ronny TONG earlier mentioned double standard. At first, I did not understand what he meant. As it turns out, he was talking about me. According to him, if we consider that the addition of the super District Council (DC) Functional Constituency (FC) seats will rationalize certain things, my amendments will likewise rationalize the traditional FCs. President, I can tell Mr Ronny TONG that I definitely do not have the least intention to do so. Even if all my proposed amendments are carried, there is no question of the traditional FCs being rationalized. Why have I proposed the amendments? There are two main reasons. Firstly, we do not have the intention to blame any political parties. We just want to have an objective analysis of the package of proposals on constitutional reforms, which represents the compromise reached by the Democratic Party or other democrats with the Administration. We are not even going to comment on the morality of this compromise package.

I think we will suffer losses in two aspects by adopting the compromise package. The first is that it is tantamount to an undertaking that no change will be made to the traditional FCs within the following two terms. I consider this a retrogression in our fight for democracy. Everything we did is simply to let the community understand what the FC system is and why it will do great harm to the governance of Hong Kong. Not allowing any changes to be made to the traditional FCs within the following two terms represents a significant retrograde step and that is the reason why I have to do something to change those traditional FCs. Whether my attempt succeeds is not important, but there must be a change.

The second is that District Council (second) FC seats divide electoral suffrage into three separate portions. We consider this a significant loss, as the

aftermath so caused will be severe. Thus, we must put forward our amendments.

President, regardless of whether Members agree to or endorse my amendments, these amendments do not serve to rationalize traditional FCs, and are not beyond the framework laid down by the decision of the National People's Congress (NPC). We are merely seeking greater room within the scope of the NPC's decision.

President, regarding the unfair elements of traditional FCs in the Legislative Council, in addition to those original and existing unfair elements, and the disproportion and unfairness as exemplified by the fact that 30 seats are returned through direct election by over 3 million electors and 30 traditional FC seats through election by over 200 000 persons, we can also see many other unfair elements in traditional FCs. I have said earlier that some sectors have over 100 organizations while some have tens and thousands of persons, which is unbalanced. The new District Council (second) FC seats will not make FCs any fairer. So please do not put too much expectation on the one more vote as one can see what is even more absurd is that only five seats can be returned through election by over two million persons, which is more unfair than only one seat being returned through election by 160 organizations, not to mention the new deficiencies that I just mentioned.

President, another reason why we should oppose this Bill is that the Administration attacked us, alleging that we had rendered the 2005 constitutional reform package unable to be approved, thus leading to the failure of local legislation to rectify the existing unfair system. However, since the constitutional reform package was passed, they have not yet made any changes to those traditional FCs, thus failing to live up to their pledge.

In respect of traditional FCs, the Administration actually added several organizations in the Transport FC. Fearful that Ms Miriam LAU would be unwilling to continue to serve as a Member, the Administration expeditiously approved 28 organizations nominated by her. What was wrong with this? We are of the view that corporate votes lack fairness and are cast in a "black box". Even Ms Miriam LAU herself was confused, as she had altogether nominated 68 organizations, but ultimately only 28 were approved, with the rest being not approved. If the objective was to open up FCs, why did the Administration not

discuss with them so that they would have an opportunity to voice out their aspirations? The Information Technology FC further pointed out that the Administration selectively added organizations, and they held that these new organizations were in favour of the pro-establishment camp. Though I may not be in a position to make a judgment, I am of the view that it is simply not right to add organizations selectively.

President, corporate votes account for one of the major reasons why we do not agree to traditional FCs and believe that there exist significant unfair elements. From existing laws, we can see that even many insiders do not have voting right. For example, in the Transport FC, we see that only operators of certain organizations have the voting right, but individual taxi drivers and staff have no right to vote. In the Real Estate FC, the case is similar in that only real estate associations have the voting right, but their employees have no right to vote. In the Finance FC, only banks and deposit firms have the right to vote, but depositors and relevant staff do not have such right. As we see it, these are the sources of unfair policies.

In addition, in the Catering FC, only restaurant licensees have the right to vote. As a matter of fact, if all working persons have such right, the issue involving the minimum wage of \$20 would not have occurred. Thus, we believe that corporate votes are quite problematic. Some people think that for the purpose of balanced participation, these FCs must be retained since they account for 90% of the total assets of Hong Kong. However, why are these insiders excluded? Is it that only bosses contribute to economic development while employees have no contribution? As such, the biggest problem lies with corporate votes.

In addition to domination, another issue arising from corporate votes is easy manipulation. President, we had asked the Administration many times in the course of deliberating the Bill what organizations they were, how they were selected, whether their representativeness had been examined and whether they were still active. People are people and have the right to vote, but if the voting right of an organization is based on its representativeness and activities, the Government are obliged to inform us the content of such activities. As such, it is easy to be manipulated. President, the amendments we are going to propose in a while do not serve to rationalize traditional FCs, but are intended to eliminate some of the biggest problems at present, namely domination and manipulation.

We also considered how to make full use of the room for local legislation. President, the resolution of the NPC this time simply states that 35 Members should be returned by FCs and 35 Members should be returned by geographical constituencies through direct elections. As for whether the number of FCs is 30, 20 or five, the NPC and the Basic Law have no stipulation. So we can adopt two methods, one of which is to regroup traditional FCs and gradually abolish them. For example, we may reduce them to five this time and totally abolish them next time, whereby we will move towards the objective of abolishing FCs. The other method is to replace corporate votes with individual votes, so as to reduce domination and manipulation. Since we saw clearly from polls that over 70% or even 80% of people considered that corporate votes should be abolished, we have chosen to tread this path.

Mr Ronny TONG also mentioned that if we combined the rights to vote, stand for election and nominate, were FCs still FCs? Was it a double standard? As a matter of fact, that DCs became an FC is already confusing enough. However, if it is an FC, it will continue to be an FC after the increase of the number of seats. That said, how will the Administration explain that the modified District Council (second) FC seats are returned through FC elections instead of direct elections? Please listen carefully to the remarks made by Elsie LEUNG. She said that it was not direct election because, according to its definition, only persons that did not have voting right in other FCs were eligible in the District Council (second) FC. The electoral suffrage that is divided into three portions is not the basis of FCs, because if FCs were considered FCs only on such basis, then many existing traditional FCs would not be treated as FCs. As such, that I combine these three rights is definitely not beyond the extent of FC seats. Thus, I will return in full that remark about double standard. If someone thinks that FCs are not FCs with these three rights combined, and the existing super seats are FCs, this is double standard in its true sense.

President, we will vote against the Bill, but in line with the same spirit, we will try to put forward our amendments, so that the unfair system can at least be changed slightly. Thank you, President.

**MS CYD HO** (in Cantonese): President, I will also participate in the voting of the amendments, but I will oppose the Second and Third Reading of the Bill. It is because we aim to achieve a democratic constitutional system by changing the

systems under Annexes I and II of the Basic Law. However, the local legislation of the constitutional reform proposals will not bring us a democratic constitutional system.

I am not going to talk about technical issues like the number of various functional constituencies at the moment. I would like to ask a prospective question only. If the Bill is passed, then the number of Legislative Council seats will increase from 60 to 70. The new seats will come from two groups, including five to be returned through election by the super District Council functional constituency. I want to ask the Alliance for Universal Suffrage, then so what? If we reach this target in 2012 by the successful result of negotiation, then what can we do in 2016? I heard from the Alliance that they would suggest increasing the seats to 80 in 2016, so that there would be two-thirds of Members supporting the amendment of Annexes I and II of the Basic Law. That means, if only at least two-thirds of Members are returned through direct elections, the above target can be achieved. However, the calculation should not be made this way because even 80 seats are not enough. The number of seats should increase to 90 and the new seats from functional constituency should also be returned through indirect elections by District Council members to achieve the target. In addition, we need nearly all Hong Kong people going for the same target to achieve this.

Of course, if political parties intend to take part in the direct elections, they will understand that they need to be more responsive to public opinions. I am confident about this. We welcome the Liberal Party to join the negotiation with the Financial Secretary on the Budget. Although I do not accept the result of the negotiation because it is short-sighted to give away money, direct election can at least change a political party. President, I truly think that the increase of Legislative Council seats to 70 in 2012 or even 80 in 2016 will not help to achieve a democratic constitutional system. As long as there is no change in nature for functional constituency, unfairness will still exist. It is like the case for "nine new functional constituencies" before 1997. The arrangement was only a one-off two-year temporary measure adopted due to a collapse of negotiation, which created many peculiar phenomena. Take the personal services group as an example. It included both journalists and night club dancers. The Administration only required the groups to represent similar number of sectors and put sectors of different interests together, which easily led to unsatisfactory situations.



Another point I would like to talk about is super DC members. Last year when the constitutional reform proposals were passed, we had pointed out a number of strange phenomena regarding the right to nominate, the right of being elected and the right to vote in the super DC constituency. I know that the Civic Party will propose an amendment today which suggests that the election of super DC members by proportional representation of Hong Kong be replaced by one seat to be returned from one geographical constituency. This means the new Legislative Council seats will be returned on the basis of "single seat, single vote" from each geographical constituency. From my point of view, you are a loser if you treat seriously such bizarre rules. Of course, I respect the amendment by the Civic Party, but I can see the following possibility when opposing the constitutional reform proposals. If the nomination threshold for the Chief Executive is so high, it is a good opportunity for political parties to send representatives to compete for the super DC seats and test the public acceptance of their political platforms. It is somehow an election to collect public opinions for the Chief Executive. This is important because the Secretary stated clearly when talking about the Bill of Chief Executive election that two kinds of political parties exist in Hong Kong, one being the ruling party and the other being the participating party. Honourable colleagues, you all belong to the participating party but not the ruling one. Now that all of us do not have an opportunity to rule, let us make use of the bizarre super DC election to collect public opinions for the Chief Executive. If this works and can trigger in-depth and comprehensive discussions on the future positioning of Hong Kong, the system may change.

President, whether direct elections depends on our determination. The Central Authorities determine to control through various channels and does not relax a little, while members of the public determine to have democracy. In the tug of war between the power and the powerless, we as the powerless do not know when we may win. However, we know that if we want to succeed, we have to persist and cannot make much concession.

In addition, for the Legislative Council, apart from the rectification of the functional constituency, the most important thing is to have a change in the essence, such as abolishing the system of voting in groups. It is because when we discuss how to increase seats of the two groups to achieve more democracy, the majority can be always overruled by a quarter of Members in the Council if the current mechanism still exists. Therefore, apart from discussing the increase and the composition of seats, the abolishment of the system of voting in groups should be our next focus to fight for democracy.

President, the pan-democrats in the Council hope to have direct election and a democratic constitutional system in place in 2012, but now there is no chance at all. Anyway, our responsibility is to point out from time to time the impact of such a constitutional system on Hong Kong, and then with the civil society, continuously express our political determination to fight for a constitutional system in favour of the public, instead of allowing representatives from those with vested interests to manipulate our Legislative Council.

President, I will oppose the Second and Third Reading of the Bill.

**MR LEE WING-TAT** (in Cantonese): President, in contrast to their behaviour in all the debates held since the passage of this package last year, Members' behaviour in this debate today is relatively calm.

Looking back, one will observe that in the five years between the first vetoing of Mr Donald TSANG's package in 2005 and the year 2010, Hong Kong actually saw many mass movements for the implementation of dual universal suffrage in 2012. And, the legislature also conducted debates on this issue. These movements or the debates in the legislature have indeed exerted immense pressure on the SAR Government, and to the Central Government, this is likewise a problem that has still remained unsolved after the passage of a very long time. Having said that, I must ask all participants in these social movements to ask themselves very frankly whether they think Hong Kong has any sufficient ability, or the kind of political determination as described by Ms Cyd HO, to implement dual universal suffrage in 2012 in disregard for the SAR Government and the Central Government.

As I said in the previous debate, the Democratic Party has decided to tread this path only after very thorough consideration. But the Democratic Party has never tried to stop or ostracize our pro-democracy allies in other political parties who insist on organizing political campaigns, Legislative Council debates or mass protests which they believe are able to bring forth dual universal suffrage in 2012. We have never done so. Last year, I read many newspaper articles before and after the debate on the constitutional reform package. I read them very carefully and finished reading almost all of them. Many authors of these articles are my fellow students in university, who are decidedly dissatisfied with the Democratic Party's support for the package.

I observed one viewpoint in these newspaper articles. This perspective of debate is a bit similar to one which I came across in my student movement days. When I was in university, a movement called "Knowing China and Caring for Society" was going on. I believe that Members should have heard of it. The movement was about getting to know China, caring for society, having the whole world in view and striving for student interests. In the early 1970s, some students of the Guo Shui School (國粹派), however, did not favour the idea of implementing social reforms. They argued that actions to fight for public housing allocation for boat dwellers, improve the public welfare system, and so on, were nothing but piecemeal remedies characteristic of a petty bourgeois movement in the colonial era, maintaining that such actions would lead them nowhere. They held that a colonial government was bound to tolerate the perennial oppressive nature and rotting of the establishment, and when the people's feeling of being oppressed reached its height, they would protest and seek to overthrow the colonial regime. Therefore, most students who participated in social movements in the 1970s were aware of the respective viewpoints of the two different schools in the movement.

In the discussions on constitutional reform last year, I vaguely heard these two kinds of theories. We think that what the Democratic Party or the democratic camp has chosen is the "path dependence" approach. What this means is that once having taken a step, the Central Government and the SAR Government will find it impossible to turn back. And, the steps that we strive for are all reasonable ones marked by obvious progress. By "reasonable ones marked by obvious progress", it is meant that during the 17 years from 1991 to 2008, we merely increased the number of seats returned through direct elections from 12 to 30, but during the four years from 2008 to 2012, the number of such seats will go up by 16.6%. In that case, how can we say that the step is just a small one? Of course, as I have always admitted on every such occasion, the basis of this step is that five out of the 10 seats are to be returned through direct elections, and the remaining five through *de facto* direct elections.

President, one question of mine has remained unanswered so far. If those people think that one can already mobilize the masses and bring forth success simply by appealing to the strong desire of society and the masses for dual universal suffrage in 2012, can they tell us why no one has ever taken any such actions? If just several simplistic words will do, and also if success can be achieved so conveniently, why haven't they taken any actions? The SAR

Government cannot stop them from so doing, and the democratic camp and Democratic Party have not tried to stop others from doing so either.

Let me now go on to discuss the strategic considerations underlying the other route. Many people have written articles for various newspapers, arguing that the Democratic Party's present move has dissipated the morale of the pro-democracy movement and given vent to the pent-up steam inside the pressure pot, with the result that it is no longer possible to step up pressure in society to the extent of pressurizing the people's desire for democratic politics to the detonation point. It has frankly never occurred to me that the Democratic Party is so important. If those people who have written articles for newspapers really think that they are able to mobilize the masses in their own ways to fight for universal suffrage, they should not depend on the strength of other groups and people, nor should they depend on a Democratic Party which they think is ready to compromise.

President, after listening to Members' debate just now, I have been pondering on one question, and I have yet to find out the answer to it. I will not say I have a crystal ball which can let me know that my every decision must be correct. Someone once asked: is correct to say that since some people have been fighting for democracy for as long as two to three decades, they are willing to accept certain compromises at the current stage, in the hope of achieving some results to show that the process has after all borne some fruit? To be sure, this is not a factor that I take into consideration. What I mean is that we do need not to rely on showing our success in fighting for something as a means of telling others how much effort we have put in.

President, I want to clarify one thing in response to a point made by Dr Margaret NG just now. I hope I have heard her correctly. She asked whether, around the passage of the package, we and the Government — maybe she was not referring to us — ever talked about keeping the traditional functional constituencies (FCs) intact in the next two terms of the Legislative Council. I feared that my memory might have failed me, so I asked Mr Albert HO in private. I then came to know that we had never made such a promise.

In a way, one may wonder whether the democratic camp or the Democratic Party has omitted to do something. I think this can be discussed. Last year, there were two focuses. On the one hand, there was the demand for the

immediate abolition of all FCs and the implementation of dual universal suffrage in 2012. On the other hand, the Democratic Party proposed the arrangement of apportioning the new seats on a "five-to-five" basis. No one seemed to have given any serious thoughts to the issue of expanding traditional FCs. Maybe someone did so, only that I was not aware.

However, this will plunge us into a paradoxical situation of academic debates. The reason is that once we discuss expanding the electorate bases of traditional FCs, we will be accused of not being thorough-going enough and lacking the political determination to immediately abolish all FC seats. On my part, I find it very annoying to debate this issue. One reason is that a demand for the immediate abolition of all FCs is comparatively easier to explain as an argument or stance. It is not necessary to offer any elaboration and start any further debates. This argument is the easiest to put forward, as it is not susceptible to any criticisms. However, when it comes to a debate on whether the number of electors in the IT FC should be increased from 6 000 — I am not sure whether it is 6 000 or 7 000 — to 30 000, that is, whether the electorate is to be expanded by 500% ..... This rate of increase is actually very substantial, and viewed from a certain perspective, it is actually a great step forward. However, such a debate may give rise to queries that what should be debated is not chosen for debate, but the increase in the number of electors in this FC from 6 000 to 30 000 is discussed instead. And, people may even say that the whole thing is meaningless as they hold that any actions to be taken must be thorough-going enough to the extent of abolishing all FC seats immediately. Sometimes, I cannot help wondering whether we should drag ourselves into such a paradoxical and difficult situation. On this issue, I am not very much burdened by any preconceptions. I have pointed out that some issues can be considered in theory and in principle, but some others must be considered from the practical angle.

The "nine new FCs" in the Chris PATTEN era — well, they were also called FCs. TSANG Kin-shing, then a member of the League of Social Democrats (LSD) won in the election ..... (*Someone interrupted in the Chamber*) ..... Sorry for a slip of the tongue. TSANG Kin-shing is a member of the present LSD and he won in the election that year. Several friends from the democratic camp, such as Mr LEUNG Yiu-chung, Mr LEE Cheuk-yan and TSANG Kin-shing, also ran in the election that year. Are there any differences between the two? There are differences because the number of electors covered by the nine FCs was not the same, with certain restrictions on individual sectors.

My memory may not be correct, but I hope people will not thus criticize me too severely. I remember that housewives were not included in the "nine new FCs". I am not sure about this, but my impression is that they were excluded. This was a defect. Since the "nine new FCs" did not include housewives, they were deprived of their voting rights outside of direct elections. Nevertheless, I have not seen many people shouting themselves hoarse to criticize the "nine new FCs". There were still some criticisms, though, and it is true that the seats concerned were not returned through direct elections. I also agree to this point.

President, in terms of practical effect, candidates for the five new seats are to be nominated by District Council members and then elected by all Hong Kong people. I think that in terms of practical effect, this differs only slightly from direct elections. And, sometimes this method may even produce a greater effect than direct elections in geographical constituencies (GCs). Mr Ronny TONG mentioned that when he chatted with James TIEN, they talked about the conventional perception that FCs were constituencies for bosses in various industries and sectors. Will we believe that when running in the elections for these five newly created FC seats, those bosses will say, "I am your boss, so vote for me."? I believe no candidates will be so stupid, and in any event, he will have to put forward a reasonable election platform for the 3 million or so electors. From a certain perspective, this election platform should be more extensive than those of the candidates vying for the five seats to be returned by GCs through direct elections because he must not pay attention only to affairs in the New Territories West, the New Territories East or Kowloon East regions. Rather, he must put forward a territory-wide election platform with his views and ways of handling things for Hong Kong as a whole. Let us look at Mrs Regina IP's political party as an example. I believe even if a boss from the party runs in the election — they have a very ambitious person called Michael TIEN, but I do not know whether he will run in the election — I believe that even if he really runs in the election, he will not say "Hey, I represent bosses, so support me." If he says so, I believe he is bound to lose the election.

President, we support the various CSAs to be moved by Dr Margaret NG. There is probably no single CSA that we do not support. We only have some comments on the demarcation of constituencies for direct elections. Ms Emily LAU will later propose a CSA in this regard. Thank you, President.

**MR WONG YUK-MAN** (in Cantonese): President, during the discussion of these two related Bills in this Chamber over these two days, whether speaking for the Second Reading or the amendments concerned, we have the feeling that we are nowhere in time. When I just started my speech, Mr LEE Wing-tat walked out, and no Member from the Democratic Party is present here.

Some people say that I just like refuting the Democratic Party. Frankly speaking, President, in this Council, many people do not like me, but I think this is not important. I am at least actively engaged in discussions and have persistently been doing so. Written in black and white, this book has as many as 300 pages. Each one of these books also has a few hundred pages. I am at least active in discussions and have persistently been doing so, unlike this person who had been the Chairman of the Democratic Party. He is ridiculous in the sense that he himself is also unsure of what he was just driving at. When he talked about the nine new functional constituencies (FCs), he really made me furious.

I am sorry, President, as I would like to refer to you. If my memory is correct, you have once teased this ex-Chairman of the Democratic Party. You said that while the number of directly elected seats kept increasing, the number of seats of the Democratic Party was decreasing. You thus asked Mr LEE Wing-tat if he was shameful about this. Have I made a wrong reference to what you had said? Have you ever made these remarks? I clapped my hands excitedly then in the radio station. The number of directly elected seats kept increasing from 20 to 24, and then to 30. However, when he was the Chairman, the number of seats secured by the Democratic Party was decreasing. In terms of seats, what was the highest record of the Democratic Party in 1995? It got 19 seats in the Legislative Council, including its FC seats. Why would it turn out like this afterwards?

During the abovementioned period of time, the number of directly elected seats was increasing only in a gradual and orderly manner — the pace has even come to a halt now. The number of seats is still 30 and it will not change until 2012. Our understanding to Annex I and Annex II is very simple and must be different from that of the Secretary. In our opinion, the gradual and orderly way should be 20 seats, 24 seats, 30 seats, 36 seats and 40 seats. The FC seats should be reduced gradually until they are completely gone. However, this is not the fact. The reason for this is known to all — the interpretation by the Standing Committee of the National People's Congress (NPCSC) in 2004. In

2007, the NPCSC also made a decision which rendered the ratio between Geographical Constituency (GC) seats and FC seats unchanged. Therefore, there is no means for us to adhere to a gradual and orderly way. We should not argue further on this, as you have your own arguments while I have mine. Those who support democracy are very clear about this.

Nonetheless, today ..... in fact, I have prepared a very long speech. But due to limited time, I now have to keep on revising it. After listening to what he said, I felt very furious and thus have to refer to what you said reluctantly, President. However, I also think what you said was right. Has the Democratic Party reflected upon it? Why does the number of directly elected seats keep increasing while its number of seats is decreasing? Hence, the Democratic Party is really very smart and has an acute foresight. Today, the Democratic Party supports the constitutional reform package. It even shamelessly voted in support of the Second and Third Reading of the Bill. This is because of the crisis that its number of seats is getting less. In order to increase its number of seats, it has to support this constitutional reform package.

On 24 June last year, the day before the constitutional reform package was put to vote, I made the following remarks: "They think that democracy means an increase in the number of seats and democracy means everyone will have one more vote in his hand. Spreading such shallow ideas is no different from fettering democracy and distorting it. What is the good of increasing the number of seats? The ratio between Members returned by GCs and FCs still remains unchanged. The separate voting system, which has maimed and mutilated democracy, still exists. The Legislative Council, still being controlled by those with vested interests, is nothing but a rubber stamp for the autocratic government. What is the use if everyone has got two votes? The political rights of the common people are still undermined. Our society still has to pay the heavy price of privileged politics in which the majority is being forced to follow the wishes of the minority. The dignity of the poor people will continue to be trampled upon."

One person, two votes? Quantity change and quality change? Do you think that such kind of false reasoning will become true after saying repeatedly for a thousand times? What is the difference between the remarks just made by Mr LEE Wing-tat and those made by the Democratic Alliance for the Betterment and Progress of Hong Kong? He gave numerous explanations to the everlasting



FCs theory. He even criticized that the nine new FC seats at that time were not returned through direct elections, but these newly increased five seats were just great. However, he has overlooked one point. We still have 30 FC seats. This is totally ridiculous and extremely absurd. One person, two votes is being regarded as a progress in democracy, a major concession and compromise from the Communist Party of China (CPC). Afterwards, he talked generously about quantity change and quality change which sounded so pleasantly. To date, they still do not feel shameful at all. They still keep on communicating while vilifying those who fight for political cause.

On 26 August 1945, MAO Zedong took a plane to Chongqing to negotiate with CHIANG Kai-shek. Of course, you may still remember the scene when he shook hands with CHIANG Kai-shek and then shouted long live Generalissimo CHIANG. Nevertheless, before he set off, he made an analysis with some local party members on the strategy of negotiation at Chongqing. Of course, we only learn of it after the incident and people at that time had no means to find out. How could his strategy of negotiation be known by the Kuomintang (KMT)? He once said the following which is very meaningful. He said, "Under the pressure from without and within, maybe after the negotiation, the position of our Party can be recognized conditionally, while our Party can also recognize the position of the KMT conditionally. This will give rise to a new stage where two parties can co-operate and develop peacefully. In the event of such a situation, our Party should learn hard all means to fight legally ..... However, you definitely should not rely on negotiation, definitely should not hope that the KMT will show mercy, as it will not show mercy at all. You must rely on the power in your own hands, guiding accuracy in operations, unity of all brothers within the Party and good relations with the people. Resolutely relying on the people is your way out." At present, they are just like the people in the CPC at that time who cherished some unrealistic thoughts when negotiating with the KMT and hoped that the KMT would show mercy. They now exactly hope that the CPC will show mercy.

History is really interesting. My friends, history repeats itself. Have members of the Democratic Party ever read such part of history? Do you think that you are better than the CPC then? Even the CPC then had to be very cautious and suspicious about the KMT. The CPC thought it was merely negotiation after all and did not believe that the KMT would show any mercy. But the Democratic Party now believes that the CPC will show mercy. They

talked about 10 years' legislation and loads of details. And it seems that there are routes to follow. I find it very ridiculous just listening to them. How are they going to give an account to the young people? The Democratic Party now even shirks the responsibility. It says that it does not need to take the responsibility. It even queries the persons who criticized the Democratic Party in the commentaries why they did not gather the crowds to take to the street in order to fight for dual universal suffrage in 2012. They could even make these remarks. In the course of leading the democratic movements in Hong Kong over the past 20 years, how many slogans have they chanted? "Dual universal suffrage in 2007 and 2008", "dual universal suffrage in 2012", "No further compromise of bottom line". Ms Emily LAU has once said that it was only 2009 then, and no one knew whether the CPC would have fallen in 2012. All these words are still ringing in our ears. Where are the views and arguments for your "flip-flop"? I really do not want to say this but I still have to say: Being the whore, you still want to get the plaque of virtue, so as to reap all the benefits. Is there anything so favourable in this world? And you still want to be the leader of the democratic camp? I tell you, as long as I, WONG Yuk-man, am here, I will not stop making severe criticisms against these politicians.

In regard to those in the pro-establishment camp, we all know their positions and this can spare my elaboration, as I have already said what I want to say. However, facing these so-called allies or so-called leaders of the democratic camp, I cannot help saying: It is unimportant that you do not support the "five geographical constituencies referendum". But why do you still have to hold us back? Mr SZETO Wah said that the "five geographical constituencies referendum" is tantamount to jumping from height. After much thought, I really have to say it is actually worse than jumping from height. For the sake of the "five geographical constituencies referendum", we have genuinely paid dearly but which is inevitable. I am almost 60 years old and nothing is serious to me. "If I die, that will be the end of my life. If I am still alive, I am already beyond half way through my life." Is that right? Nonetheless, the point is that you have to give some explanations to me and tell us more clearly. You should not take advantage of us, nor should you be like Mr LEE Wing-tat who kept on rattling but did not even know what he was talking about when he finished his speech. They have to explain to us very clearly. I said that FCs will thus last forever, but they said the contrary. I then ask them to explain to me. There is no way that we can finish discussing these issues. However, I also want to quote some of their words.

I did quote some information last time. But this time, I just quote a part of different content. There is really so much such information. I have been studying the Democratic Party recently. I think no one can go as deep as I in studying the Democratic Party. My book has also incorporated what they said in 1994. On 24 May 2010 when members of the Democratic Party walked into the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office), they delivered a speech so as to make their demands clearly known to the public, and I quote it as follows:

- "1. Formulation of the second "10-year political development timetable and road map (2010-20)" through amending the Basic Law. If this decision is to be implemented, the existing constitutional reform package may have to be postponed to the end of this year. At the same time, the Government of the Hong Kong Special Administrative Region (HKSAR) has to start the consultation procedure to obtain public views as far as possible, and then complete legislation in accordance with the five steps specified in the decision of the NPCSC in 2004. This is the most desirable arrangement.
2. If the Central Authorities cannot complete the procedure for amending the Basic Law within half a year, we would ask the Central Authorities to declare its position, which includes setting out the following:
  - (i) The definition for universal suffrage shall be in line with the principles of universality and equality specified under the International Covenant on Civil and Political Rights. That means there will be universal suffrage for the Legislative Council Election in 2010 and any forms of FC elections will be abolished;
  - (ii) Based on the principle of gradual and orderly progress, the democratic procedure for nominating the Chief Executive in the 2017 election will not adopt a threshold higher than the nomination threshold for the Chief Executive Election in 2007, and the Nomination Committee with a membership of 1 200 people should include all elected District Council (DC) Members;

- (iii) In the 2016 Legislative Council Election, only the number of directly-elected seats will be increased and the system of voting in groups will be abolished. The ratio of directly elected seats will suffice to pave for universal suffrage in 2020.
3. If the Central Authorities accept the above demands, the 2012 reform package will be improved as follows:
- (i) The voting right of the five additional DC-FC seats proposed in 2010 and the existing DC-FC seats will naturally be open, so that members of the public who do not have the right to vote in traditional FCs can select their representatives under the mode of one person, one vote. In return, each elector in the territory can have two votes. This is also not contrary to the decision of the NPCSC on 29 December 2007;
  - (ii) All appointed seats in the DCs will be cancelled. The Election Committee in 2012 should also include the 400 odd elected DC Members, and the number of nominations should be maintained as not more than 150.
4. Finally, we treasure the communication and dialogue with the Central Government. We hope that the dialogue can continue. We would ask the Central Authorities to communicate with other pan-democrats and all sectors in the community with a view to reaching the greatest consensus on constitutional reform. This is also the wish of Hong Kong people."

These are the demands of members of the Democratic Party when they walked into the Liaison Office on their "ice-breaking trip" on 24 May 2010. What is the result? Apart from successfully fighting for a super DC-FC, all the other demands were all surrendered. Am I right in saying that? President, have I distorted the fact? Have they given an account to the Hong Kong people?

The development afterwards was even more amazing. On 7 June 2010, Mr Henry TANG, the Chief Secretary for Administration, met the mass media and announced that for the five newly added FC seats and the original one DC-FC

seat, there would be mutual election by elected DC members under the proportional representation system, and that something else would be abolished. In this connection, 23 Members from the Pan-democracy Camp joined hands to announce that they would oppose it. At 4 pm on 7 June, QIAO Xiaoyang met the Hong Kong mass media and mentioned the constitutional reform. He said that he would "talk about his personal understanding and views, as well as study and explore the issue with people". His remarks have triggered strong criticisms from the Pan-democrats. Twenty three Members from the Pan-democracy Camp stated that they would not accept the constitutional reform package without any amendment at all. Mr Albert HO, Chairman of the Democratic Party, finally mentioned what was most unacceptable to the Democratic Party was that the Central Authorities still refused to explain whether there would be genuine universal suffrage in 2017 and 2020, as well as when FCs would be abolished.

On 14 June, HAO Tiechuan, Director-General of Publicity, Culture and Sports Department of the Liaison Office, criticized the Democratic Party's proposal of "universal suffrage for DC representatives" with very strong terms. Afterwards, the situation has suddenly changed. In the afternoon of 17 June, just a few hours before the debate between Mr Donald TSANG and Ms Audrey EU, Ms Elsie LEUNG, Deputy Director of the HKSAR Basic Law Committee of the NPCSC, was suddenly interviewed in a television news programme. She said that the improved DC proposal of the Democratic Party was not in contrary of the Basic Law.

On 20 June, LI Gang had a meeting with Mr Albert HO, Ms Emily LAU and Mr CHEUNG Man-kwong. He conveyed the message that the Central Authorities had already given the green light for the Democratic Party's proposal of universal suffrage of DC elections — the "one person, two votes" proposal was not in breach of the Basic Law and the related decision of the NPCSC.

The day before 20 June (that is 19 June), you guys were still chanting "Act now! Act now!" outside in the company of Mr Donald TSANG, the Chief Executive. This is dramatic indeed. Afterwards, you were being betrayed. Sorry, I sympathize with you very much, OK?

On 21 June, Mr Donald TSANG formally announced that the SAR Government accepted the improved DC proposal of the Democratic Party. Then on 23 June, the Democratic Party delivered the Letter to All People in Hong

Kong. It, again, said something meaningless with fallacious arguments for its betrayal of voters, turning against the allies and being perfidious. It then degraded to the present situation (*The buzzer sounded*) .....

**PRESIDENT** (in Cantonese): Mr WONG, your speaking time is up.

**MR WONG YUK-MAN** (in Cantonese): Whose fault is that? Thank you, President.

**PRESIDENT** (in Cantonese): Mr WONG, your speaking time is up. Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): President, what we are discussing now is the second part of the constitutional reform package, which is about the formulation of the political system, an issue of grave concern to all the 7 million Hong Kong people. Since the Hong Kong Government initiated discussions and review on constitutional reform, that is, since the public started to demand the conduct of direct elections in 1988 ....., All is just like the blink of an eye, and 23 years have gone by. But we have never seen such scant public concern when the Legislative Council discusses a constitutional issue of such significance.

The Democratic Party really deserves our "thanks" for that. All of them have left the Chamber now, and none of them is here. Whenever WONG Yuk-man and I speak, all Members belonging to the Democratic Party will flee like political deserters.

**MR WONG YUK-MAN** (in Cantonese): President, I want a head count.

**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**PRESIDENT** (in Cantonese): Mr CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): I was up to the point that Members belonging to the Democratic Party are political deserters. Honestly, I am already accustomed to their turning a deaf ear to what I have to say. Even when I was still a member of the Democratic Party, they did not listen to my words already, including my demand in 1999 for the setting of a minimum wage. They did not listen to me on this either. Years ago, the Democratic Party supported the introduction of lump-sum grant for the social work sector. I thrice demanded the Central Committee, which was then chaired by Martin, to re-open discussions on this issue and not to support the lump-sum grant proposal, but my demand was voted down three times. This eventually led to animosities against the Democratic Party in the social work sector. Thereafter the Democratic Party lost every election in the social work sector for this precise reason.

I have long since been accustomed to the Democratic Party's turning a deaf ear to me. But the worst thing is that it does not even listen to the voices of the general public and adhere to its own party platform. Am I right, brother? What has happened to the demand for dual universal suffrage in 2012 as stated in their election platform in 2008? For this reason, Yuk-man, I do not think that you should be so upset about the Democratic Party's refusal to heed advice and listen to others.

Speaking of Hong Kong people's present indifference to constitutional reform, I really want to "thank" the Democratic Party. Their defection to the communists has since plunged the entire pro-democracy movement into the doldrums. I suppose this must be the greatest ever achievement among all the achievements of the Democratic Party over the years. It is only a question of time that the Communist Party presents a pennant to it.

The Government has actually presented many pennants already. Many Democratic Party members now occupy important posts in government-related organizations, including the Airport Authority and the West Kowloon Cultural District Authority. Some of them are even the chairmen of the sub-groups concerned. The distribution of the political booty is always like this. Rewards are given for contributions and achievements. As long as one can make any contributions and achievements, one will be given reward. Honestly, the "royalists" should not be so jealous. Things are always like this. Whether we are looking at the times of the Japanese invasion or the Northern Expedition, we

always see that both supporters and traitors of democracy were invariably given rewards according to contributions and achievements. This was also the case with YUAN Shi-kai years ago. He eventually betrayed the cause of republicanism, crowned himself after restoring the monarchy, and sold the cause of democracy down the river. Therefore, the present path trodden by the Democratic Party and YUAN Shi-kai's betrayal of democracy are just two separate tunes having the same effects — betraying the masses, betraying the people and betraying democracy.

President, speaking of the amendment to the method for electing the Legislative Council, I must say that the newly created functional constituency (FC), that is, the FC specially for returning the five seats allocated to District Councils, is plainly meant for certain major political parties. This is obviously another distribution of the political booty. The nature of the whole thing is a distribution of the political booty, right? The reason is that with such a mammoth constituency, even if the nomination threshold can really be adjusted, even if the Democratic Party's proposal of lowering the number of nominations from 15 to 10 is really passed — this is totally impossible, though — even if the proposal is really passed, it will all be just another distribution of the political booty in the end. The reason is that given such a mammoth constituency and the large numbers of electors, participation will be totally impossible in the case of those political parties that are small in scale and lacking in sufficient mobilization ability, manpower and material resources. Therefore, this very electoral method is itself a mechanism for distributing the political booty with a bias towards syndicates with vested interests.

This is why the simple "single seat, single vote" electoral system is adopted all over the world by many countries regarded as democratically advanced. It is because the "single seat, single vote" system is an electoral system that is relatively fair and reasonable from the standpoints of all candidates, whether they are from rich, poor, big or small political parties. Of course, no system is absolutely fair or reasonable. But the "single seat, single vote" system is relatively fair and reasonable, right?

Let me cite an example to illustrate my point. There are currently five geographical constituencies (GCs) for the Legislative Council Election. Let us assume that a candidate intends to run in the election in one of the GCs. He will soon realize that in terms of financial pressure, there is already a big difference between running in Kowloon West and running in New Territories West. In case a candidate wishes to run in New Territories West, he must at least spend



more than \$1 million if he is to conduct a more decent election campaign. It will be very difficult for a new political group or a grass-roots group without the backing of any consortia or financial means to run in the election. Or, it can even be said that it is all wishful thinking. That is why I say that the existing system is itself tilted and biased. Similar problems are found in any systems.

Therefore, if we create a super large constituency, a territory-wide constituency ..... Actually, in many overseas countries, territory-wide elections are generally held for the electing chief executives, presidents, and premiers only. Territory-wide elections are rarely, if at all, held for the only purpose of electing members of legislatures.

Of course, those political groups which support or put forward this proposed package will certainly have an absolute advantage in this distribution of the political booty, right? I personally predict that these five super DC FC seats will certainly be shared out by four major political parties. Am I right? The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) will get one seat; the Federation of Trade Unions (FTU) will likewise get one; and, the Democratic Party will also get one. Three seats will be distributed in this way. If the Civic Party is willing to run in the election, it is very likely that given its renown, it will get the fourth seat. As for the fifth seat, it will be like the Wu Hu Uprising, and the Liaison Office of the Central People's Government in the Hong Kong SAR (the Liaison Office) may have to make a decision, right? Since the DAB and the FTU may have surplus votes, the Liaison Office will check whether the DAB and the FTU have already got enough votes around 6 pm on the election day. Then, it may let the Liberal Party or the New People's Party get the seat, depending on which political party or grouping is more obedient at that time. It will be all like a prize-giving ceremony. The fifth seat will be obtained by a political party designated by the Liaison Office. Basically, these five seats will be shared out well beforehand. Of course, the Civic Party has nothing to do with this, as it did not accept the proposal at the outset, right?

For this reason, the argument for "one person, two votes" is a downright distortion of public opinions, a downright distortion of the intent of the system, and a downright distortion of the true essence of democracy. If one person is to have two votes, the two votes must be of equal weight. There are both big FCs and small FCs. One simply cannot argue that with the creation of a large FC, the rest of the 30 small FCs, that is, the 30 super small FCs, will become able to meet the standards of equal and reasonable participation because of two super

large FCs. Such an argument is absolutely ridiculous and absurd, in no way different from calling a stag a horse.

Any members of the democratic camp who think that the addition of these five super FC seats can offset the unfairness, injustice and distortion of public opinions caused by the other 30 FCs will just be calling stag a horse. They will only mislead the public.

Let us take a look at these 30 FC seats. With the creation of the five DC FC seats, these 30 FC seats will be here to stay. The reason is that by passing the amendment this time around, by endorsing the changes to the numbers of FC and GC seats, the Legislative Council will in effect enhance the legitimacy of the system. In the future, the government official responsible for constitutional affairs and Members belonging to the "royalist" camp can always proclaim, whenever they talk about the political system of Hong Kong in other countries, that this super FC was put forward by the largest political party in Hong Kong, the Democratic Party, and that FCs are supported by certain political parties in the democratic camp in Hong Kong. Of course, I will condemn these parties, saying that they are pseudo-democrats who have betrayed their constituents. I will say that they are no different from political lackeys. They have enabled "royalist" elements and government officials with no people's mandate to proclaim righteously, when they explain this political system in the United Nations, that the constitutional reform package was passed by the Legislative Council — it will certainly be passed later on. Just now, there were only 11 votes against the Second Reading and the Third Reading of the bill relating to the election of the Chief Executive. Isn't this an extremely absurd phenomenon? Those political parties who call themselves members of the democratic camp even had the face to support a Chief Executive election method which carries no mandate, which distorts civil rights, and which also distorts the voting right of electors. The Third Reading of the bill relating to the Chief Executive election was even supported by some who claim themselves to be members of the democratic camp.

When they gave their support to the Second Reading of the bill, they repeatedly distorted the truth, saying: "We will propose some amendments later, so we will first support the resumption of the Second Reading of the bill. But we will put forward amendments to improve the package. If such amendments cannot be passed during the stage of Second Reading, we will oppose the Third

Reading of the bill." The democratic camp really did something like this in the past, in the 1990s or other times. It is true that when it comes to amendments to bills, passage through the Second Reading may not always mean eventual passage. However, the many amendments moved by Dr Margaret NG were all negated, but they still passed the bill relating to the Chief Executive election. This is obviously a system which distorts public opinions, public sentiments and people's fundamental voting rights, and deprives the people of their fundamental rights. How can it be supported? This is a betrayal of the people and the principles of democracy, right?

The late Mr SZETO Wah always said that even though people did not make any contributions to democracy, they must not ruin the cause of democracy. This time around, the Democratic Party has defected to the communists, walking into the Liaison Office for a so-called "ice-breaking mission". It has betrayed its constituents and engaged in backroom politics. Aren't all this something that ruins the cause of democracy? Years ago, when Frederick FUNG talked privately with people from the Liaison Office over a cup of tea in Mong Kok — or Jordan — after the 4 June incident, Mr SZETO Wah reprimanded him. Even though it was just a cup of tea and no deal was made, Mr SZETO Wah still reprimanded Frederick FUNG in very high profile for privately having contacts with the Liaison Office after the 4 June incident.

In 2008, the Democratic Party righteously stated its demand for dual universal suffrage. But then, it engaged in all sorts of backroom politics without the knowledge of the public. The engagement in backroom politics is against all conscience and a violation of people's right to know. It should be condemned and renounced. Isn't it something that ruins the cause of democracy?

(Mr Frederick FUNG rose to his feet)

**PRESIDENT** (in Cantonese): Mr FUNG, a point of order?

**MR FREDERICK FUNG** (in Cantonese): President, a point of order. What can be done if what Mr Albert CHAN has said about me is largely unfounded?

**PRESIDENT** (in Cantonese): Mr FUNG, your speaking time in the resumption of Second Reading debate is already over. If you consider that a speaking Member has misapprehended what you mentioned in your earlier speech, you may request permission for you to clarify the relevant part after he has finished his speech. However, if you want him to clarify what he is saying in his speech now, you must seek his consent. If he is willing to accede to your request and make a clarification, he may do so.

**MR FREDERICK FUNG** (in Cantonese): Then I shall make a clarification after he has delivered his speech.

**MR ALBERT CHAN** (in Cantonese): President, when I said the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (the Liaison Office) earlier, what I meant was the Xinhua News Agency. The Liaison Office has not yet been set up at that time. He met the officer of the Xinhua News Agency in private.

**PRESIDENT** (in Cantonese): Mr CHAN, please refer back to the content of the Legislative Council (Amendment) Bill 2010. Have you finished your speech?

**MR ALBERT CHAN** (in Cantonese): President, I have not finished yet, because when it comes to betrayal of public views, this is one of the commentaries .....

**PRESIDENT** (in Cantonese): Please refer back to this Bill.

**MR ALBERT CHAN** (in Cantonese): This is because this citation is related to the Democratic Party. Since Mr SZETO Wah, the spiritual leader of the Democratic Party, was so concerned not to do anything to sabotage the work of democracy, President, I thus only cited a few examples.

President, it is a matter of course that this Amendment Bill will be carried. And also due to the passage of this Bill, the FCs in the Legislative Council Election will live forever, or at least in the coming 10 years, they will not be subject to any substantial amendment. In future, public wishes, or any views or

law amendments which represent public views or are fully based on public opinions will continue to be vetoed due to the Council being controlled by the FCs under the arrangement of voting in groups. The several amendments just moved by Dr Margaret NG were also all vetoed by a majority of FC Members. This has been the situation over the past decade. In the coming decade, public opinions will continue to be distorted due to the inclination of the Democratic Party towards the Communist Party and its support to the constitutional reform package.

President, I have been fighting for democracy for 20-odd years, but I have never been so depressed and sad. We have already come forward during the Hong Kong British era and are among those people who, at the earliest stage, supported reversion of sovereignty. Back then, some people supported exchange of sovereignty for the ruling power, but we strongly raised our objection. We warmly welcomed reversion of sovereignty, but what we wanted was reversion of democracy. However, after fighting for 20-odd years, up till now, democracy is still an impossible dream.

President, when I saw the Jasmine Revolution in the Middle East, I was flushed with ambition again. Of course, under the rule of the Communist Party, it is extremely difficult for us to start a revolution similar to the Jasmine Revolution in the Middle East. Nevertheless, although these Middle East countries had been under military rule for 30 to 40 years, their people can still overthrow the political rule of totalitarian dictatorship. This year marks the centenary of 1911 Revolution. Today in the centenary of 1911 Revolution, we will definitely start a new 1911 Revolution. Through a network revolution, we can definitely fight back our people's rights and can definitely drive those pro-Communist traitors away from this Chamber. Therefore, I call upon all Hong Kong people that for the sake of the people in Hong Kong and for the future of China, we definitely have to start anew a 1911 Revolution.

(Mr Frederick FUNG rose to his feet again)

**PRESIDENT** (in Cantonese): Mr FUNG, do you have any question?

**MR FREDERICK FUNG** (in Cantonese): President, the allegation of Mr Albert CHAN against me is wrong. On that day, in fact, it was the Secretary General of the Basic Law Consultative Committee (BLCC) who asked to discuss in

private with members of the Hong Kong Association for Democracy and People's Livelihood (ADPL) in relation to the last consultation of the Basic Law. Because the ADPL stated at that time that it would not meet the Chinese Government officials, and the Secretary General of the BLCC is not a Chinese Government official. Nine ADPL members attended that meeting and thus it was not private. As you all know, the ADPL later agreed to meet Chinese Government officials in 1991. Hence, this is neither a private meeting, a secret nor a betrayal. Mr Albert CHAN is lying.

(Mr Albert CHAN rose to his feet)

**MR ALBERT CHAN** (in Cantonese): He said that I was lying and this is an insult to me, President.

**PRESIDENT** (in Cantonese): Mr CHAN, please be seated.

(Mr Albert CHAN sat down)

**PRESIDENT** (in Cantonese): In Mr CHAN's speech earlier, he mentioned what he called an allegation from Mr SZETO Wah at that time. However, I did not hear Mr CHAN substantially saying what Mr FUNG had done back then. Anyway, I believe that both Members have already used up their speaking time.

Does any other Member wish to speak?

**MR CHIM PUI-CHUNG** (in Cantonese): President, during last year's debate on constitutional reform, I remarked that it was indeed a blessing for Hong Kong people to see the passage of the constitutional reform package with eight positive votes from the Democratic Party and the support of other Members. My remark may be much too exaggerated, but in any case, the passage of the package marks a new step forward for our constitutional reform. Why do I say so? I agree very much to what Mr Ronny TONG said just now. We understand that the Central Authorities and the National People's Congress (NPC) have made it very clear that whatever the numbers of seats for functional constituencies (FCs) and geographical constituencies (GCs) may be, a share of 50% for each group of seats shall be maintained as a rule. This is already an unchangeable fact. Does

Hong Kong have any power to act independently of the policies of the Central Authorities? If Hong Kong cannot do so, it must abide by this rule. Otherwise, as I always say, it will be necessary to start a revolution. But the problem is that while some people do not dare to start a revolution, they disapprove of this rule at the same time. Given the objective existence of this rule, the various happenings in the actual process of constitutional reform can show that there is still hope for Hong Kong and its people.

Why do I say so? Firstly, after assessing all the facts, the Central Government accepted the opinions of certain people. Secondly, the Liaison Office of the Central People's Government in the SAR was likewise willing to heed the views reflected by the public, though it had previously maintained that such views were not in accord with or even contravened the Basic Law. Thirdly, there was also the approval and support of the eight Members belonging to the Democratic Party and some other democrats. Now that they have secured something concrete, they still have the right and opportunities to carry on their pursuit. It must of course be admitted that we do differ in political stances. But the sublime level of all politics is about holding dialogues and reaching compromise. After all, having something is better than having nothing at all. As a businessman, I see no reason for refusing to accept anything that has been stuffed into my pocket. Why do they still want to rebuke others? Certainly, people participating in political discussions and debates all have their respective stances. As the saying goes, "no hands are merciful during a fight"; punches are necessarily hard in a fight. Also, "no words are merciful in a quarrel". All this is only normal. But as I always say, in modern history, many people sacrificed themselves or died for Kuomintang and the Communist Party. What have become of these people now? Hence, politicians must most importantly show sincerity of purpose and do the right things for society and its people.

President, many pan-democratic Members frequently criticize FCs. In fact, we should analyse the issue more calmly. I can tell Members that the retention or otherwise of FCs is a matter for the Central Government to decide, and the issue actually involves the policy of the Central Government. I firmly believe that if the Central Government decides to retain FCs, it will soon make known its position around the time of the upcoming sessions of the NPC and the Chinese People's Political Consultative Conference. Since what is involved is a State policy, Members cannot make any decision for the Central Government in this Chamber. Admittedly, we have the right to reflect the views of people, but we must do so in a sensible, reasonable and lawful manner. And, is it really true that many of the existing 30 FC Members all want to enjoy this so-called free

lunch? In the case of many of them, the efforts made and the gains may not always be directly proportional.

Since the Central Government and the Standing Committee of the NPC (NPCSC) have decided that FCs must be retained — as evidenced by the 50% rule — I would like to repeat that two or three extreme scenarios are possible. People may put up opposition. Or, they may abide by the rule. Or, lastly, they may lobby as much as possible for better compositions of the various FCs. Our Chief Executive once remarked in the Legislative Council that FCs would exist side by side with the implementation of universal suffrage in 2020. Personally, I think that the design must be very, very ..... Any package must be acceptable to all Hong Kong people and the Central Government and at the same time feasible. If not, we should not expect too much really. Of course, as shown by what happened to last year's constitutional reform package, things and politics may first appear to be in a deadlock, but in no time, a clear path may suddenly be found. Therefore, it is advisable for us not to be overly-assertive. President, regarding FCs, all Hong Kong electors will have two votes in the future. Besides the GC vote, a person may also register as an elector in one FC of his choice. For instance, if a person has a family member who is a lawyer, he may choose to register as an elector in the Legal FC; if a person has a family member who works in the securities industry, he can choose to register as an elector in the Financial Services FC. In other words, the electorates of traditional FCs will remain unchanged, but their representativeness will be reduced to 50%. On the other hand, people who choose to be an elector in a certain FC will constitute the other 50% of representativeness. Some Members pointed out just now that if all employees of a certain company were eligible to vote, such votes would in effect become employees' and workers' votes, thus defeating the original intent of FC votes. According to these Members, such an arrangement will not be permissible under the law and will also come under challenge. However, if the original 50% representativeness can be retained, and all people in Hong Kong are allowed to vote in any FC and they also constitute 50% of representativeness, then one can still argue that this is after all roughly a form of universal suffrage for the people, because there is at least 50% representativeness.

Candidates will certainly try to please or serve all electors in these two sectors in a bid to win the election. They will find that it is not enough to take care of the needs of employers only. In regard to all those talks on 100 votes, and so on, there is indeed a need for review. I firmly believe that the Central Government is in fact very interested and confident regarding the conduct of a review. It is more than happy to listen to any constructive opinions of Hong



Kong people. As Members have seen, the Central Government may still accept opinions even at the last minute as long as such opinions are feasible. In fact, over the past 61 years, the Communist Party has never made any major changes to the policies it has set down. But this time around, it is willing to take constructive advice and heed the opinions on constitutional reform. This is a rare practice. Of course, those people who disagree with me are free to have their personal views. But, these are the facts.

Our Financial Secretary also learnt something from all this. When he realized that the people were right, he immediately heeded their advice. This is no big deal, right? I once said that I am "a good horse which will not head back for any grazing". But if it is good grazing, turning back for it should be alright. When politicians and stakeholders all made severe criticisms, if one could ..... It is not about any hypocrisy. It is about a proper review instead. Therefore, President, Members' overly-severe criticisms of FCs in this Chamber are indeed unrealistic, because FCs are all of value in terms of gradual and orderly progress. As all of us can see, the implementation of "one country, two systems" in Hong Kong is an innovative idea. Currently, many places or countries want to study or learn from Hong Kong's experience, with a view to doing better in various aspects in the future. If functional sectors can perform their role well, they can actually address the needs of various sides.

Of course, we must also admit that the 30 FC Members may not all be so very dedicated. But have those in the pan-democratic camp ever asked themselves honestly whether they are really so dedicated? Some people come here to speak like a mad barking dog, only to disappear right afterwards. Should these people reflect on their own behaviour and ask themselves whether they have really done enough? Criticizing others will only arouse hostilities among the masses in society. What is the point of doing so? Constructiveness is the most important. I do not believe that in the future, many people ..... Of course, if you tell people that they are exploited by others ..... No one in this society or this world want to be exploited by others, I must say. If you, for example, tell people that while they have only one vote, others have two ..... We see that in the future, people will have one more vote, and it is hoped that they can become electors of the five District Council FC seats. But many people just will not take this offer. President, people may not necessarily take the thing you offer them. However, if you do not give them this very thing, they will clamour for it. This is how society is like.

Therefore, we should join hands to work out solutions and put forth good advice. I firmly believe that one day ..... As for things that are overly-unacceptable, we should make changes or revisions. Hong Kong possesses many unique features. "One country, two systems" is one such unique feature. FC sectors are also a unique feature, but they must play their part satisfactorily. Of course, the largest responsibility lies with the Government. For example, the so-called pro-government parties frequently come under criticisms. But what is wrong with being pro-government? If the government they support is really sincere in serving the people or the public, what is wrong with being so? The only thing is that while pro-government parties do not have any votes, they are additionally rebuked by others. In that case, who would still want to be pro-government? This Government should really do some sort of self-examination. The power is in its hands, so why is it impossible to do better? This kind of "just-get-the-job-done" mentality is the legacy of colonialism. This is a type of mentality that sees no place for serving the community. As result, there is a total absence of any sense of responsibility, pride and mission.

This is not the first time that I say so. I hope all Secretaries of Departments and Directors of Bureaux can always make rectification whenever they make any mistakes. They must not be afraid of any rebuke. If they have really made any mistakes, they must make amends. They must also work for the unity of the majority for serving the public and make this a trend in the future. Therefore, instead of putting the blame on the so-called government-business collusion, why don't we talk about government-business co-operation instead? Of course, this may very often be affected by the quality of our society and other objective circumstances, such as the policy of high land prices. In any case, the Government must have the courage to explore how reform can be carried out.

Therefore, personally ..... President, today we are discussing the election of the Chief Executive in 2017. The public should not find the voting mechanism in this case so much a problem, because there may be only one candidate, and people can only give their votes to that candidate. However, in respect of the development or progress of FCs in 2020, all of us should pool our wisdom together, so as to achieve social progress in various areas. As I have said, the Basic Law should play a role in this regard.

President, we can make use of the opportunity presented by constitutional reform ..... All walks of life in society may offer more advice, so that we can do better and the Government can co-operate with this legislature. This is also our hope.

**DR SAMSON TAM** (in Cantonese): President, for more than two hours since the beginning of the current debate session at 4 pm, I have been sitting here listening to the speeches delivered by other colleagues most of the time. Some Members suggest that as compared with the situations in June last year, members of the public generally show less enthusiasm or concern about the issues under debate this time and they put the blame on the Democratic Party. I think the Democratic Party has been wronged because it is definitely not the Party's decision that discourages us from discussing further, but there is simply very limited room for amending local legislation on electoral arrangements. Such being the case, as I mentioned to many people, with the major framework laid down in June last year, only minor amendments and alterations are involved in the current exercise and it is only natural that there are not many discussions on the topic this time. Yet, it does not mean that Hong Kong people do not look forward to further advancement in our constitutional system.

I am a Member returned by a functional constituency (FC) and I find resonance in the arguments presented by Mr CHIM Pui-chung just now. We as Members returned by FCs are actually put in a very difficult position. At the Council meeting on every Wednesday, the doctrine of evil in FC elections will be raised regardless of what topics are under debate and whether they concern Members returned by FCs. It is only natural that members of the public are increasingly dubious about FCs. Is there really something wrong with Members returned by FCs or the mechanism of FC elections? I have been listening just now and have discovered a lot of "misinterpretations" or more precisely, some misunderstandings. If misunderstandings actually prevail, I think I myself, being a Member returned through FC election, do have a responsibility to clear them up here.

The first misunderstanding is to equate FCs with constituencies comprising employers. In my opinion, this is a thinking stemming completely from misunderstandings or even an unreasonable allegation. We have FCs comprising different sectors and it is true that the Industrial FCs and the Commercial FCs are composed of representatives of employers. However, one should never forget that we also have FCs comprising professionals from different fields and the Labour FC. I do not believe that the Medical FC or the Accountancy FC is completely composed of employers, and I think a more reasonable description should be: Members returned by FCs represent the views of some employers. I also disagree with the practice of regarding employers as evil elements, since tolerance is definitely necessary for a healthy society. FCs are not completely composed of employers and therefore it is my opinion that it

will be unfair to Members returned by FCs in various professional sectors if Members suggest that representatives of FCs will merely reflect the views of employers.

Regarding the second "misinterpretation", a Member queried that when Members returned by FCs are fighting for the interests of the respective FCs they represent, they are in fact fighting for their own clique's interests or the interests of the minority and thus, can we say that it is tantamount to seeking privileges or even committing an act of evil? Is reflecting the views of the minority an act of evil? I think this is indeed a very serious "misinterpretation". The basic concept of democracy is not to ensure that the minority will submit to the majority, but to ensure that the majority will respect the rights of the minority and give due regard to the views of the minority. Therefore, it is definitely a fair arrangement to have members representing the views of the minority in a parliament. Besides, there are a number of parliaments throughout the world with seats reserved specifically for minority groups and thus, Members representing the views of the minority cannot be regarded as irresponsible.

There is an argument suggesting that Members returned by FCs, with their one vote in hand, can make use of this one vote to exert influence on the views of others, but I think otherwise. I am a Member returned by the Information Technology FC and as an independent Member, I feel particularly helpless for having only one vote. For Members who belong to a certain political party, his vote together with those held by other Members of the same party will form a decisive force with a total of 10 to 20 votes in hand and may thus have considerable influence in the Council. Independent Members returned by FCs can only represent the constituencies to which they belong and reflect the requests of their sectors to the Administration in the Council. As each of them has one vote only, their influence is very limited. In my opinion, the value of FC elections lies in the function of reflecting more dissenting views. Regarding the question as to whether FC elections are fair and universal, the answer is of course in the negative. I remain open-minded about the methods through which we will have a fair and universal election in 2020, and for the existing FC seat which I am occupying at present, I will definitely not cling to the position forever. I hope other Members, in particular those returned by direct elections, will refrain from making prejudicial comments. I will not give priority consideration to clique's interests during voting and as most elected Members, I will cast my votes in the interests of the whole community and in good conscience.

I hope one should refrain from smearing FCs and instead judge the whole FC system in an impartial manner. According to Ms Cyd HO, one of the fundamental problems in FC elections is the creation of more disputes during voting in groups and Members will be accused of controlling the whole Council only with the support of one-fourth of the total number of Members. I think there are reasonable arguments for saying so.

I wish to express my views on two points and both of them are about the Information Technology FC to which I belong. There are over 5 000 voters in the FC and a few hundred of them are corporate voters, with the remaining 5 000 votes come from individual voters of the relevant professions. I have kept in touch with my voters and sought their views on the abolition of corporate votes and the replacement of such votes with individual votes. According to the views received, most of them agree to the replacement. Such being the case, I have conveyed to the Administration that the voters of the FC to which I belong are agreeable to the suggestion of replacing corporate votes with individual votes. The Administration will of course consolidate all views collected and then make a decision. If the FC to which I belong is the only FC for which corporate votes are replaced with individual votes, the Government will be under immense pressure. The Administration has made no change to the electoral arrangements of FC elections this time and I hope more consideration will be given to the views of the FC I represent in the future and that our requests will be accepted to a greater extent.

The second point is more controversial. I learned from Dr Margaret NG that some bodies have been selectively included in certain FCs to further broaden their electorate base.

As far as consultation is concerned, it has come to my knowledge that the Administration has conducted a consultation exercise to solicit the views of a number of different bodies through meetings with such bodies. A body with a history of more than 10 years in Hong Kong is eventually included as a voter of FC elections. According to those in the sectors concerned, the body is a long-established organization with active participation in the affairs of the sectors concerned. I support the inclusion of this body in the Information Technology FC. However, the Administration's proposal to include the body has brought about pressure on other bodies and they all ask me to negotiate with the Administration so that they will also be included as voters of FC elections. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) are not present at the moment, but the Information

Technology Professionals Association which is associated with the DAB has been writing to me, asking me to convey its views to the Administration. The Institution of Electrical Engineers of the United Kingdom, of which I am also a member, has indicated its wish to have a relaxation of the number of its members so that the threshold concerned can be lowered.

During my past dialogues with the Secretary, I have reflected to him that it is my wish as well as the wish of most voters to have the electoral base broadened. There should of course be a mechanism governing the expansion of electoral base. For those bodies which have asked for the inclusion as voters of FC elections but their requests have eventually been turned down, I wonder if the decision is made on the basis of any mechanism. It is my wish that open and reasonable principles would be adopted to determine issues as such, so as to avoid unnecessary disputes arising from the alleged broadening of electoral base in a selective manner.

On the whole, I support the Second and Third Reading of the Legislative Council (Amendment) Bill 2010.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I think I really need to say a few words after listening to Mr CHIM Pui-chung's speech. He said the people of Hong Kong are blessed. When I once returned to my home village as a child, I saw a couplet with these words: "Forget not the Communist Party for your emancipation/Forget not Chairman MAO for your happy life". This couplet was put up by the peasantry of our country in the 1949 Revolution when they recovered the land ownership rights which they lost under the rule of Kuomintang. These words subsequently became mere platitude, though. Sadly, soon after recovering their land ownership rights in 1949, they started to suffer once again in 1957, when their lands were seized by the Communist Party and became party assets. Nonetheless, they put up this couplet all the time. That was really cool.

He was really a man of impressive literary flair, for he even said: "Worthwhile it is to head back for good grazing". As a man who loves doggerel, I would like to append this line, "Inadvisable it is to fart a foul fart yet again." It is of course worthwhile to head back for good grazing, for after the grazing, one will not fart any more foul fart. It is truly worthwhile to head back for good grazing, but it is inadvisable to fart a foul fart yet again, right? These four lines have always given me a strong sense of helplessness.

That brings me to the misty recollection of the bygone days when I sat before my seated mother's knees, watching old Cantonese films. She had a monochrome television set for watching films after work. One time, the film "Family, Spring, Autumn" was showing. In the film, NG Chor-fan, playing a young man who spoke like a parent, exhorted his younger brother not to elope with Hui, his girl cousin, explaining that Father actually loved him very much. NG advised his brother to yield to Father's rejection of his marriage with Hui. In this way, NG practically ruined the life of his brother's girlfriend. NG reasoned that as long as their parents were still alive, his brother should not act against their wishes. As for her future, sorry, NG implied that though his brother loved her deeply, he would have to accept that committing suicide was just her personal decision. This was a manifestation of paternalism.

These days, some people likewise say, "I am madly in love with you, but if you love me too, if you are also in love with me, you have to commit suicide, because I must obey my parents." God! My mother was a kind-hearted woman, but she also questioned why the young man must elope. I respect my mother very much. She was really such a loving mother. She also exhorted me not to run away from home.

What we see in this Chamber are exactly paternalistic politics in action. Some people have asked, "Since the Central Authorities have already made clear their position, why should you people still keep on talking?" I really want to ask: Where does this parent come from in the very first place? Are there any blood ties? Are there any political blood ties? What should such political blood ties be all about? Is he elected by all of us? As a parent, does he follow the family maxims? What are the family maxims? They are the constitution that even he himself must abide by, that is, the very constitution he has himself drawn up, and the very constitution he has dictated and put down in black and white — in brief the constitution of China. However, does the Communist Party abide by it? Does the Communist Party really intend to observe the provisions of the Basic Law?

President, I also find the whole situation very embarrassing. This Basic Law booklet I am holding has a few loose pages attached to it. I really want to tear out these loose pages. How come some loose pages are attached to even a booklet of laws? Back then, the Basic Law was drafted with the involvement of the Basic Law Consultative Committee (BLCC), the Basic Law Drafting Committee (BLDC) and the Chinese and Hong Kong sides. I do not know whether the President also played a part in the process. I guess the answer

should be yes. But now, the Basic Law has been amended simply by appending a few loose pages to it, buddy. How did the BLCC and the BLDC do their work? How did they draft the Basic Law? Years ago, there was such a spectacle, and countless meetings were convened. How about now? Well, all has happened like lightning. Secretary Stephen LAM simply came to this Council to say a few words. Then QIAO Xiaoyang visited Hong Kong to make a hasty announcement. Soon afterwards, an additional sheet of paper was swiftly appended. They simply tell us that this is the Basic Law, and ask us to print copies of the updated version. Now, two additional pages are appended to this Basic Law booklet, all because the parent suddenly thinks that the girlfriend is not so good. Well, they can amend the Basic Law simply in this way. They even say that they will sign the marriage certificate, and all are in conformity with the traditional "Three Letters and Six Rites". President, they really should not treat the whole thing as any child's play. But some people are still boasting of this even today.

Mr CHIM Pui-chung said that as a businessman, he would certainly take anything offered to him by others. Buddy, businessmen will of course think that way. Nonetheless, the electoral right enabling us to choose and monitor the government should belong to us in the very first place. If someone storms into your shop, snatches your business certificate, and says he will return the business certificate to you only if you hand over all your properties to him, will you yield? The assets are ours. You will not feel any pain when selling all the farmlands because they are mine. You will be offered various privileges for selling our farmlands and basic rights, so you certainly will not feel any pain. You will certainly say that what is offered should all be accepted, because the things to be sold are not yours. The things to be taken away are all mine. This is the problem. Sometimes, one had better hide one's shortcoming rather than showing it, right?

There is one more thing. Much as I respect Dr Samson TAM, I must still say that he has said something wrong. He said democracy is all about the majority respecting the minority. He is exactly right on this, and this can explain the existence of the opposition. It is never possible to eliminate the opposition, incidentally. However, it does not stand to reason for the majority to reserve most of the seats for the minority and then let the minority decide the fate of the majority. This is exactly the crux of the problem with FCs. Buddy, I implore you to return the right of the majority to me. Their argument is really like putting the cart before the horse.



It is alright if they want to safeguard their interest. For instance, an upper house may be established for them to express their views. Nonetheless, since they are not returned by universal suffrage, they must not make any decisions on the decisions made by those returned by universal suffrage. This is an arrangement with proven effectiveness, isn't it? Another house in the legislature can be established for them, and if they want to express their views, they can always do so in this venue. They may also make resolutions. The formation of Magi (consisting of wise men) is even possible. Hong Kong people can understand what they say. Just let them express their views and they may also cast votes. If "Long Hair" does not put forward any cogent arguments, no one will listen to him, because there is always the question of pressure, right? They may exert pressure on those returned by universal suffrage. This is the trick of the bicameral system.

The British were very cunning, in the sense that the House of Lords was even empowered to veto the decisions of the House of Commons. Of course, this is no longer the case today due to the advancement brought about by the passage of time. We are not asking for any privileges. Dr TAM does not understand this.

FC Members may be good people. I have never said that they are all bad people. The only thing is that the system itself is a bad one. Since they want to defend such a bad system, how should I call them — good people or bad people? I am really confused. They do not seem to be so bad when we get along with them. But why is it that every time when there is real business to deal with, that is, when there is a need for discussing issues related to Hong Kong people, they will invariably defend a system that deprives Hong Kong people of their rights and powers? Therefore, it is inevitable for me to have inaccurate perceptions of them. I believe all of us are good people, but I would say that good people defending a bad system really means big trouble. They can likewise say that "Long Hair" is a bad person, and that a bad person defending a good system will mean equally big trouble. Nonetheless, this does not matter. Next time, they can run in the election in my constituency, and this can prove the point.

I have talked about paternalism. I have also talked about the couplet "Forget not the Communist Party for your emancipation/Forget not Chairman MAO for your happy life". There is also another saying these days: "Love Renminbi, love your country, and you will turn propertied". Another thing is the "immoral consummation" between the Democratic Party and the Communist Party. What is meant by "immoral consummation"? This means unprincipled

unity. Of course, there is a reason for this. The Democratic Party has abandoned its ideal and taken an abrupt U-turn, thus bringing forth such "immoral consummation".

Just now, during the Third Reading of the bill related to the Chief Executive Election, I already intended to speak, but the President did not allow me to do so. In fact, all can be seen from their concessions on the Chief Executive Election. If their real intention is just to accept concessions to show accountability to their political platform, they should not have made any more concessions on the Chief Executive Election. The problem now is all about signing an indenture to sell oneself. Once a person has sold himself to others, can he still bargain for any terms and conditions? All the long-winded speeches today are a complete waste of efforts.

There is also the comprador mentality — I mean the comprador mentality of people. Many people who voted for me said: "'Long Hair', you just curse them and throw things at them for me. This is already fine enough." This exemplifies the comprador mentality. When foreigners first came to China, in order to avoid contacts with the local people, they allowed some people to set up the 13 *hongs* specializing in the buying and selling of their goods. Hong Kong people have long been accustomed to this kind of comprador mentality since the colonial period. They have developed a trust in compradors, but compradors may well sell people down the river.

Then comes the philistine attitude. People will assess whether something is feasible, whether there are any advantages. This has given rise to a kind of secretive consummation. The Democratic Party says that this is feasible, thinking that once it is willing to negotiate, all will be feasible, and that after they have held countless meetings with them, there will be chances of success. Any advantages? Surely there are. As Mr CHIM said, why should anyone reject the advantages offered to him? This is the philistine attitude.

It is not easy to sell out or fool people. It hurts to be clubbed, and severe condemnation will lead to retaliation. The philistine attitude and comprador mentality of the governed, plus the paternalistic mindset in our traditional culture, form the very psychological basis of the immoral consummation between the Democratic Party and Communist Party.

Here, I must apologize to my voters. The "five geographical constituencies referendum" initiated by us failed to achieve the result it should

attain. The Democratic Party should be given the biggest "credit" for this. The Democratic Party announced publicly that they would not participate in the "five geographical constituencies referendum". This was only Part One. I simply let them go. Out of my respect for SZETO Wah, I avoided any debates with them, and even though they extended their invitation, I still refused to show up. Then, there was Part Two, the ending, which was even more outrageous. No one knew at that time that the Democratic Party had already grasped the opportunity presented by the "five geographical constituencies referendum" to make plans of its own. They announced that they would not participate in the referendum, but at the same time, they made use of this opportunity for Hong Kong people to express their aspiration to universal suffrage on the basis of "one person, one vote" as a door knocker, as a bribe, so as to push the door open. Secretary Stephen LAM, did you play the part of a pimp in the process? The path to the Liaison Office in the Western District was cleared, and in the end, the path to Beijing was likewise cleared. Therefore, I must condemn the Democratic Party, though they have been my acquaintance for a long time. I can promise you that they will definitely receive punishment. I will certainly go after them.

Rebuking a friend is honestly not such an easy thing to do. After all the chiding, both sides will be kind of uneasy and embarrassed when they meet again. Here, I condemn the Democratic Party. Without the Democratic Party, this evil deed would not have been possible. Here, I also condemn the apologists of the Democratic Party, because they are even worse than the Democratic Party. Their action is downright sexual seduction. Thank you, President.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, Dr Samson TAM remarked just now that society's present indifference to our enactment of local legislation on the Chief Executive Election and the Legislative Council Election today is not caused so much by the support given by some political parties or Members to the original straitjacket reform package. I strongly agree to this remark. As Dr Samson TAM also asked, what is the main reason for such indifference? Well, the answer is that we can only do some minor repairs here and there given the constraint imposed by the straitjacket. What breakthrough can we possibly achieve in that case? In fact, it is rather difficult to achieve any.

President, I would like to express my heartfelt thanks to some colleagues, in particular Dr Margaret NG, who has so wholeheartedly and dedicatedly attempted to achieve a breakthrough under the constraint of the straitjacket. However, very sadly, what is the point of attempting to achieve any

breakthrough? For one thing, the breakthrough she wants may not be passed — "may not" is not the right expression; "definitely not" should be the words to use, I should say. Not only this, the most critical question is: even if we really manage to achieve a breakthrough, just how much progress can we bring to the cause of democracy? This is the most critical question.

Our enactment of local legislation today is based on our acceptance of the coexistence of functional constituencies (FCs) and geographical constituencies (GCs). Just now, Mr CHIM Pui-chung remarked that the change would bring us happiness and a step forward. If the change can really enable us to embrace democracy, what it brings us will of course be happiness; if the change is really marked by democratic qualities, it will of course bring us a step forward. Nevertheless, I fail to see any democratic elements in the package, because as long as FCs exist, there will not be any progress in the direction of abolishing FCs. I fail to see the prospects of any such progress. In particular, from the numerical perspective, we will observe that the whole package only stresses quantitative increase, rather than any qualitative improvement. There is no qualitative change whatsoever, so how can I see any long-term prospects?

Of course, I will not describe FCs as evils. In fact, I myself also ran in FC elections in the past. In 1995 and 1997, I belonged to the then Textiles and Garment FC, that is, one of the "nine new FCs" at that time. Members may find this very puzzling, wondering why a school teacher like me could represent the textiles and garment sector. This is another story; I am not going to explain it today. I did take part in FC elections in the past. Many people in the democratic camp likewise ran in FC elections, including Mr LEE Cheuk-yan and Mr Andrew CHENG, and so on. The "nine new FCs" were then an alternative route for us to get a seat in the legislature. Why did I run in such elections back then? It was because in the "nine new FCs", all people, from bosses on the top to elementary workers at the bottom, were qualified to run as candidates and cast their votes in elections. Everybody stood equal chances, and the situation was very similar to the GC elections today.

In some FCs today, such as the Education FC, the Legal FC or the Social Welfare FC, both management and elementary staff have opportunities to run in the election. This is the same as the situation I have just described. For this reason, I agree to Dr Samson TAM's earlier remark that not all successful candidates in FC elections are necessarily bosses. This is true. How can anyone say that Dr Margaret NG is a boss? How can anyone say that Mr CHEUNG Kwok-che is a boss? How can anyone say that Mr CHEUNG

Man-kwong is a boss? The fact is that they are not bosses. Nevertheless ..... You are not a boss too, are you? (Some people say that Dr Margaret NG is a boss) Is Dr Margaret NG a boss? I am not sure, because I do not know how she operates her business. I only know that Mr CHEUNG Kwok-che is not a boss; Mr CHEUNG Man-kwong is also not a boss. He represents the education sector, doesn't he?

For this reason, I agree that not all FC Members are bosses. But it is certain that Members elected by the business sector must be bosses. I do not mean to ostracize them, nor am I saying that bosses must never serve as Members. I am not saying anything like this. But my only question is: if these people are so keen on running in elections, if they are so interested in serving their constituencies, if they are so interested in pursuing a career in social service, why don't they compete in GC elections? Why can't they do so? Do they mean that if they compete in GC elections, they will be unable to speak for their sectors? If they really think so, I will shut up immediately. But if they do not think so, why don't they run in GC direct elections and speak for their own sectors in this way?

Up to this moment, I am still a school teacher; over all these years, since I first joined the then Legislative Council in 1995, I have been participating in the work of the Panel on Education, and I have been trying to speak for the education sector as much as possible. Naturally, I have only been doing as much as possible, and I dare not say that I have been entirely successful. Every time when any education issue crops up, I will speak for the sector and get involved. Why can't they do the same? Why do they think that only people elected by FCs can speak for the sectors concerned? I really cannot follow their logic. And, my point is very simple. In the case of the tourism industry, for example, Mr TSE is not the only one who can express any views. Others may also speak on issues relating to the tourism industry, right?

Therefore, why do they think that only people elected by FCs can speak for the sectors concerned? My point is actually very simple. Recently, for example, Dr LAM Tai-fai has been complaining that Secretary Prof K C CHAN refuses to meet with him. I myself have also spoken in support of Dr LAM's request. I am not a representative of the business sector, but since I find this unjust and unfair, I simply think that I should voice my views when it is necessary for me to do so. GC Members can also perform such a role, right? Why should they insist on saying that only FC Members can do so and achieve such an effect? I really cannot understand. Are they saying that a Member

representing the technology sector should always remain silent even when he sees various problems with education? Should this Member say that since he does not belong to the Education FC and education is not his profession, he should thus remain silent? Is that what they think? I do not think that anyone should do anything like this.

Therefore, I cannot figure out their rationale. The most important thing is that even if we wish to speak for the interests of any particular sectors, types of trades and occupations or groups of people, we can always achieve our goals through GC direct elections. Members know that I am an able-bodied person, but over the years, I have been fighting for half-fare concessions for persons with disabilities. Are we supposed to argue that only a Member representing the FC made up of persons with disabilities can do so? The answer is no. I have been fighting for such fare concessions in this Council for many years, and, incidentally, I must say I am thankful to Members for their support. In a word, I cannot follow such logic.

What is more, most importantly, clause 3 of Annex II to the Basic Law stipulates that with regard to the method for forming the Legislative Council of the HKSAR and its procedures for voting on bills and motions after 2007 ..... What I mean is that we should have achieved all this in 2007. What year is this year? It is now 2011. What have we achieved after procrastinating for so long? In addition, how does Article 68 of the Basic Law stipulate the forming of the Legislative Council of the HKSAR? The method for forming the Legislative Council shall be specified in the light of the actual situation in the HKSAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the Members of the Legislative Council by universal suffrage.

Just now, Mr CHIM Pui-chung remarked that it is impossible to alter the rule specified by the Central Authorities, under which the two groups of Members shall respectively account for 50% of the seats in the legislature. I believe he should be saying that it is impossible to alter the principle of 50% for each group of Members as stipulated in the Notice promulgated by the National People's Congress on 28 August 2010. I believe he should be talking about this point. However, the question is: how can the ultimate goal of universal suffrage be achieved? How can you convince me that the current proposal can lead to the abolition of FCs in future? Just now, even Dr Samson TAM admitted his feeling that current FC elections were not in compliance with the principles of universality and equality, and that he also disapproved of them. But can he tell

me in what ways the current proposal, that is, the proposal being discussed, can enable us to see the prospects for universal suffrage in future? How can this goal be achieved? Both the Central Government and the SAR Government has hitherto refused to say anything. Since I see no prospects, how can I give my support? Precisely for this reason, I cast a negative vote last year. It was because I simply saw no prospects. Someone says that quantitative change may lead to qualitative change; I cannot see how any quantitative change may result in qualitative change in the present case. At least, some sort of channels must first be created; the change just will not come automatically. Members should bear in mind that there is even going to be an increase in the number of FC seats from the original 30 to 35. Vested interests are bound to increase correspondingly. In that case, how can it be possible to abolish FCs in the future? This is a very practical problem.

Last year, or even sometime before that, as our discussions on the issue went on and on, many people talked about the value of FCs, and referred to their long years of existence. These people questioned how it could be possible to do away with all those people. Even at that time, these ideas were already discussed, and they all involve how to do away with all those people, and which groups of people are to be removed. The discussions on all such issues, issues which involve vested interests, have never stopped. At a time when society is still discussing these issues, you suddenly tell me that there is the possibility of fully democratic elections based on universality and equality in the future. But I honestly cannot see such possibility. Therefore, regarding all the amendments today, as I have just mentioned, I do highly appreciate how some Members have done their very best, trying to work out all possible means to make the proposed package more satisfactory and democratic. Sadly, the package will still remain unchanged in nature. The worst thing is that its very nature is not going to change. In that case, how can I render my support? It is very difficult for me to do so. It is frankly very difficult for me to do so. I would love to support my colleagues, for I can observe that they have been working very hard. But in terms of quality, can their amendments enable me to see a path leading to democracy?

President, why do we want to criticize the existence of FCs? The most important reason is about their legitimacy. The SAR Government has emphasized over and over again that FC Members are also returned by elections, so it wonders why their legitimacy should be questioned. But I must say that a duly elected candidate does not necessarily command legitimacy. Why? Because much must still depend on what kind of electoral system is adopted. As

mentioned just now, how can the candidates returned by such a narrow and small circle of constituents command any legitimacy? What is the point of picking one out of two candidates? Or, one out of three? How universal can this kind of elections be? This is the most important issue.

We say that this is a coterie, and those elected by this coterie can get the seats. However, how representative are those returned by this coterie? How many constituents can these people claim to speak for? These people have kept emphasizing that they speak for their sectors. President, I am frankly very puzzled. Are they implying that those elected by their respective sectors should always and necessarily be given credit when they speak for their sectors, while those of us who are not elected by any FCs should be given no merits or even demerits when what we say is not agreeable to the FCs concerned? Is that what they mean? If not, why should Members returned by FCs be regarded as the only ones who should be allowed to discuss issues related to the FCs concerned? What is the logic involved? What I frequently query is the existence of this problem and the question of legitimacy.

To sum up, I am opposed to the existence of FCs. I cannot accept this system. Besides, as mentioned by some Members just now, as long as FCs exist, the separate voting system will surely continue to exist. In this way, the separate voting system will continue to create unjust and unfair voting results. I have not conducted any in-depth research, nor have I conducted any studies on the practices adopted by other countries. However, I have heard that our separate voting system is unique in the world. It is unique in the sense that under the system of separate voting in the meetings of the legislature, the minority can always "prevail over" — let me put the words inside quotation marks — "prevail over" the majority. This is ridiculous, isn't it? You may take a look at the motions passed or negatived by the legislature. What can you discover? You will find that only a minority of a dozen Members can already veto the opinions or aspirations of the majority. Is this just and fair? When we deal with the patches of minor repairs today, we are, in a sense, giving approval to the existence of this unjust and unfair voting system. Why should I still give my support? For that reason, I cannot support this straitjacket reform package and patches of remedial amendments added to it.

President, I so submit.



**MS MIRIAM LAU** (in Cantonese): President, the Legislative Council (Amendment) Bill 2010 is likewise an intermediate constitutional package for transition to universal suffrage, but in contrast to the Chief Executive Election (Amendment) Bill 2010, it has attracted amendments from more Members. This reflects that a much wider spectrum of political parties and groupings want more immediate improvements from the Government, and that the relevant arrangements are more controversial.

The Liberal Party supports the constitutional reform package on increasing the number of seats in the Legislative Council from 60 to 70 and apportioning the new seats equally between one functional constituency (FC) and geographical constituencies, so as to provide people in the community with more chances of political participation. This is in compliance with the decision made by the Standing Committee of the National People's Congress. However, we also think that the Government should take this opportunity to broaden the electorate bases of FCs and progressively convert "company/corporate votes" to "director's/partner's votes", so as to instantly achieve a multiple increase in the number of electors, and to spare FC Members with outstanding performance who are keen on introducing professional advice and experience to the legislature the plight of getting half the result with twice the efforts due to the defects of the electoral system that make them guilty of an unshirkable original sin.

Whenever there are any discussions on such issues, we FC Members will invariably come under all sorts of mockery. People often say that we are returned by coterie elections and do not command any legitimacy. Just now, Mr LEUNG Yiu-chung even questioned the need for professional representation, saying that anyone could speak for professional sectors and play the role of their representatives. He talked about one example — section 39E (that is, section 39E of the Inland Revenue Ordinance), which Dr LAM Tai-fai has brought up for discussion. I do not know whether Mr LEUNG Yiu-chung is so clever that even at the mere mentioning of section 39E, he can already grasp the whole background and understand how small and medium enterprises operating in the Mainland have been hard pressed by this provision and the relevant government policies, and how they find the situation very unfair.

To clarify the situation, I have attempted to seek advice from Dr LAM Tai-fai — he is not present now. I invited him to breakfast, with the sincere intention of gaining an understanding of this issue. The breakfast lasted one whole hour, during which he explained the provision to me in detail. As a representative of the sector concerned, he was able to make me understand the

background relating to section 39E and why it has resulted in unfairness. Perhaps I am not as clever as other colleagues. Once section 39E is mentioned, they can already say that it is unfair and unjust, and they even readily conclude that the fault rests with the Government. This is a remark that can be made most conveniently. However, when it comes to the unfairness involved, the background causes and how the current situation is like, I believe the colleague representing the relevant FC surely has a deeper understanding of his sector than other colleagues. Naturally, all colleagues can now seek advice from relevant FC Members, so as to further understand the situation. However, suppose there are no Members representing professional sectors or FCs, we would have no idea as to whom we should seek advice from. In that case, when the Government gives us a reply or makes a certain remark, we can only believe what it says. But as Members understand it, how much of what the Government says these days can we accept completely? I think Members may give some thoughts to this question.

However, people still keep saying that FC Members command very low legitimacy, and the electorate bases are also very narrow. Several Members have indeed given me much face today. They have referred to the Transport FC, pointing out that the electorate base of the FC I represent is narrow. I agree that its electorate base ..... The number of electors is not large, but I absolutely cannot agree that its electorate base is narrow. If Members look at the FC I represent, they will see that although the 28 new corporate electors have yet to be included (there are still 178 corporate electors now) ..... If Members look at the composition of the electorate, they will see that it is very wide in scope, covering many organizations ranging from the largest to the smallest. Some organizations are relatively small in scale, but due to their uniqueness, they must be included. The electorate covers different sectors and industries, comprising 100 000 to 200 000 employees. Sea, land and air transport industries are all included. It can be seen from this that the coverage is very extensive.

If the aforesaid remark is made by another Member, I would not have been so saddened. Mr LEUNG Yiu-chung often meets with transport bodies and he knows certain "electors" in the FC I represent. Of course, an organization itself is already an "elector", but each organization may have several hundred to several thousand members. Therefore, we have persistently insisted that the Government should broaden its electorate base, so as to enable company directors, executive committee members and standing committee members of organizations to vote. This can multiply the number of electors in the entire FC.

However, the fact remains that the electorate base of the FC I represent is quite extensive in coverage already. Of course, since it is not yet extensive enough, the addition of 28 members is now required. Actually, there is still room for the Government — let me talk about this later — to add in more members. On the proposal of adding in all such new members and then allowing directors and executive committee members or some management staff to vote, we can always hold further discussions. All the talks about my FC not having the need for 178 corporate electors, or about having fewer than or around 200 corporate electors, have time and again made me the subject of other colleagues' mockery. I believe colleagues who know me well also think that this is rather unfair to me. Such a remark is rather unfair, not only to me but also to the FC I represent.

Over the years, I have persistently requested an expansion of the electorate base of the FC I represent or those of other FCs. I have been advocating the adoption of "individual's votes", "director's votes" and "partner's votes". And, in the case of societies, associations, institutes, trade bodies or drivers associations, their executive committee members should be allowed to vote. I believe this can significantly broaden the electorate bases of FCs. However, I wish to tell the Secretary that regarding the electorate bases of FCs, the Government should not waste any more time, nor should it try to avoid the task any further because we will elect the Chief Executive and Members of the Legislative Council by universal suffrage in 2017 and 2020 respectively. The Government must make a decision on the retention or otherwise of FCs. If the Government decides after consulting the people that FCs are worth retaining, it must then consider how to make their electorate bases comply with the requirements of universal suffrage.

In this regard, if all is just like what happened in the past ..... Since the handover, I have been requesting the Secretary to broaden the electorate bases of FCs. In the case of the FC I represent, to say the very least, I have raised this request with him for 10 years. But he has paid no heed to my request. The Secretary no longer has another 10 years. He must now commence work in this regard, rather than putting up any further excuses and delay. I hope the work can be launched as early as possible. The authorities can conduct consultation after commencing the relevant work, so as to ascertain how to handle this task.

I am happy that following my continuous insistence (I have thus angered the Secretary, and I have also adopted a belligerent attitude towards him), the Government is eventually willing to respond slightly, agreeing to make some changes to the Transport FC I represent and other two FCs — broadening the

electorate bases of these three FCs and adding 28 corporate electors to the Transport FC. As Dr Margaret NG said in her speech just now, and as far as I am aware, 64 bodies have voluntarily requested the Government to include them as "electors". However, the Government eventually allows the inclusion of 28 of them only. Since time is short, I have yet to find time to argue with the Government case by case or explain to it the reasons for the requests for inclusion. However, I believe they have all voluntarily requested the Government to include them.

As I said just now, the electorate of the FC I represent is very broad in base, covering all aspects of sea, land and air transport. It covers not only transport industries but also the shipping and logistic industries. Can Members imagine how many disciplines are included? I myself have lost count as a result of confusion. But at least, there should be 10-odd to 20-odd disciplines. Then, how many associations or units have not yet been included?

At present, grouped under associations are individual companies, but only associations can vote. This is very unfair. At least, companies should also be allowed to vote. Although I have repeatedly explained the desirability of this improvement to the Secretary, he has still failed to revise the relevant arrangements, only agreeing to add in 28 associations or one to two sizeable companies. Frankly speaking, what is most important is that not only should we allow "individuals" at the level of associations to vote, but we should also include "company votes" below the level of associations. For instance, there are some 300 companies under the Hong Kong Shipowners Association, each of which is very large in scale and makes immense contributions to Hong Kong. Shipping companies, ocean transport companies, and so on, are not entitled to vote. Only the aforesaid association formed by these companies can vote. This is also the case with the Hong Kong Association of Freight Forwarding and Logistics Limited. There are 300 or so companies under it, and many of these companies are sizeable. Various courier companies are also sizeable, but they are not entitled to vote. Only the association formed by these companies can vote. I believe the Secretary must rectify this situation. The companies concerned also think that company members below the level of associations all find the present situation very unfair, questioning why they cannot cast their votes for electing Members to represent them.

I even hope that the Secretary can take one further step: while the companies concerned are included, company directors should also be allowed to vote, so that even "natural persons" can also vote, rather than just allowing

companies or associations to vote. This improvement is absolutely feasible, but I also understand that the FC I represent is so complicated that the Government may be unable to make any immediate amendments. It is small wonder that it has taken such a long time for the authorities to respond to my request and add in the 28 corporate electors. If the Government had agreed to increase the number earlier, I would definitely have tried to persuade it to make more amendments. However, there was simply no room for this at all.

As a matter of fact, I have been requesting the Government to make efforts in this regard over all these years. Today, if the Government still tells me the matter is so complicated that nothing can be finalized in the immediate future, then I shall have no alternative but to criticize the Secretary for being too lazy. If he had started to make the required efforts earlier, his reply today to my request may not be merely about the addition of the 28 corporate electors; rather, it may even contain a response to the demand I have just mentioned: allowing trade bodies under associations, member organizations of associations and company members of institutes to vote, and also allowing directors of company members to cast their votes. This will be a very desirable arrangement.

However, as long as the Secretary does not start working, I am sure that when the Government submits another bill, we will again hear him say that the task is too complicated, that he cannot settle so many things, that he wants some more time from us for doing the work, and that he finds it impossible to answer our aspirations at the moment. For this reason, I hope the Government can really seek to grasp the situation as much as possible next time. Since the handover, the Liberal Party has been expecting the Government to broaden the electorate bases of FCs. What the Government has given us so far seems to have fallen short of our expectations.

As for the five "super DC member" seats, let me perhaps say a few words here. Regarding the "super DC member" seats in the newly created FC, the Liberal Party notices that the community indeed does not have a good grasp of the whole matter. Why should there be "super DC member" seats in the FC concerned? Why should DC members belong to the FC? What is the difference between the FC to which they belong and traditional FCs? In fact, the general public are a bit confused. So, why?

In our view, since nominations for the newly created "super DC member" seats are subject to certain limitations, and such limitations are the same as those imposed on traditional FC seats — that is, whether "company votes" or

"association votes" is adopted, the elected candidates must be functionally related to the sectors to which they belong — the requirement that both nominees and elected candidates must be incumbent DC members is in line with the relevant FC requirements in general. We do not think that this requirement for the "super DC member" seats departs too much from the concept underlying FCs. The only thing is that explanation is required. Besides, the adoption of this nomination method and the election of the "super DC member" seats by "one person two votes" on a territory-wide basis will undeniably enhance the legitimacy of the elected candidates very significantly.

President, as I said earlier in my speech on the Chief Executive Election (Amendment) Bill 2010, in order to expeditiously achieve the ultimate goal of implementing universal suffrage, the adoption of this intermediate package is necessary. We hope that it can be smoothly implemented, so that we can take a step forward. Although there are still many unsatisfactory aspects, it can at least enable us to make a step forward in some ways. I hope that the Government can hear our discontent with the present intermediate package, and that the authorities can incorporate our views as far as possible when finalizing the package for implementing universal suffrage, with a view to perfecting the relevant legislation.

President, I so submit.

**DR RAYMOND HO** (in Cantonese): President, according to Article 68 of the Basic Law, the method for forming the Legislative Council shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region (HKSAR) and in accordance with the principle of gradual and orderly progress. The ultimate aim is the election of all the Members of the Legislative Council by universal suffrage. Despite this provision in the Basic Law, some people in society still hold a different view. They do not want any gradual and orderly progress, and they disregard the actual situation. They only want to implement dual universal suffrage in one go. They have tried to mobilize members of the public and stir up public opinions, but the facts prove that their view is not the mainstream opinion.

With regard to the method for forming the Legislative Council, I will mainly explore the following three directions, on which I have expressed my views in this Chamber several times before (1) "one person, one vote" for all electors in the direct elections held in geographical constituencies (GCs), coupled

with the total abolition of all functional constituencies (FCs); (2) "one person, one vote" for all electors, coupled with a choice between voting in GC direct elections or FC elections; and (3) "one person, two votes", coupled with electors being able to vote in both FC elections and GC direct elections. Since late 2009, I have been championing the "one person, two votes" model mentioned in (3) above as a means of dealing with the newly created FC seats. On the premise of avoiding any disputes resulting from increasing or reducing the number of seats for existing FCs, I propose that the five newly created seats for the District Council FC (DC FC) be returned by electors in the five GCs who do not have the right to vote in the traditional FCs. Alternatively, I propose that consideration may be given to returning the five new seats in a territory-wide constituency comprising all the 3.2 million electors. Senior Counsel Mr Alan HOO has said more than once in various constitutional reform seminars that my proposal is feasible.

(THE PRESIDENT'S DEPUTY, MS MIRIAM LAU, took the Chair)

The vital theoretical basis of my proposal is that it can broaden the electorate base of the DC FC and introduce more democratic elements and qualities while not adding to traditional FCs. I am gratified that there are many similarities between my proposal and the "improved DC package" eventually put forward. What is more, precisely because of this improved package, society was given a chance to forge a consensus on the method for forming the Legislative Council in the future. On 24 and 25 June 2010, this Council endorsed by a two-thirds majority the motions moved by the Government on the draft amendments to the two electoral methods for 2012. According to the draft amendment to the method for forming the Legislative Council in 2012, the number of seats to be returned by direct elections in GCs and that by FC elections will both be increased from 30 to 35 respectively. The draft amendments received the consent of the Chief Executive on 29 June 2010 and were reported to the Standing Committee of the National People's Congress (NPCSC). NPCSC approved and recorded the draft amendments on 28 August 2010, thus completing the "five-step mechanism" for amending the methods for selecting the Chief Executive and forming the Legislative Council.

The next task was to commence and discuss the related legislative work. Last October, I swiftly wrote a letter to Secretary for Constitutional and Mainland Affairs Mr Stephen LAM, proposing to broaden the electorate base of the engineering functional sector, so that Graduate Members and Associate Members

of the Hong Kong Institution of Engineers (HKIE) can also be included as eligible electors. There are totally 20 professional engineering divisions in the HKIE, covering civil, electrical, environmental and aviation engineering. Upon the broadening of the electorate base, the number of electors can be increased from about 14 000 at present to 30 000 or more. Graduate Members are holders of recognized degrees who will obtain the required professional qualifications in the coming three or four years, while Associate Members are basically engineering technicians holding associate degrees or various kinds of diplomas. They must similarly undergo the HKIE's stringent professional assessment. Actually, the proposal was passed and accepted by the Council of the HKIE, and was put forward the Government in 2005. However, as the constitutional reform package was voted down, it fell through in the end. Unfortunately, when we raised the proposal again this time, the Government still refused to accept it. As far as we could understand, the Government was unwilling to make any substantial changes to traditional FCs. We can well understand the consideration that it is necessary to freeze the number of seats for traditional FCs in order to avoid controversies. However, in regard to any feasible arrangements that can broaden the electorate bases of FCs and enhance democratic elements and qualities, I think the Government should flexibly consider the circumstances of different FCs, especially those eight professional FCs that have already adopted "one person, one vote".

Concerning the broadening of the DC FC electorate base, it is proposed in the Legislative Council (Amendment) Bill 2010 that the existing DC FC shall be renamed as District Council (first) Functional Constituency, and the newly created DC FC shall be named as District Council (second) Functional Constituency. As for the five newly created DC FC seats, they shall be returned by a single territory-wide constituency covering the whole HKSAR under the list proportional representation system. This proposed arrangement is very similar to my original idea, so it should be able to help enhance the democratic elements of FC elections and take us an important step forward in the achievement of universal suffrage for forming the Legislative Council.

Regarding the seats for each GC, the Administration's proposal is that the number of seats for each GC shall not be less than five and more than nine. I consider this proposal reasonable and acceptable. However, in the long run, the Government should also listen proactively to the views of some colleagues on the



Bills Committee on Chief Executive Election (Amendment) Bill 2010 and Legislative Council (Amendment) Bill 2010 (the Bills Committee), and consider increasing the number of GCs, for instance, from five to six, so as to narrow the difference in the number of seats among GCs.

Moreover, the Government has also proposed new clauses in the Legislative Council (Amendment) Bill 2010 to provide that overseas government organizations shall no longer be eligible to be registered as corporate electors. I think such an amendment is warranted, and as it can rectify some unreasonable situations in the past, it is worth our support.

Since the reunification, there has been a sharp division of views on constitutional development in our society. The adoption of "one person, two votes" for returning the five newly created DC FC seats in 2012 has brought forth a turning point in forging a consensus on the future constitutional development of Hong Kong. And, in June last year, this Council already passed the relevant motions moved by the Government with a two-thirds majority, thereby placing Hong Kong's constitutional development back on the right track. Over the past few months, members on the Bills Committee have from time to time put forward divergent views in the process of scrutinizing the Bill. However, it is only normal to see divergent views in the course of scrutiny. This will not compromise our determination to take forward constitutional development in Hong Kong. For the sake of making sufficient preparation for the Legislative Council elections in the future and providing a vital legal framework, the passage of the Legislative Council (Amendment) Bill 2010 is of very great importance.

With these remarks, I support the resumption of the Second Reading of the Bill.

**MR PAUL TSE** (in Cantonese): Deputy President, as at nine o'clock this morning, this debate has been taking place for more than 10 hours. Even though I am returned through the functional constituency (FC) election, I can hardly function by now. I can but try my best. Deputy President, as I have mentioned in the speech I delivered earlier on, in dealing with major amendments, including the issue of whether or not the Chief Executive should have any political party background, we should proceed in the light of the gradual formation of Hong

Kong's democratic or political culture, and take actions when the conditions are ripe. That way, we can achieve more with less effort.

Speaking of FCs, I am afraid it is not possible to clarify the issue completely in just 15 minutes' speaking time. What is more, members of the public watching this debate on television may have heard so many unpleasant words about FCs that ..... it is just like pouring 100 bottles of ink into a tank of clear water, the entire tank of water will be blackened. We need to add in clear water gradually to dilute the ink, and this will take time. If Members do not mind, I would like to offer some views. We may treat this as a chance for the political culture of Hong Kong to sink in, or to learn more about this culture. I just hope we can exchange views for mutual reference.

Deputy President, let us refer back to the most fundamental principle. Why do we need to have a representative political system? The reason is that most people are so busy earning their daily bread that they can hardly spare time to care about other things. In the past, society was quite simple. Take the Greek era as an example, people would go to the assembly place at a specified time to listen to the relevant debates and decide things on a show of hands. The world has changed a lot over the years, and our society has become increasingly complicated. As such, we need to have somebody to represent us to decide on public policies, to form a government and monitor the government. In other words, we need to find someone to perform such functions on our behalf. But the question is: how are we going to identify such representatives? Discussions on representative political system are always about this issue. Certainly, representativeness is the most important element amount the many requirements of a representative political system. This is the common element of all political systems, and the key word is representativeness. The question is: are the representatives representative enough?

I have pointed out many times before, and I hope Members do not mind me reiterating it again: the so-called geographical constituency system is to divide a region into many constituencies and delineate many demarcation lines, so that a representative will be elected from each constituency. However, this method does not have any mathematical basis. And this method is adopted not because we have heard God or Sakyamuni said this should be the best method to identify a representative or this should be the most representative system. This practice

came into place purely as a part of the historical development of Britain. Seeing that taxes are levied on certain areas, the King specifically arranged additional seats for certain taxpayers who love to have an audience with him or to chat with him, just like "allocating pig head bones". So, this was how the system first developed. Choosing representatives on the basis of geographical demarcation is in fact a part of the historical development process.

Certainly, this is an easier way in practice, and that is why more and more places have adopted this method. Nevertheless, this is not necessarily the only choice. If we had the power to consider afresh what should be the more representative option, and if there were no other obstacles, no party disputes and clash of interest, we could come up with other options. We may group the voters by age groups, one to 10 years old in one group, 10 to 20 years old in another, and so on. We could be more creative and group the voters by their ancestral homelands, such as Chaozhou, Fujian, and so on. And of course, we could also group the voters by professions and trades, and even by some specific status, such as the less fortunate people with disabilities, the minorities or housewives. All of these are possible options.

Deputy President, it seems that I have talked about many irrelevant things. But let us come back to the fundamental issue. Hong Kong is a former colonial territory, a highly capitalist city which attaches utmost importance to the business world. In this interim period when we are under the premise of "one country, two systems", and many of the systems in operation in our country have yet to be improved, what kind of system can, on the one hand, make the general public of Hong Kong feel that the elected representatives are really their representatives, and prevent our society from leaping forward too abruptly on the other?

Allow me to cite an example. The crux of the matter is the "brake". In many cases, the ways of thinking and demands of the directly elected representatives or those who are elected simply by some figures — allow me to put it in a less comfortable way — are unlike those of the elite class. Many democratic countries across the world have, to a certain extent, put in place a "brake" in one form or another. The Senate of the United States and the House of Lords of the United Kingdom are different forms of a "brake". The elected representatives may not necessarily be returned by a simple headcount. After all, the importance of such systems lies in the counter-balance mechanism, which

enable the elected representatives to reconsider certain matters, rather than relying on a mere figure or a simple headcount as the criterion for making all decisions.

What is the "brake" we have in place in Hong Kong? To my understanding, the authorities at that time accepted the creative proposal put forward by Mr LO Tak-shing and thus adopted the two formulas of FCs and division of votes, which are what we have today. Over the years, we can see that this system is rather effective. And of course, this is only comparatively effective, not absolutely effective. Besides, we have to remain in lines with the framework prescribed under the Basic Law. The question is: what is our next step?

Deputy President, for the various methods to select representatives, the most important matter, other than the issue of representativeness I referred to earlier on, is to avoid being manipulated by others. How to prevent manipulation? If the electorate involved is so small that it comprises only a hundred and a few dozen votes, if someone should really try to influence the voting result through monetary means or other powers and authorities, that person could possibly achieve his goal. However, if the number of votes involved increases from 100 votes to 1 000 votes, then increases to 10 000 votes, and then to 50 000 votes or even 100 000 votes, it will become increasingly more difficult for that person to manipulate the voting result. This is just common sense. As such, if some FCs are too small in size, the efforts of a few billionaires or consortiums will be enough to manipulate the voting results. On the other hand, for some constituencies that are very large in size and involve a huge number of headcounts, it is just impossible to manipulate the voting results by whatever means. I believe I do not have to cite any more examples in this respect.

In my view, the Tourism FC is rather special, as it sits on a watershed between the manipulated and the not-yet-manipulated. Under this unclear situation, I was able to win the election by a small margin. This is a proof that the Tourism FC is not yet totally under manipulation. Nevertheless, government officials do believe to a certain extent that if I do not follow the sector's words and assist those who are prepared to manipulate the Tourism FC, my political future will probably suffer. But then, this is an issue outside of the matter in question.

The method we have come up with is also the major problem of the present constitutional reform exercise: we have not made good use of this opportunity to enhance representativeness and minimize manipulation. Even though I argue with her very often, I respect Dr Margaret NG very much in this regard. Her diligence and professional knowledge are beyond any doubts. She has spent a lot of time and efforts proposing a large number of amendments to the various FCs, as well as the Chief Executive Election (Amendment) Bill 2010 dealt with earlier on. Her good efforts are evidences demonstrating the importance of FCs.

Of the many Members of this Council who are barristers and solicitors, only Dr Margaret NG is returned by an FC, and this why only she can afford to be so focused and spend so much time on doing a lot of meticulous work. On the contrary, other barristers and solicitors in this Council most probably have to spend a lot of time meeting electors and helping them resolve their problems, it may not be possible for these Members to be so focused on such meticulous work.

As a matter of fact, earlier on Mr LEUNG Yiu-chung asked me why I did not run in any direct election, given that I enjoyed being a Member so much. I will now give him several answers, and see if he will be pleased with such answers. Perhaps he will never be pleased, but just let me will try giving some answers his question. Deputy President, allow me to use the difference between barristers and solicitors as an example. Many barristers do not wish to merge with solicitors in any ways, despite the fact that so doing may help to increase job opportunities or even lead to broader development paths. They just do not want any mergers. They wish to maintain their independence and do without the backup of a large team or too many people, so that they do not have to spend too much time on administrative issues, but concentrate on the work they are interested in instead. Such work may involve their specialized fields, work complexities or their interested areas. In short, the subject matters they consider more suitable for themselves.

By the same token, Members returned by FCs may choose the subject matters they are interested in, and at they same time they can keep operating without relying heavily on the assistance of a large number of teams. This is a rather important factor. Certainly, as Mr LEUNG Yiu-chung referred to earlier on, many people may also raise the issue of my association with the tourism industry. Frankly and bluntly speaking, even though I am not engaged in the tourism industry, as a Member returned by the constituency, I have spent a lot of

time study issues relating to the tourism sector. Judging from the various panel meetings and the debates held in this Chamber, I can say that Members from other sectors have by no means enough knowledge in or concern for tourism-related issues. I am not blaming them for that, as I know it is all because they have too many other issues to take care of. Hence, specialization is a very important factor.

Mr LEUNG Yiu-chung also mentioned that he could also represent people with disabilities, then why can other people not be returned by FCs? That is true, and I respect him for raising the many issues related to the disabled. However, just imagine we have an FC for the disabled, the elected candidate will most probably be Mr CHONG Chan-yau. Being a person with a disability, he knows better how the disabled feel. In many cases, what he does is not simply giving a helping hand, he really takes their well-being into consideration. Besides, he can identify with and represent the disabled much better. If the electors of geographical constituencies wish to elect a representative for their respective geographical constituencies, who can really represent their interest? From the ideas and notions presented by the candidates, electors can only tell who are from the Democratic Party, the Civic Party, and the Democratic Alliance for the Betterment and Progress of Hong Kong. However, for those who have real communication with the electors, who really understand the electors, they do not need to say too much.

The operator of a tourist agency told me that he was very much perplexed by the requirement of one tour guide for one tour, and that it was impossible for him to comply with this requirement. I immediately knew what he was talking about, as I have to deal with such issues every day. For this reason, I do not have to spend much time to figure out his situation in many respects. Likewise, if I complain to Dr Margaret NG how unfairly the Law Society has treated me, she will immediately know what I am talking about. As she has received similar complaints before, it is not necessary for me to say too much. These examples serve to explain the representativeness of FCs.

Under the premise of enhancing representativeness and minimizing manipulation, the value of FCs is far greater than a means of keeping the Council under control. I personally consider that this may perhaps be the remedy to the problem of insufficient representativeness of geographical direct elections. This may be our future. Nevertheless, we need to adopt an electoral method which is highly representative and free of manipulation. In this connection, I have all

along stressed one point — perhaps this is not very much in line with the Government's standpoint — I hope the Government will not be so unwilling to breakthrough the present situation or reluctant to do more in this respect just in order to avoid arousing too many disputes.

I share the view of Deputy President in this respect. One thing for sure is that we should expeditiously enhance the representativeness of FCs and minimize manipulation. As regard what we should do next, it is our hope that members of the public can make an informed choice after learning more about the pros and cons of FCs, rather than sentencing FCs to death as advocated by some slogans presently. In future, upon learning more about FCs, if the consensus of our society still remains that FCs should not exist anymore, we will respect such a decision.

At present, many members of our society give their support to FCs without knowing what is going on, and I believe such voters amount to some 30% to 40%. However, an even greater number of people do not know very clearly the importance and potentials of FCs. This is an essential point. Given that Hong Kong is in such a special situation and has to abide by the "one country, two systems" principle, this is the only system that can make the public feel secured for the time being.

Earlier on, I have talked about the immaturity of certain political parties and the inadequacy of our culture. As a matter of fact, many members of the public still feel that they cannot trust their well-being with the Members who have political party affiliation. They believe it is necessary to elect some FC candidates who are comparatively more rational and have professional background, so as to dilute the influence of the directly elected Members, regardless of the sectors they belong to.

Deputy President, I am afraid my speaking time is almost up. If I should have the chance in future, I wish to present the picture to Members again at a slow pace. However, this is not any "one-off" effort. I hope this is just the beginning, so that members of the public can understand more about what we are discussing now. Instead of focusing on the performance of the representatives of certain sectors or some slogan-like criticisms, members of the public should be given more opportunities to understand the direction of our elections. That way, the social stability of Hong Kong can really be enhanced.

I wish to stress once again that Hong Kong does not possess any natural resources. We have no petroleum, no mineral resources, nor any other natural resources. What we can rely on is but a stable society. A stable society requires a stable constitutional system, and a stable constitutional system requires a reliable "brake". I hope FCs can serve as this "brake", and enable the public to understand the potentials of and need for Members returned by FCs, who will in turn bring about debates of good quality. Thank you, Deputy President.

**MR CHAN KIN-POR** (in Cantonese): Deputy President, in our discussions this morning, a Member said that our Chief Executive's popularity rating was likewise very high before he was elected, but things worsened drastically soon afterwards and his rating turned very low, probably because his election to office was not based on universal suffrage.

I am frankly very skeptical about the truth of this observation, because nowadays electors have turned increasingly demanding towards their presidents or leaders. We may look at the case of President OBAMA. His popularity rating was likewise very high before he was elected and immediately afterwards. However, his rating has plunged by more than 50%. In Japan, there is a change of Prime Minister every few months. Why? Japanese Prime Ministers are all returned by direct elections. They are all elected by the people. Why do problems start to emerge so soon? We may look at the case of Singapore as a contrast. The system adopted by Singapore may not be the most desirable in the eyes of Members, but the development there is very fast; the local people are very happy, enjoying very remarkable economic growth. Most Singaporeans live in Housing Development Board flats, and even Hong Kong wants very much to copy this experience of Singapore.

I only want to point out that direct elections actually cannot solve all problems. In some countries where direct elections or universal suffrage is implemented, such as the United States, the unemployment rate is 9%. In the United Kingdom, it is also 9%, and this is also the case in Germany. In France, the rate is 10%. In contrast, in Hong Kong, our unemployment rate is just about 3%. So, is there really any causal relationship between the two? We naturally hope that our leadership team can do a better job. Therefore, I always think that all actually hinges on how our leaders perform after their election to office, and whether they can live up to our expectations. The relevant electoral mode is only one of the many methods, and no electoral system can be called the best in



the world. Members all know that "one person, one vote" is not the best electoral system — of course, we also know that it is generally perceived by the whole world as the best method. So, I do think that Hong Kong is bound to implement direct elections or universal suffrage in eventuality. However, which approach should we adopt? How are we going to attain this goal gradually in the light of the situation in Hong Kong? All must then depend on the actual circumstances in Hong Kong.

Someone has told me: "Why must we make it so very troublesome? Why don't we simply attempt direct election right away? We may pick a wrong person as a start. But after some initial chaos, there will be improvements, and things will return to normal. The case of Taiwan is exactly like this. A wrong person was elected President of Taiwan. But after two terms, they have finally elected an appropriate candidate, haven't they?" However, can Hong Kong withstand such torment? Members must realize that in case anything goes wrong in Hong Kong, it must always depend on the Central Authorities for solutions. Hong Kong people must likewise realize that while we do not need to bear any military expenses, we are additionally offered a lot of benefits. Many compatriots in the Mainland are already dissatisfied that Hong Kong people are always asking for various benefits. If we in Hong Kong keep asking the Central Authorities for solutions to our difficulties without at the same time giving due consideration to how we can achieve a stable transition in a gradual and orderly fashion, I think all of us cannot possibly evade our accountability.

What is more, I would like to discuss the issue raised by Mr LEUNG Yiu-chung earlier on. Mr LEUNG Yiu-chung is one of the Members in the legislature whom I respect most. Why? I have read his book. I know the history of his struggles, and I can observe that he has been tirelessly doing lots of work for members of the public over the years. Mr LEUNG asked earlier on why we did not take part in any direct elections. If Members understand what direct elections are all about, they will know that we cannot lightly take part in any direct elections. Participation in direct elections requires the presence of many "poles" of voting support, and in order to get such support, one needs to do a lot of work in the community over long periods of time, so that all elderly persons can know about one's presence. One must also help them handle many things, and they would ask one for help whenever anything happens. This is indeed a very difficult task. If we participate in a direct election as suggested, do we stand any chance of success? I believe success is definitely impossible.

I believe even some very well-known Members will also realize, after a careful analysis, that it will be impossible for them to win in any direct elections. All those people, having served the residents in the districts for several decades are very much like their relatives and friends already. To be frank, how can we stand any chance of success?

However, in order to attain a state of equilibrium in Hong Kong society, we really need some kind of checks and balances among all of us. In other words, there is a need for ordinary people's representatives and representatives of the business sector. This is just an example and a possible combination. In other words, we must make sure that we will neither hand out excessive benefits nor overly favour the business sector. However, if the electoral system is such that all seats are returned by direct elections, then the successful candidates, after joining the legislature, will spend most of their time on discussing welfare issues such as handing out more benefits and improving the livelihood of the masses, just like what most incumbent directly elected Members are doing now. As can be expected, they will not discuss how to make money, and they do not know how to improve the economy either. In that case, we must need someone to do such work, right? Do we only need someone to give cash handouts in Hong Kong? Or should there be a division of labour, so that there can be someone to handle the issue of how to make money? And, it stands to reason to have representatives of the business sector, right?

If representatives of the business sector are also returned through direct elections and their "bosses" are thus also constituents in GCs, such representatives will have to compete against you for work, right? From this perspective, I would think that the current composition of the legislature is actually quite balanced, in the sense that there are representatives from the business sector, such as the several of us who belong to a number of professional sectors. As Members can observe, the several of us are actually very concerned about the development of the business sector. On some issues, we will adhere to our bottomlines and never yield, some examples being the handing out of all fiscal reserves, or the sole emphasis on incurring expenditure without ever considering how to make money, or the request for any heavy taxation increases that will lead to the withdrawal of businesses. If all businesses withdraw, how can there be any job vacancies in Hong Kong? Ultimately, the victims will be Hong Kong people and employees, right?

On the other hand, however, we also understand that as Members, we should serve not only the business sector but also all Hong Kong people. For

this reason, Members can see that regarding social welfare ..... On my part, I took part in the first Retirement Protection Policy Forum organized by the Joint Alliance for Universal Retirement Protection because I have always thought that universal retirement protection is a very significant basis of Hong Kong's social stability. I took part in the first forum, and I have recently taken part in the second forum. And, I will definitely take part in the next forum. Many Members are returned by functional constituencies (FCs), but they have still done their utmost and spent all their time on striving for the well-being of Hong Kong people, sacrificing many personal opportunities. And, understandably, since they know their respective sectors very well, they are able to do their job much better.

Some Members argue that whether we are talking about FCs, the electorates concerned should always meet the requirements of direct elections. Honestly speaking, such compliance will totally defeat the original intent of forming FCs. Such a proposal sounds nice, but it carries no practical meaning at all. The reason is very simple. As Members can observe, with the creation of the so-called "super DC FC" seats, some FC Members have already elevated many district-level matters to the level of the Legislative Council for no good reasons at all. Why? It is because they have interests at stake; they may one day compete for such "super DC FC" seats.

Members can therefore see that if all in society ..... if regardless of whether we are talking about FC Members, the electorates concerned must meet the requirements of direct elections or other arrangements analogous to direct elections, if all employees in the insurance sector are allowed to run in the election as advocated by Dr Margaret NG, then will an insurance worker be any different from an ordinary member of the public in terms of aspirations? In that case, how can we expect such an insurance worker to consider the interests of his company? How can we expect him to consider the business difficulties of his company? Frankly speaking, every morning when an employer wakes up — if there are 20 employees in his company — he must consider how he can ensure the livelihood of his 20 employees and how he can sustain his business. The reason is that it will be very saddening to see 20 employees lose their jobs. The employer must ask himself how he can avoid dismissing any employees as far as possible and how he can persevere in spite of any difficulties. Employers are actually under very heavy pressure. Therefore, I think young people who are inexperienced in this regard, or people who received good education in their childhood and then went abroad to further their studies before returning to Hong Kong, will never understand the feelings of people like us who started from the

bottom, who have worked for several decades, who have the experience in managing large companies, and who can appreciate the business difficulties of such companies.

In fact, it has become increasingly difficult to run any businesses in Hong Kong these days. In the past, we might have to spend all our time on running our businesses, but nowadays, we must spend our time on compliance matters, or on resolving all sort of difficulties. It is absolutely no easy task to be a "boss". As for Mr LEUNG Kwok-hung, I do respect him very much for tirelessly fighting for labour rights and interests. That day, I heard him say he had done much more toilet cleaning than any other people and he could also do this job better than any others as well. Right, precisely because he had such experience, he is so adamant about upholding the rights of the lower strata. Likewise, precisely because we started from the bottom, subsequently rose to a certain rank and once had the experience of managing many companies, we can fully realize the operational difficulties of a company as well as the difficulties faced by small and medium enterprises and large corporations. We will also strive untiringly to foster a favourable business environment in Hong Kong, so that more employment opportunities can be created for the benefit of more people.

I am a bit disappointed with the Government. I have advised the Government many times that Hong Kong must learn from Singapore. Singapore has put in place various proactive schemes and highly appealing tax concessions, thus inducing many companies to set up their regional headquarters in Singapore. We can imagine that after setting up their regional headquarters in Singapore, the companies concerned will employ a lot of staff members who need to rent their accommodation. And, many visitors will also go to Singapore. This will certainly enable the economic development of Singapore to far exceed that of Hong Kong.

Our Government is in contrast a bit more conservative. Even in the case of very minor issues, the Government is afraid of being accused of colluding with the business sector, so it is never courageous enough to create any new opportunities in these areas. As Members can all imagine, if no one comes to Hong Kong to set up companies and create jobs, how can our young people climb up the social ladder? In that case, can all the quarrels and arguments in this Chamber serve any meaningful purposes? Experience tells me that the Government needs to create a macro environment, but in the final analysis, everyone must depend on themselves. I can promise you that if people think

only of depending on the Government all the time, they certainly cannot expect to have any luck at all.

One must depend on oneself for buying properties and amassing savings, in very much the same way as how our parents took up several jobs all at the same time when we were small. We must honestly make efforts in these matters. In Hong Kong, he who makes good preparations and works hard will always succeed earlier than those who wait for their luck to come. The Government certainly has its responsibility, but we must still do our utmost. And, instead of resorting to endless arguments every day, we must unite for the purpose of monitoring this Government, so as to make it create a better environment for the benefit of all.

Speaking of the electoral method for the Legislative Council, I think we should strive for gradual and orderly progress. We do not want to adopt any radical approach of doing everything "in one go". So, guided by its conscience, the Democratic Party has agreed to accept a compromise this time around, thus helping Hong Kong to avert a "constitutional showdown". I strongly believe that if the voting down of the constitutional reform package last time was already a disaster to Hong Kong ..... Therefore, I agree very much with Mr CHIM Pui-chung that Hong Kong is indeed a blessed land. Eventually, some people are willing to make concession. The Central Authorities are likewise willing to do so, and everybody is willing to take the matter forward. Since we already have a timetable now, I hope we can really make changes step by step. Now that the matter has reached the present stage, I think it will be pointless for everybody to keep arguing over the by-gones. For this reason, I hope we can all work with one heart and realize that the beneficiaries will not be restricted to any single groups in society.

We may look at the situations in some foreign countries. The national debt of the United States has run up to trillions. Is it still such a nice country to live in? On my part, I really prefer staying in Hong Kong to emigrating to the United States. Besides, the social system and people of Hong Kong are also the envy of many Western Europeans. In Hong Kong, starving to death will never happen. The Hong Kong Government will not allow such incidents to happen. Anyone who cannot afford a meal can apply for Comprehensive Social Security Assistance, and no one in need of medical treatment will be refused admission by public hospitals.

As long as we can all make sincere efforts to build a better Hong Kong on this very basis, we will have discharged our responsibility. If not, I would think that we do not deserve to be Legislative Council Members, whether we are returned by direct elections or FC elections. So, I hope we can focus all our gunfire and all hasten to pass all these electoral systems. Then, we should focus on striving to create opportunities for Hong Kong people. This is a matter of greater importance. Thank you, Deputy President.

**MR ALBERT HO** (in Cantonese): Deputy President, today's debate on the election package for the Legislative Council is in fact a continuation of that on 23 and 24 of last June. Today's debate is surely meaningful and I am also interested in reiterating and responding to some views, in particular the part pertaining to the Legislative Council which constitutes the core of the entire constitutional reform package. Therefore, I all the more consider that I should grasp the opportunity to speak again to expound on my views.

It is on the basis of a very important judgment that the Democratic Party supports this legislation. This of course is only one of the reasons, that is, the 10 additional seats in the Legislative Council can give a further boost to democratic development.

First, regarding participation, we can see that of the 10 additional seats, five are to be directly elected, of which there is absolutely no controversy; the other five seats belong to the newly created District Council (DC) Functional Constituency (FC) which are to be returned by some three million electors who participate in voting. These seats will enhance the right of the public in participating, and will also result in the Legislative Council being formed to a certain extent by 40 seats through direct election and indirect election of the new FC which is close to direct election. Thus, the ratio is four to three.

Second, the new FC seats returned by the some three million electors who cast their votes will bring new changes. For Members returned in a large-scale election, if they manage to secure hundreds of thousands of votes, when they run for the office of Chief Executive in the future, if they become elected with a small number of votes, or if the regime denies the nomination of these people who have managed to secure hundreds of thousands of votes in FC elections, this may create certain political pressure. Nonetheless, I believe and also hope that this

large-scale election can serve as a warm-up for the possible "one-man-one-vote" direct election of the Chief Executive in 2017. Of course, this election is expensive and hard to run, but this is exactly why the democratic camp has all the more to grasp this opportunity to learn.

Third, it involves a judgment on the current situation. At that time, we thought there must be a breakthrough, and society's aspiration of not wanting to be deadlocked must be considered. Therefore, we hope that through this breakthrough, there can be a chance in the future to continue striving for talks and the establishment of a new platform, so that the democratic camp can not only call into action the forms of campaign which they are familiar with and apply this Council's pressure, but also, a new path can be opened up, which is to bring about a new situation through communication, talks and even negotiations.

Deputy President, I surely very much understand that some colleagues do not agree with such judgment. To this, I show my respect. Some colleagues attack our credibility with some strong words. To this, I show no acceptance. I do not think it is meaningful to respond. For example, they say things like I throw myself to the communists and betray Hong Kong people. I will not respond to such comments. Let the people make their own judgment with their discerning eyes. We face the community and take up the election challenge. In this year and the next, voters will express their views with their votes.

In any case, I have respect for colleagues holding different political views and those who insist that their way of putting up resistance is right because I always believe that in the future, resistance is a combination of diverse elements. There is nothing wrong with this. We can even say that some resistance is of the most notional form. For instance, I once gave a talk at the Hong Kong University with Mr LEUNG Kwok-hung, he said with resistance comes victory; regardless of whether the "five geographical constituencies referendum" turns out to be a success or a failure, victory comes with resistance. To a certain extent, I respect this view. Actually, society does not necessarily have to adopt the mainstream politics. Sometimes, resistance for notional politics also serves as a critique and counterbalance to mainstream politics, although it is tilted towards the force for democratic advancement. Thus, I definitely respect this view, despite the fact that it is known to all that it means hardship and difficulty. This is what we call focus just on the process and disregard the consequence, let the flowers blossom everywhere.

However, if I had not supported then, what would have the consequences been? We have to pass a judgment on this. To me, giving support will bring about a new situation; to some colleagues, for example, Mr CHAN Kin-por, he even said that the consequences would be dire if we did not support, but some considered it to be good if there was a "rupture". I believe "Long Hair" would say "bravo", Mr Alan LEONG may also say "bravo" because had there been a "rupture", both parties would have to be engaged in a dialogue. Of course, what does a "rupture" represent? Would hundreds and thousands of people take to the streets? Or would they refuse to disperse after taking to the streets? Would it end up be like what had happened in Thailand or even Egypt? In my opinion, even if hundreds of thousands of people take to the streets, it will hardly end up in a situation similar to the Jasmine Revolution. This involves judgment on the state of affairs.

Moreover, if we talk about constitutional reform, especially under this framework, even if there exists a massive crowd ..... unless it has reached the point of life and death, to the extent that everyone is not hesitant to give up his life, believing that there will still be many people nationwide to carry on with his belief, I am sure even if we change the Chief Executive, we will not see the Central Authorities budge and agree to give us what we want.

Therefore, this is a matter of judgment. My judgment may be wrong, or some people may think that I am wrong, but we can keep on debating. In fact, there will still be a chance in the future. Just as some colleagues said earlier, campaign of the masses can continue, it does not necessarily have to halt. I am not saying this to challenge those people. In actual fact, this is also right. Does making a compromise mean that the basis for the campaign of the masses will be lost? Definitely not. From the Budget of this year, we may actually see another campaign of the masses. If grudges exist, each point can be a flash point. So, this decision of the Democratic Party does not deflate the whole balloon. I do not think so. This is a very good example. This is the first part.

The second part is about the FCs. I have no intention of repeating past debates in which we over and again debated on the merits or otherwise of FCs. Such issues have been touched on many times, for example, how should traditional FCs be defined? How many people would lose their rights for being excluded from any of the constituencies? Even the unfairness of corporate votes was debated. Dr Margaret NG has repeatedly talked about corporate votes but



on the whole, she is saying only a small number of voters is required to return a large number of seats. I will not dwell on this inherent unfairness. Therefore, I am definitely in for expansion this time. Although the new DC FC also falls into the FC category, in a nutshell, we recognize one notion, which is not to give up a single inch of land. If there can be improvement, there must be changes at every moment, so as to open up a new path.

Going back to what I said just now, I have almost forgotten that some colleagues told me earlier, "You have done so much but you lack an exposition." I think it all hinges on what your definition for exposition is. Of course, if you wish that I could be like Karl MARX writing a book of philosophical and historical view, I will not be able to, at least not for now. However, we have our own explanation. For instance, we can explain what means we rely on, and so on. Whether you think our explanation is convincing is another issue, but we do have our explanation, and we have our views as to what step to take next. However, no one can tell us which way will surely lead to success. If today, we only resort to boycott and demonstration, or even get close to forcing a "rupture", does it mean that we can achieve the target? No one knows. Thus, we will expound. In the middle of the year, we will publish a book which collects various articles on our exposition, with the hope of spurring more debates by the public. To this end, this debate will continue.

I would like to go back to the FCs. The biggest problem with them is that they hamper the normal development of party politics. I understand the views expressed by Mr CHAN Kin-por earlier. He said FC Members possess expertise and experience, and they make contributions. Actually, many people like Mr CHAN Kin-por who are capable, experienced and with expertise can equally play a role in political parties. In countries round the world, will we ask an engineer to be the finance chief? That will not happen. Or will we ask a social worker to be the finance chief? That also will not happen. Just take a look at Britain. Her Exchequer is also elected, and the post goes to the distinct person. Why does Britain do so? This is because as we are aware, through the integration and running-in of several political parties, political parties serve to turn the whole society's intricately interests into several mainstream opinions, that is, several pillars of thoughts, several mainstream policy choices, and then let society choose which political party is to rule. There is no problem with this.

At the moment, what is the biggest problem with the FCs? It is that they have lacerated the entire Legislative Council because the representativeness of the FCs is too narrow, with each representing only say the insurance sector, the banking sector or other sectors. This is too narrow. Thus, what we have in mind is whenever the sectors Members belonged to are involved, Members of the sectors to which they belong will only have one view; and while other issues are involved, they may also harbour views different from those of the other Members. For example, Mr CHAN Kin-por and Dr Samson TAM may share very similar views on many issues, or they may differ widely, but one thing is obvious, they represent their respective much narrow interests. Putting them together in the council creates trouble because the whole council is lacerated into pieces.

During World War I and World War II, this problem appeared in the parliaments of Europe and Germany, creating headache for the then Prime Minister and Chancellor. This is because at that time, the representatives were similar to the FCs, everyone was satisfied with garnering enough support in his FC, and was happy if re-elected. As a result, the entire parliament failed to form a mainstream, or the mainstream was subject to constant changes, with this grouping sometimes and the other constituency at another time, denying the entire governance of notion. As for the ruling Prime Minister or Chancellor, he only cared about whether he had sufficient votes. This is the same for our Chief Executive and Financial Secretary who will pass a motion after securing enough votes before passing another legislation. The whole notion is devoid of consistency. This is exactly the situation we are in right now.

If there is no team, no identical notion, no consistency and continuity, there can be no governance. Of course, even if there is continuity and consistency, does it mean that the notion and policies of the one who rules will surely be proper? In many respects, things will not be proper forever. Sometimes, the one who rules may be very popular but a few years later, he will have to accept a decision by the voters. If he fails, he will have to leave. On the whole, this is how society operates.

Therefore, what you are worried about will not happen, or there will be no problem of talents not being returned. In fact, if Mr CHAN Kin-por joins a political party and if the political party considers that he is committed, it will field him in an election. Thus, what you are worried earlier will not happen because by then, many party members will offer assistance. Nonetheless, the contrary has happened because the retention of the FCs will hamper the development of

political parties, resulting in a causal reversal which prevents the political parties from maturing. So, this is not the actual picture.

I would also like to talk about election expenses. Although slight changes have been made to election expenses this time, it is very difficult for those who stand to benefit because they really have to garner substantial votes to be eligible for half of the expenses. We are aware that at present, for elections in some large districts, how can they secure enough votes to get half of the election expenses? Therefore, it will be meaningless if the amount of subsidy for each vote is not increased to over \$12. Thus, I am much disappointed this time as the Government has absolutely no intention of giving room to political parties to develop.

In addition, it will serve the Government well if it maintains a lacerated Legislative Council. Why is it reluctant to increase the number of constituencies? Why are there still only five constituencies? Why are the seats only increased to nine at the most, guaranteeing election with just several percentage points in another way? This is because it does not want to see the big political parties, including the DAB and the FTU which it believes more, gain too many seats. It would be the best for each political party to remain small and easy to manoeuvre, so that it will be easier for the Government to discuss with them one by one. If the political party is big, it will pose a threat to the Government. This is not desirable for the Government, nor does it want the political parties to have status. Frankly, this is what it aims to achieve but a democratic society does not operate in such a way.

Therefore, we object to such structure which will in the future hinder political parties from moving forward. We demand the Government to come forward and do things fairly. In respect of election expenses, it should give political parties more room for development.

Hence, I support today's Legislative Council (Amendment) Bill 2010.

**MR WONG YUNG-KAN** (in Cantonese): Deputy President, all along, the agriculture and fisheries constituency of the Legislative Council has been criticized by many Members. Such Members think that this constituency is too small in size. Why is it so small? What I wish to say is that the people

engaged in the industry are not small in number. Even Dr Margaret NG commented yesterday, "You say that there are 6 500 fishing boats. Why not allow all the 6 500 owners of fishing boats to serve as representatives?" This is actually closely related to the conditions in our fisheries sector.

I think ..... Why was the system of corporate votes adopted in the very first place when this functional constituency (FC) was designed years ago? What I am going to say is only my personal opinion, and it may not be correct. I suppose this has something to do with the distribution of the industry. The reason is that there are some 6 000 fishing boats, but those that operate in Hong Kong waters, including sampans, are very small in number, just about a thousand or so. Most of the fishing boats operate in Nansha, and some others in Xisha and even Hainan. We have established roaming fishermen associations in six cities in Guangdong Province, and several thousand fishing boats of ours are stationed there.

Since the Government started to resume land or because of prosperous industrial development, our agricultural industry has gradually shifted to the Mainland, one example being the 200 or so accredited farms in the Mainland. Even in the late 1980s, the then government could already notice this trend, and interested farmers were led to develop accredited farms in the Mainland. This explains why farmers are able to produce 50 tonnes to 100 tonnes of vegetable every day for supply to Hong Kong. This is an incontestable fact. Without this, we will not be able to have such cheap vegetable for consumption nowadays.

Over the past few years, for reasons of avian flu or viruses affecting pigs, the Government has been recovering large numbers of operation licences in certain industries, such as the pig farming and chicken farming industries. In the early days, in the latter part of the early 1980s, that is, when the legislation on livestock waste control was enacted, there were some 8 000 pig farms and chicken farms in Hong Kong. What has become of those engaged in these industries? They must also earn a living somehow. For this reason, since the reform and opening of the Mainland, they have been moving inland to the Mainland for production. Therefore, it will not be easy to locate the constituents and ask them to return immediately to Hong Kong for voting.

It is especially worth noting that many fishing boats have already shifted their operation to waters outside Hong Kong over the past few years. Some say

that many fishing boats operate around Diaoyutai. As a matter of fact, it is true that some fishing boats have been operating out there around Diaoyutai. Therefore, it may not be possible to locate such fishermen. For this reason, when the Government designed such a voting method for this FC many years ago, it might have this situation in mind, so it adopted the method of corporate votes. The reason is that it is not easy to locate those engaged in the industry, and even if we manage to locate them, they may not come to Hong Kong at all.

At present, a considerable number of fishing boats are still stationed and frequently anchored in Hainan. If the fishermen concerned are to return to Hong Kong, they must do so by air. And, it may even be impossible to locate some of them because once they set sail to the open seas, we can locate them only by tracking them through satellite telephone. For this reason, this FC is regarded as very special because while it consists only of 165 organizations, it is already allocated one seat.

But I can say to Members that even I myself find it not easy to see these 165 brothers. I will meet with them, one organization after another, following each election or every year. Some fishermen are found around Peng Chau and eastern and western Ping Chau. There are already two organizations around Ping Chau. And, there are several organizations around Tai O and Lantau Island. One may of course say that all these places are inside Hong Kong. But in order to tackle the problems faced by the sector ..... As I mentioned just now, a good part of the several thousand fishing boats are anchored around the provinces of Guangdong, Hainan and Zhejiang. Such fishing boats encounter many problems in the course of operation. Therefore, I must often seek to tackle many problems for them, including maritime disputes. Naturally, whether I have done a good job is a question that should be left to the sector to comment on. However, I do think that over the past 10 years, I have all the time been working for them and serving them cautiously and meticulously.

Does our sector enjoy any privileges? I have never thought that we enjoy any privileges at all. The SAR Government has never paid us any great attention, except in times of elections, including the election of deputies to the National People's Congress, when it needs our help. We have tried many different means to ask members of the sector to return to Hong Kong, but we have never received any rewards. The sector has likewise failed to receive any

rewards because of this. The recovery of pig farming and chicken farming licences is honestly not a desirable thing to our sector.

Over the past few years, the Government has done many things that the sector does not wish to see. Therefore, I have come up with an alternative approach to communicating with the sector — telling it how to survive. For this reason, regarding the recovery of pig farming licences, the SAR Government has heeded my advice that instead of demolishing the pig farms and pig sties, it should allow the sector to engage in organic farming, growing mushrooms and fungi, so that they can continue to survive. On my advice, the Government has implemented the scheme concerned.

As a result, some pig farms have been converted for such a purpose after closure. In 2007, I even invited Secretary Carrie LAM to visit the organic farms converted from pig farms on the hillsides of Ta Ku Ling. The sector was delighted by this, thinking that the Government had heeded their opinions. This has brought some changes to the sector, and it is not our intention to boast of anything.

As a matter of fact, is there any likelihood for the entire FC to transform itself? If I ever say that there can be any instant transformation, I will only be deceiving Members. But is there going to be any likelihood for changes in the next term? I believe that there is room for negotiation in this regard. We are not people who are totally against any negotiations whatsoever. But I hope that Members who are now present can realize that in our society, the various trades and industries all have their values and functions of existence, whether we are talking about direct elections of the Legislative Council or District Council (DC) elections. All elected candidates, apart from representing their own industries, must also make contributions to the sectors concerned and society as a whole. They must also do what is right to the sectors concerned, rather than working for their own industries only.

One apt example is a recent proposal put forward by the Government. In the policy address announced last year, the Chief Executive proposed to ban trawling in Hong Kong waters. I can tell Members honestly that following the announcement of this policy address, I conducted totally 13 sessions of consultation. But all these consultation sessions simply could not be conducted immediately after the announcement of the policy address because I must wait

until the fishermen had returned to Hong Kong for the Chinese New Year before I could visit them on their fishing boats for discussions.

Two weeks ago, Radio Television Hong Kong did an interview with me, and the production crew followed me to some fishermen's fishing boats to film my discussions with them. One may wonder whether all this was intended to put up a show before the sector. This was not, and I was really visiting my constituents. I went to Tai O, where there were 10 or so fishing boats, and I held discussions with the fishermen there. There were 27 fishing boats in Tai Po, and I also held discussions with the fishermen concerned. In Aberdeen, there were some 200 fishing boats, and I also had discussions with the fishermen there. I really wanted to hear how ..... If the Government really bans trawling in Hong Kong waters, how are they going to earn a living? Will there be any changes? How is the Government going to ensure their survival? I can tell Members that from the consultation I have held so far, I know that in my sector, there are still some young fishermen in their forties who want to continue to work as fishermen. If they are made to live on land, they will be unable to make a living because they are illiterate, and they only know how to earn a living from the ocean or by fishing. They will simply find it impossible to earn a living on land. I have indeed said quite often that some in my sector have switched their occupations and started to work as fitting-out workers. But the point is that once they enter their fifties, no one will hire them any more, and they will not know what kinds of jobs they can possibly take up. Then, what are they going to do? Someone has told me that in the end, he will just purchase a sampan for earning a living.

Therefore, my only hope is the survival of our sector. We have no intention of competing with anyone for anything. Frankly speaking, how can the agriculture and fisheries sector compete with anyone for anything? Speaking of talent, we do not have any. Speaking of literacy, we cannot compare with others. Speaking of social functions, we are only able to supply food. But after all, we still have this one single ability. I admit that if one tries to identify the humblest sector in society, our sector must be humble enough for consideration because our production value is very low. According to the Government's GDP computations, our production value is just some \$2 billion. How can we bargain with others in that case? We cannot possibly bargain with any sectors in society, right? But I often say that the Government's computations are incorrect. How can we imagine the Chinese Government computing the production value of peasants in terms of the country's GDP?

They will only talk about how to tackle peasants' employment problems, and how to solve people's livelihood difficulties. If no one engages any more in growing vegetable, pig farming and rice cultivation, all the arable lands ..... When asked by the journalists, I told them that there were so many blocks in South Horizons, and even if only several blocks were picked at random ..... Hong Kong farmers produce some 50 tonnes of vegetable and bring them back to Hong Kong every day; each day, many fishermen also bring back their catches. How much does all this worth according to the Government's computations? The total value is only \$2.7 billion for the production values of both fishermen and farmers. But in that very construction site, the few blocks of buildings there are already worth more than \$2.7 billion. If we are to do computations in this way, are we supposed to turn all vacant land lots in Hong Kong into property development projects? I do not think that society should do anything like this. Actually, the only bliss for society should be the parallel growth of all trades and industries. I think it will be a great misery for the Government to focus solely on just one aspect.

Ever since I joined the legislature, I have always respected each and every FC and Member. Therefore, in the legislature, I seldom argue with any Members. And, I do not think that it is good for me to argue with anyone either, because I know very well that I am not so much a debater and do not know how to discuss anything outside of my sector. However, I am still aware of one point: I shall be very delighted if I can improve things for a sector regarded by society as most useless and serve it with all my efforts. I am very delighted at being able to stand up for their legitimate rights and interests. I am a Tai Po DC member, and students sometimes ask me why I want to be a DC member and at the same time a Legislative Council Member. My reply is that I always feel very good and happy for being able to help the vulnerable in the district. Because I was not born to a very wealthy family, and I was brought up among the poor masses, I am always very dedicated to meeting electors' expectations and demands on me, including those from my FC.

I can remember that when I was elected for the first time, a government official advised me that it would not be easy to be a Legislative Council Member. I echoed him, agreeing that it was indeed not easy at all. But then, I added that I had not assumed office, so I should talk about this only after I had been sworn-in. I have been saying so ever since. He remarked that it would be difficult for me to get things done properly and well. I replied that no matter what happened,



and even if things were difficult, I should still try to work out some solutions all the same. I do not know how to grow vegetable and rear pigs, but I can always learn. But I must at least know how to communicate with the industries and how to do more things for them. This is my responsibility as the representative of the FC.

Mr Albert CHAN is not present now. He often says, "WONG Yung-kan, you can rest assured that you will face no competition even up to the very day of your death." This is not the way in which society works. When it is necessary for me to step down, I will certainly do so. I cannot possibly occupy this position forever. But I also think that in this legislature of ours, no matter how it may develop in the future, Members can still respect one another as long as FCs are still in existence. Members of this legislature should respect one another. It is pointless to criticize me because this is the very structure of society and the legislature after all. One can always criticize me for not doing well as my FC's representative. But this does not mean that I have no dignity. Everyone should have their dignity. Therefore, I often advise the industries I represent that they should grow quality agricultural produce, manufacture quality food and rear quality fish for the public. I tell them that our function is to produce quality, delicious and wholesome food for society and the market. Only this should be our greatest responsibility.

Do I think that FCs have been up to nothing good? I do not think so. But speaking of changes, I would think that they must take place over a process of some kind. Such a process cannot possibly be completed with a day or two. Some may of course argue that I have been saying so for over a decade without showing any willingness to change. They therefore say that in other words, I am not serious about introducing changes. Honestly speaking, this is not quite the case. Members all know what have been happening. But sometimes, changes simply will not occur even though I want them to. Sometimes, it is not just the problem with any individual. The entire sector may also have negative opinions. Therefore, I think that it is instead better for all of us to show mutual understanding and accommodation.

Deputy President, I am in fact on the side of the Government. I support the Government's legislative proposals. And, of course, I am always not quite so agreeable to Dr Margaret NG's amendments. Thank you.

**MR ALAN LEONG** (in Cantonese): Deputy President, the Civic Party will never speculate on the motive behind the voting decision made on 25 June last year by our friends on the road to democracy. Regarding our democratic companions' evaluation of the situation at that time, we are happy to leave it to the judgment of history.

We should look impartially at why the Civic Party cannot support this Bill. Since the voting in the Legislative Council on 25 June last year, we have conjectured over and over again whether there can really be universal and equal elections in 2020, and whether each and every Hong Kong resident can have the rights to nominate, stand in elections and vote, if we support the constitutional reform package or the bill relating to the Chief Executive Election. However, we have failed to come up with any answer. According to our judgment, even if the present constitutional reform package and the various amendments on realizing the package are passed today, we will still be unable to achieve our goal in 2020.

We have attempted to seek the opinions of our companions on the road to democracy who support the constitutional reform package. Even at this meeting today, I have been all ears throughout, listening attentively to their speeches. However, so far, we have still failed to see which path of dependence they are talking about when they refer to "path dependence". We have also failed to see how, in 2012, we can bridge over to 2016 on the basis on this present Bill and then move on to achieve genuine universal suffrage in 2020.

Deputy President, "the bursting of the pressure pot" is not something I wish to see. As a matter of fact, in 2005, after this Council had vetoed the constitutional reform package put forward at that time, we did not see "the bursting of the pressure pot". Instead, what we saw seemed to be a vague timetable. The Standing Committee of the National People's Congress (NPCSC) announced in 2007 that universal suffrage can be implemented for the Chief Executive Election and the Legislative Council Election in 2017 and 2020 respectively. I do not intend to make any evaluation here. As I have just said, any evaluation of the situation should be left to the judgment of history. Up to this moment, the Civil Party still has faith in the masses. We still trust the masses. I am also confident that in the future course of Hong Kong's democratic movement, we must still depend on the continuous awakening and regeneration of civil society.

Deputy President, the objective fact at this moment is that the Legislative Council has already passed the constitutional reform package. We can observe that society's focus of discussions has already shifted to the "super District Council (DC) Functional Constituency (FC)" seats. The focus of discussions is now on how these seats should be returned, how constituencies should be delineated and how much subsidy should be provided. The focus has indeed deflected from the fight for genuine universal suffrage. If the "super DC FC" can really lead to genuine universal suffrage, there will not be any big problems. But after repeated analyses and enquiries, we still have not heard ..... To put it simply, since five seats in the Legislative Council will be allocated to the "super DC FC" in 2012, we have asked whether the Government will allocate more seats to this FC in the Legislative Council returned in 2016, or whether any alternative arrangements will instead be put in place to make it easier to bridge over to arrangements for "one person, one vote" and universal and equal elections in 2020. There has been no answer so far.

The present situation actually resembles an idling engine. We have been discussing in this very Chamber matters such as methods for nomination. But from the objective perspective, this "super DC FC" is after all an FC. In that case, aren't we in fact further consolidating the status of FCs? This is an objective fact. Earlier, we heard Ms Elsie LEUNG, Deputy Director of the Hong Kong SAR Basic Law Committee, and Mr CHAN Wing-kee, Standing Committee Member of the Chinese People's Political Consultative Conference, commented that there was nothing improper, and that in the future, candidates could be nominated by FCs for voting by Hong Kong people. They said that there would be no problems. After listening to such comments, I have turned even more apprehensive that maybe, the engine is really idling after all, and all of us are just wasting our time. I am afraid that the kind of electoral arrangements we get at the end of the day may only give Hong Kong people the right to vote, but never any right to nominate and stand in elections. If this really turns out to be the case later on, all the long miles we have walked will be wasted. Our focus has disappeared. All our discussions on the relevant arrangements will be to no avail. When the engine is idling, the car can never be started.

(THE PRESIDENT resumed the Chair)

A Member has pointed out that FCs are just like a braking system. I do not know whether it has ever occurred to him that with the continuous idling of its engine, a car can never be started at all. The question now is: when the car is not moving forward at all, what is the point of having a braking system? Or, let me put it that way: if the braking system of a car can only make the car go backward, it is also useless. The reason is that as a result of such a braking system, Hong Kong will only lag behind the times forever, and it will only be overtaken by neighbouring places and cities one after another. Our Chief Executive has power but no voting support. He is not guided by any specific governing philosophy, so he can completely reverse the direction of the Budget overnight. This is really something very horrible. President, shouldn't we make some efforts? In this very connection, I suppose it is necessary to make changes to the present electoral arrangements for the Legislative Council and other constitutional arrangements, so that the present situation of continuous internal depletion can be rectified.

Speaking of FCs, I surely will not gainsay the knowledge and experience of the majority of FC Members as well as their willingness to dedicate their time and energy to the work of the legislature. However, the system of FCs is after all inherently defective. However hard they work, they will still be unable to remedy the defect. FC Members are returned by constituencies with very small electorates, and their main task is to strive for the better interest of their respective FCs.

I have gone through the relevant literature of the Legislative Council. Years ago, the British colonial administration once explained in the then Legislative Council the reasons for establishing FC seats in the Legislative Council. Mr Philip HADDON-CAVE ..... No, it should be Mr David AKERS-JONES. He once explained that professionals from the FCs were not yet well-prepared for running in direct elections. Another more important reason, he said, was that when the Legislative Council deliberated the enactment of legislation on macro issues of territory-wide significance, FC Members could offer their professional advice from the standpoint of Hong Kong's overall interests.

Any analysis based solely on these two arguments may lead one to conclude that FCs may have completed their historical mission by now. Can anyone still argue that professionals are not yet well-prepared for running in

direct elections? Many directly elected Members of this Council, including myself, are professionals. Is it really true that during the legislative process, the existing FC Members will invariably offer their professional perspectives and knowledge and experience from the standpoint of the 7 million Hong Kong people's overall interests? In the eyes of Hong Kong people, such Members seem to be more concerned about the interests of their respective FCs. An apt example is that the representative of the Real Estate FC will surely not allow us to formulate a formula on measuring the areas of residential flats, nor will he agree to the Government's imposition of more stringent supervision on transactions of first-hand uncompleted flats. This is already an embedded perception of the general public.

We may refer to Mr WONG Yung-kan, who has just spoken, as an example. Whenever he strives for the interests of the agriculture and fisheries sector, many Hong Kong people will look at him through tinted glasses. For example, if he opposes the Government's action to ban trawling, people will immediately think that he is just speaking for the interests of his constituency, rather than basing his argument on the well being of the 7 million Hong Kong people. Honestly, this may not be the case. Mr WONG's argument may well be based on a desire to enable Hong Kong to have a sustainable oceanic ecology. However, owing to the inherent defect of the system of FCs, it is very difficult for him to play the proper role of a Member.

Furthermore, I also wish to spend some time on discussing the whole series of amendments put forward by Dr Margaret NG on behalf of the Civic Party. If we study all these amendments together with the No. 15 Document issued by the NPCSC on 28 August 2010 and also refer to the amended Annex II to the Basic Law, we will notice that Dr NG's amendments are actually in compliance with the Document and Annex II to the Basic Law. Therefore, our amendments do not present any challenge whatsoever to the decision of the NPCSC in 2007.

President, we have completed the discussion on the bill pertaining to the Chief Executive Election. And, the debate in the past one day and also the voting result can all testify that the forewarning we made when votes were cast on 25 June last year has now come true. At that time, we pointed out that "the most powerful ammunition" of the democratic camp, or its most effective recourse, was its power of veto. I have heard some friends on the road to democracy say that the support of one single political party does not matter so much anyway.

Such a remark baffles me. It is precisely because we have lost the support of one party that we also lose our power of veto. The situation is just so simple.

Actually, as early as last year, we could already foresee the situation we find ourselves in today. At that time, we forewarned that if we were unable to exercise our power of veto, then during the process of enacting local legislation, we would be entirely at others' mercy. The situation today is exactly like this. However hard Dr Margaret NG of the Civic Party works, and no matter how forcefully she argues, because we no longer have the power to veto the constitutional reform package, it is simply impossible for us to bring forth the adoption of any reform packages that are more in line with genuine democracy under the mechanism of separate voting. The objective situation is really like this.

President, anyway, although the Civic Party does not support the constitutional reform package, we nonetheless hope that through Dr Margaret NG's efforts and the amendments she puts forward for the Civic Party, the influence of traditional FCs can be lessened as much as possible, people's room of participation can be enlarged, and the dominance of privileges can be curtailed. This is the Civic Party's fundamental position and direction in its participation in this present legislative amendment exercise. In regard to individual clauses, we will offer a more thorough explanation later on at this meeting. I shall now stop speaking.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(Miss Tanya CHAN and Mr CHAN Kin-por both raised their hands to indicate their wish to speak)

**PRESIDENT** (in Cantonese): Miss Tanya CHAN, please speak.

(Mr CHAN Kin-por raised his hand again to indicate his wish to speak)

**PRESIDENT** (in Cantonese): Mr CHAN Kin-por, what is your question?

**MR CHAN KIN-POR** (in Cantonese): Am I supposed to wait? I wish to speak again.

**PRESIDENT** (in Cantonese): Mr CHAN Kin-por, you have already spoken.

**MR CHAN KIN-POR** (in Cantonese): Is a Member only allowed to speak once?

**PRESIDENT** (in Cantonese): Yes. During a Second Reading debate, a Member may speak once only. Miss Tanya CHAN, please speak.

**MISS TANYA CHAN** (in Cantonese): President, when we set off debating the Chief Executive Election (Amendment) Bill 2010 (the Bill) yesterday, I did not make any speech. Although I do not intend to talk about things that have passed, I do wish to take this opportunity to thank Dr Margaret NG for spending so much time on preparing the amendments proposed to the Bill. Having listened to this debate for such a long time, I could not help but recall the things that happened in June last year.

The "abrupt U-turn" of the Government in June last year reminded me of the many measures taken by the Administration recently, including the improvements to the Transport Subsidy Scheme and the recently announced Budget — the so-called "enhancements". As a matter of fact, the objective of the amendments proposed by Dr Margaret NG this time is the same as the ones proposed to amend the method for selecting the Chief Executive, which is to make the originally unfair system comparatively less unfair, so that it can be a little more reasonable. Besides, the amendments are proposed not for the sake of any personal interest or the interest of any parties or factions. They are proposed mainly for the sake of the principle of fairness.

I remember that last year after my resignation from office, I have participated in some discussions, and the subjects discussed included the theory of "path dependence" referred to earlier on. In addition, some other people opined that if you had a glass of clear water and a glass of muddy water, when

more and more clear water was poured into the glass of muddy water, the latter would become clearer. I consider this view very wrong, when you add clean more water into muddy water ..... I wonder if those holding such a view are trying to console themselves, cheat themselves or hypnotize themselves; otherwise, no one will believe that the originally muddy water can be turned into clear water this way. With a very simple test, we can see that the muddy water will always carry impurities and can never be described as clean water.

The purpose of the amendments proposed by Dr Margaret NG is to abolish this functional constituency system which we know very well and the majority of the public believe should be done away with. Whether this is a conventional arrangement or not, the functional constituency system remains unfair and must therefore be abolished, so that our constitutional system can in turn be improved. The position of the Civic Party in this respect is very clear, just like what is written on this cardboard on my desk here, our hope is to abolish functional constituencies ultimately.

Mr Alan LEONG and other Members from the Civic Party alike, when we rose to speak in this Council today and yesterday, we all pointed out that we were not showing disrespect for the Members returned by functional constituencies. I can recall that in pursuing the "*de facto* referendum in five geographical constituencies", I visited my geographical constituency to explain to electors that we were doing that not because we hated a certain Member or consider such Member not doing a good job. Rather, we considered the system itself a problem which called for remedy, and must be abolished ultimately. In other words, no matter how much water is poured into the muddy water, the latter remains contaminated and unclean.

The amendment proposed by Dr Margaret NG this time reminds me of the first oral question of the current session. Coincidentally, this question was asked by me and answered by the Secretary. Part of the question was related to the amendments moved by the Government today, in particular the one on consulates. Certainly, the situation at that time was still too uncertain. But I wish to take this opportunity to urge the Secretary to browse the webpage of his Bureau, because the information there has yet to be updated. I could not find his answers to the question I raised in October 2010, which was about legislative issues. Hence, I hope your colleagues can update the information in time — I wonder if this situation is attributable to insufficient funding. In my view, at



least a full set of the Secretary's answers to the questions raised in this Council should be uploaded to the Bureau's webpage.

Nevertheless, no big problem here. We have kept our own set of records. Now that the clauses on consulates have been amended, I wish to point out to Members who have been striving for the expansion of the electorate of functional constituencies, such as Ms Miriam LAU, Dr Samson TAM, or other Members, it is not an impossible task to revise the system. We can indeed introduce amendments, just like the ones proposed to the clauses on consulates that we have seen with our eyes. But then, just now many Members have started thinking up explanations for the Government, and opined that the most important point was to keep the system consistent and allow no individual amendments, so as to avoid giving rise to conflicts. However, I believe that if the Government is determined to do it, there should not be any problem, as evidenced by the amendments made to the clauses on consulates.

The Government has introduced some new groupings to a number of constituencies. I wish to tell Members that some friends of mine have written to me to raise one point: the criteria for joining the newly included groupings have yet to be laid down clearly. Certainly, the Secretary may say that the organizations concerned must possess some years of history, and so on. However, according to the papers provided, in the past, many organizations have sought to apply for inclusion in a certain functional constituency to have a share of the right to vote. But what mechanism has the Government adhered to in deciding which organizations to take in and which ones to turn down? I believe the sectors concerned should know about the mechanism, and the Government should conduct consultation exercises in this connection. Honestly speaking, I certainly support the amendments proposed by Dr Margaret NG, which seek to abolish corporate votes. As regards the proposal to include directors of the company as voters or include all practitioners as voters, which is known as the "Nine New Functional Constituencies' proposal", this is just an interim arrangement.

Let us not dwell on consulates but move on to overseas-owned companies. I remember I have discussed this issue with the Secretary some time ago. I have conducted a research and found out that a company belonging to the Commercial (first) Functional Constituency was also a member of the constituency's electorate. But when we looked into the company further, we could see just by

the name of the company that it actually did not have any links with Hong Kong but a British city famous for its football team. While the major business of the company was education services, its principal place of business was Hong Kong. However, when we visited the company, we found that the Hong Kong office was only used for handling enrolment matters. As regards the address of the company's body corporate, which is the major business place of the company, we can easily see that this is an address in the United Kingdom. Besides, the individual directors of the companies are of different nationalities. Some are British nationals, some are Canadian nationals, but none of them holds a Hong Kong Identity Card. Nevertheless, this company is a voter of the Commercial (first) Functional Constituency. Such a situation really bewilders us. Hence, I hope that later on, Members will lend their support to Dr Margaret NG's amendments, and to enable the practitioners concerned to become voters of their respective functional constituencies as far as possible.

Mr Alan LEONG, the head of our party, has also mentioned "one person, one vote" earlier on. While it sounds quite nice, it is still poisonous, because the vote is in fact a bogus. Certainly, for those people who did not have that additional vote in the past, the Secretary can tell them that they will now enjoy one more vote. Yet, dear Secretary, please do not forget that there are many people who belong to a number of functional constituencies and hold directorship and even voting rights in different companies, they in fact have more than two votes. This is by no means fair. Hence, this is one of the reasons why we hope to abolish corporate votes.

The discussions today remind me of the thorough debates held on 23 and 25 June. What the Civic Party has all along found it hard to accept is the second vote, which is not a genuine vote. The rationale behind our standpoint is the three rights we have mentioned many times, namely, the right to vote, the right to be elected, and the right to nominate candidates. These are all very important factors. But then, the relevant proposal deprived the public of two of such rights, leaving with them only the right to vote. Certainly, if you are members of district councils, you can enjoy the right to nominate candidates as well. But for the majority of those who enjoy a second vote, not many of them can enjoy the right in this respect, and this right is by no means any genuine right. For this reason, Dr Margaret NG has proposed the relevant amendments to rectify the situation.

President, even though the Secretary has all along been trampling on or even "squashing" the "*de facto* referendum in five geographical constituencies", this was in fact an invaluable experience to many people, and particularly to me as a new Member of the Council. Certainly, someone may ask: what is the point in spending several hundred million dollars to enable Miss Tanya CHAN to attain some invaluable experience? I wish to inform the Secretary that many youngsters have stepped forward on that day. In addition to focusing on their studies or the Internet, the younger generations also care about our society. And what is more, they do care about politics (which is indeed a rather boring subject matter) as well. Such a development is by no means easy to attain.

When we went through the two thick document files containing the budget papers, we could see that the Government had indeed spent a lot of money on patriotic education. However, civil rights and civic education are equally important elements of education as well. I hope very much that the Secretary will make use of every opportunity to set a good example for our younger generations. Since the Secretary has failed to make good use of the opportunity this time, he should give back to the public the rights they are entitled to when we move our amendments, so that the public can raise their head up high as citizens of Hong Kong enjoying their full rights.

I so submit.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I move the resumption of the Second Reading of the Legislative Council (Amendment) Bill 2010 (the Bill).

According to the amendments to Annex II of the Basic Law as recorded by the Standing Committee of the National People's Congress, the number of Legislative Council seats returned by geographical constituencies (GCs) and by functional constituencies (FCs) will each be increased from 30 to 35. The Bill

provides for the details of the method for forming the Legislative Council in 2012. The Bills Committee has completed its scrutiny of the Bill.

At this juncture, I would like to express my gratitude again to Mr TAM Yiu-chung, Chairman of the Bills Committee, Mr Jeffrey LAM, Deputy Chairman of the Bills Committee, as well as other Members who joined hands with us in the deliberation of this very important Bill and offered us much valuable advice in the few weeks concerned.

The major proposals of the Bill submitted by the SAR Government include the following:

- (i) the number of GCs will be retained at five, and the number of seats for each of the GCs, which stands at four to eight seats at present, will be increased to five to nine seats;
- (ii) the new District Council (DC) FC will be named as the "District Council (second) FC" under the Bill. The five new seats under this FC will be returned from across the whole territory as a single constituency in accordance with the votes cast under the proportional representation list system by electors who are not entitled to vote in the traditional FCs or those who have not opted to be registered for these FCs. Only elected DC members are eligible to be nominated as candidates, and they must be nominated by no less than 15 elected DC members. Electors registered for the traditional FCs may choose to be registered for their own FCs or for the District Council (second) FC. However, elected DC members may only be registered for the existing DC FC. And under the existing legislation, persons who are eligible for registration for the Heung Yee Kuk, Agriculture and Fisheries, Insurance and Transport FCs would have to be registered for the FCs concerned;
- (iii) the maximum amount of election expenses that can be incurred by each list of candidates running in the District Council (second) FC election is \$6 million, and the proposed amount of deposit required for each list is \$25,000. The rate of financial assistance for each list of candidates or a candidate running in the 2012 Legislative Council election will be increased from \$11 per vote to \$12 per vote;

- (iv) the existing DC FC is named as the District Council (first) FC under the Bill. Its electorate is composed of elected DC members. Same as the District Council (second) FC, only elected DC members may be nominated as candidates or nominate candidates for the District Council (first) FC. However, an elected DC member may only opt to nominate a list of candidates or a candidate in either the District Council (first) FC or the District Council (second) FC;
- (v) as for the electorate of the traditional FCs, having regard to the views of society, we propose in the Bill that consular posts and international organizations set up by foreign governments in the SAR will no longer be eligible for registration as corporate electors; and
- (vi) the Bill also proposes technical adjustments to update the names of corporate electors in individual FCs and delete those organizations which have ceased operation.

Apart from the main points mentioned above, the Bill also proposes to provide for the arrangements under which the Electoral Registration Officer will compile the first register of electors for the District Council (second) FC, as well as the related transitional arrangements.

Taking into account the views expressed by Members of the Bills Committee, we have agreed to make certain amendments to the Bill. I will propose these amendments at the Committee stage. For the time being, I would briefly describe some of the major amendments.

In the 2012 Legislative Council Election, the five District Council (second) FC seats will be returned by approximately 3.2 million registered electors on a "one person, one vote" basis. This will substantially enhance the democratic elements of the Legislative Council Election.

As for the traditional FCs, our general policy position is that there should be no substantial changes to them. But as usual, we would review whether there is a need to make some adjustments to their electorate before the Legislative Council Election with a view to reflecting the latest developments.

Since the enactment of the Legislative Council (Amendment) Ordinance 2003, we have received applications from more than 100 bodies for joining the FCs. We have examined their applications, and we would propose adjustments to the electorate of the Transport FC, Wholesale and Retail FC and Information Technology FC.

For the Transport FC, there are views that its electorate cannot reflect the development of the sector in recent years. Hence, we propose to add 28 corporate electors, which include franchisees and licensees of the Airport Authority Hong Kong, land transport service operators such as taxi associations or company, non-franchised bus associations, car park companies, a tunnel management company, a cross-boundary bus association, driving training bodies, logistics associations and a vehicle maintenance association.

Ms Miriam LAU has reiterated her hope that the Government may further consider broadening the electorate of the FC concerned, but I can tell her and other Members that this is not a question of whether we have enough time; rather, it is because after reviewing the FC and taking into account its latest developments, we deem that the current proposal of adding these 28 electors is the most appropriate arrangement. Of course, there are always diverse views among different sectors, and there are always groups, bodies or associations aspiring to be added to the relevant FCs. But for this particular FC, I think we have made full use of the room currently available.

Regarding the Wholesale and Retail FC, in view of the importance of the wholesale and retail sector in Hong Kong and the development of the Chinese medicine sector in Hong Kong in recent years, we propose to include in this FC three Chinese medicine associations that are more sizable and representative in the sector.

For the Information Technology FC, taking into account the development of information technology in Hong Kong, the work of the Hong Kong Information Technology Joint Council (HKITJC) in promoting the development of the sector in the territory, and the representativeness of the HKITJC, we propose to include as eligible electors HKITJC members who are entitled to vote at its general meetings.

Many Members have expressed their views on the electorate of traditional FCs. Mr Paul TSE, in particular, has mentioned several times in this Council that the Government should conduct a comprehensive review on the value of existence of traditional FCs and their electorate.

President, I would like to tell Members (including Mr TSE) through you that our decision to add a new arrangement of "one person, two votes" for the next Legislative Council Election in 2012 will actually broaden the electorate of FCs significantly. With this "one person, two votes" arrangement, the 3.2 million people who could not vote in FC elections previously will be given a second vote from now on.

As for how we can further democratize the election of the legislature in Hong Kong in 2016 following the next term, which begins in 2012, this is definitely a subject that we need to explore. The key question lies in how we are going to handle the traditional FCs. President, I believe this is the question that we still need to discuss and explore in the next term.

I would also like to take this opportunity to respond to the points made by Dr Raymond HO, even though he is not present at the moment. He has repeatedly mentioned that it is the wish of the Engineering FC that new graduates who have yet to obtain licences as registered engineers can also be included as part of the electorate. We have given careful consideration to this proposal. However, since statutory professional qualifications have been used as the basis of defining the electorate of all professional FCs, it is difficult for us to make changes exclusively for the Engineering FC and include graduates who have yet to obtain the necessary qualifications.

Overall, the proposals of the Government will result in minor adjustments to the electorate of several traditional FCs to reflect their latest developments.

President, we also understand that many Members are of the view that we should encourage more people aspiring to a political career to contest in the Legislative Council Election. To this end, after consideration, the Government proposes to further enhance the financial assistance for candidates of the Legislative Council election. Under the existing arrangement, the rate of subsidy is the lower of \$11 per vote times the number of valid votes received by a

candidate or a list of candidates, or 50% of the declared election expenses. In the Bill, we have already proposed to raise the rate from \$11 per vote to \$12 per vote.

One of the key considerations in designing the subsidy scheme is that the amount of government-funded financial assistance should not exceed 50% of the declared election expenses of a list of candidates or a candidate. We consider this an appropriate arrangement in general, and we do not intend to make fundamental changes to our policy in this respect. Yet, out of the need to consider making further room to encourage and facilitate participation in the election, we propose to introduce technical amendments to the financial assistance scheme.

The SAR Government proposes to change the calculation of the rate of subsidy from "50% of the declared election expenses" to "50% of the election expenses limit provided that the amount of subsidy does not exceed the amount of the declared election expenses of the list of candidates or candidate concerned". This proposal is applicable to eligible candidates in any GC or FC elections, whether contested or uncontested. This technical amendment would allow more candidates to obtain the financial assistance of \$12 per vote based on the number of votes received, thus providing them with more room to obtain financial assistance.

President, we also propose technical amendments to clause 37 of the Bill to reflect the arrangements to be adopted by the Electoral Registration Officer in respect of voter registration for the District Council (second) FC.

In compiling the first register of electors for the District Council (second) FC, the Electoral Registration Officer will use the 2011 GC final register as the basis and delete from it all electors of any of the existing FCs and those who opt not to be registered for the District Council (second) FC. For any persons who opt to be registered for the District Council (second) FC during the 2012 voter registration cycle and any electors of the existing FCs who opt to be registered for the District Council (second) FC, they will also be included in the first register of electors for the District Council (second) FC. This arrangement will facilitate the compilation of the first register of electors for the District Council (second) FC.



President, let me briefly offer a further explanation. We need to make it as convenient as possible for members of the public to exercise their second votes, so we need to make the most convenient arrangements for the 3.2 million electors in the FC concerned. On the other hand, however, we also need to give a choice to those who are entitled to vote in traditional FCs, so that they may choose to leave traditional FCs and join the new District Council (second) FC.

President, before summing up, I would like to respond to the opinions expressed by several Members this afternoon. The passage of the 2012 constitutional reform package in this Council last June is an apt illustration to all of us that politics is the "art of the possible". The consensus that we reached at that time represents the endorsement of the amendments to the Basic Law by more than three quarters of all Members of this Council, not just a two-thirds majority. This is attributable to the efforts of many sides, and this can be achieved only when Members, whether they are from the pro-establishment camp or pro-democracy camp, adopt the mindset of seeking common grounds in spite of differences for the well-being of Hong Kong and the promotion of its democratic development. A number of individual Members with no political affiliation have also made efforts in the process.

While we work together to promote the development of democracy, I note that besides showing their concern about the proposal of "one person, two votes", some individual members still insist on striving for the further opening up of other aspects of the electoral system in Hong Kong. For years, the Hong Kong Association for Democracy and People's Livelihood led by Mr Frederick FUNG has been doggedly pursuing a number of areas where it thinks changes are warranted, one example being the abolition of the system of appointed DC seats. President, as we promised in the middle of last year, we will submit the relevant proposals to this Council later on for Members' consideration and discussions.

Mr Albert CHAN and Mr WONG Yuk-man both assert that the proposal of "one person, two votes" and the addition of five DC FC seats to be returned by 3.2 million electors following the nomination of candidacy by DC members amount to the sharing of the political booty. Mr Albert CHAN said that the practice of returning members of legislatures in one territory-wide constituency is adopted in very few places all over world. I can hardly agree to these two viewpoints.

First of all, the current proposal is highly democratic in the sense that all candidates contesting in the election are elected DC members, and that the electorate comprises 3.2 million registered electors. Hence, there is a very strong democratic base in respect of both candidates and electors.

In different places in the world, it is not unusual to see the election of lists of candidates in a territory-wide constituency. There is such a practice in New Zealand, and I believe this is also the case in Germany. Therefore, this arrangement is certainly found in European and American countries.

Mr LEUNG Yiu-chung queried how the addition of 10 new seats (five returned by GCs and five by the new FC) would take us closer to universal suffrage. All will become very clear if we do some computations. There are now 60 Legislative Council seats, with 30 of them returned by GCs and the other 30 by FCs. With the addition of these 10 seats, totally 40 seats will be returned by three million or so electors and these 40 seats will account for nearly 60% of the 70 seats. In that case, we can join hands to take the development forward in 2016, so as to create better conditions for further democratizing the legislature of Hong Kong in the future.

Mr LEE Cheuk-yan and Dr Margaret NG hold that we should replace corporate votes with individual votes, with a view to allowing employees in all FCs to vote in the election. I would like to point out here that the five new FC seats will have a 3.2 million-strong electorate, which of course may comprise employees from different sectors and industries, as long as they are permanent residents of Hong Kong aged 18 or above. The electorate may also comprise such non-employed persons as housewives and young students, who were not included under the "nine new FCs" arrangement implemented from 1995 to 1997.

Dr Margaret NG mentioned in her remarks that Members should adhere to principles. President, I believe that last year, both the SAR Government as well as the political parties and groupings in support of the "one person, two votes" proposal in this Council were all adhering to one principle: to enable the democratization of Hong Kong to take a step forward and progress in the midst of constraints and challenges after many years of looking for a way out. We must find a way out for democratization in Hong Kong; we must look for a way that enables us to see the light at the end of the tunnel. The first step has now been

taken. Hong Kong will be in a much better position to stride towards universal suffrage.

I would like to thank Miss Tanya CHAN for her concern about the information we submit to this Council. All of the remarks and responses that I have made in this Council have been posted under the "Publications and Press Releases" section of our website.

Miss Tanya CHAN queried whether the separation of the right to nominate candidates, the right to stand in election and the right to vote would contravene the principles of democracy. As mentioned earlier, there is a very strong democratic base in respect of both candidates and electors, so we are fully confident that the relevant arrangements can enable Hong Kong to proceed well.

President, the Bill provides for the specific implementation details on the method for forming the Legislative Council in 2012. The proposals will substantially enhance the democratic elements of the 2012 election. All eligible electors will have two votes in the sense that they may cast one vote in the GC and another vote in the FC. At the same time, the proposals also allow more public-spirited persons to stand for the Legislative Council election, thus creating more favourable conditions for the implementation of universal suffrage in the selection of the Chief Executive in 2017 and the formation of the Legislative Council in 2020.

President, I hereby sincerely request Members to support the Second Reading of the Bill, and vote for the amendments proposed by the Administration at the Committee stage later on.

Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Legislative Council (Amendment) Bill 2010 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Mr Albert HO, Dr Raymond HO, Mr Fred LI, Mr CHEUNG Man-kwong, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Ms Emily LAU, Mr Timothy FOK, Mr TAM Yiu-chung, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Prof Patrick LAU, Mr KAM Nai-wai, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Mrs Regina IP, Dr PAN Pey-chyou and Dr Samson TAM voted for the motion.

Dr Margaret NG, Mr LEUNG Yiu-chung, Ms Audrey EU, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that there were 47 Members present, 36 were in favour of the motion and 10 against it. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

**CLERK** (in Cantonese): Legislative Council (Amendment) Bill 2010.

Council went into Committee.

### **Committee Stage**

**CHAIRMAN** (in Cantonese): Committee stage. Council is now in Committee.

### **LEGISLATIVE COUNCIL (AMENDMENT) BILL 2010**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Legislative Council (Amendment) Bill 2010.

**CLERK** (in Cantonese): Clauses 2, 4, 5, 10, 11, 13, 16, 19 to 28, 31, 38 to 42, 44, 45 and 47.

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 2, 4, 5, 10, 11, 13, 16, 19 to 28, 31, 38 to 42, 44, 45 and 47 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Clauses 1, 6, 14, 29, 30 and 37.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move the amendments to the clauses read out just now.

First, we propose to amend clause 1(4) of the Legislative Council (Amendment) Bill 2010 (the Bill). The clause prescribes that the commencement date for the implementation of the Bill be 1 October 2012.

During deliberation of the Bill by the Bills Committee, the Legal Adviser (LA) of the Legislative Council Secretariat pointed out that according to the Legislative Council Ordinance, the term of office of each term of office of the Legislative Council starts on the date specified by the Chief Executive in Council. Therefore, the LA of the Legislative Council Secretariat proposed to amend the commencement date as referred to in Clause 1(4) from 1 October 2012 to the commencement of next term of office of the next term of office of the Legislative Council.

In view of the LA's proposal, we propose to amend the commencement date as referred to in clause 1(4) from "1 October 2012" to "the commencement of the term of office of the fifth term of office of the Legislative Council in 2012".

The amendment concerned has been introduced to the Bills Committee during the meeting on 27 January. Members have no objection to the amendment.

Chairman, we also propose to amend clause 6 of the Bill in order to update the name of a body under the Education Functional Constituency (FC). The

name for "Hong Chi Association — Hong Chi Pinehill Youth Advanced Centre" will be updated as "Hong Chi Association — Hong Chi Pinehill Integrated Vocational Training Centre".

The amendment concerned has also been introduced to the Bills Committee on 11 February. Members have no objections to the amendment.

Moreover, we also propose to amend clause 14(2). The provision prescribes that a consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557) is disqualified from being registered as a corporate elector.

The Government proposes that draft amendment be made to the provision, amending "privilege and immunity" to "privilege or immunity", the purpose of which is to give more flexibility to the provision to adhere to policy objective.

Chairman, we understand that some members think that the financial assistance should be further increased. Having considered their view, I wrote to the Chairman of the Bills Committee on 15 February, proposing to further amend the financial assistance for a list of candidates or a candidate for the Legislative Council election, from "50% of the election expenses" as originally proposed to "50% of the election expenses limit for geographical constituency (GC)/FC election provided that the subsidy amount does not exceed the amount of declared election expenses of the lists of candidates/candidates concerned". This proposal is applicable to eligible candidates in GC/FC elections, whether contested or uncontested.

Our proposed amendments to clauses 29 and 30 can enable more candidates to obtain financial assistance based on the number of votes received, allowing candidates more room to obtain financial assistance. The Government has already proposed in the Bill that the assistance for each vote be increased from \$11 to \$12.

Chairman, we also propose to introduce technical amendments to clause 37 of the Bill, to reflect the arrangements to be adopted by the Electoral Registration Officer (ERO) in respect of the voter registration (VR) for the District Council (DC) (second) FC.

When preparing the first register of electors for the District Council (second) FC, the ERO will use the 2011 GC final register as the basis, and delete all electors of any of the existing FCs and those who elect not to be registered in the District Council (second) FC. For any person who elects to be registered in the District Council (second) FC during the 2012 VR cycle, and any elector already registered under the existing FCs who elects to be registered in the District Council (second) FC, they would be included in the first register of electors for the District Council (second) FC.

The proposals concerned have been introduced to the Bills Committee on 11 February. Members have no objection to the amendments.

Chairman, I urge Members to support the above amendments.

*Proposed amendments*

**Clause 1 (see Annex II)**

**Clause 6 (see Annex II)**

**Clause 14 (see Annex II)**

**Clause 29 (see Annex II)**

**Clause 30 (see Annex II)**

**Clause 37 (see Annex II)**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Constitutional and Mainland Affairs be passed. Will those in favour please raise their hands?

(Members raised their hands)



**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendments passed.

**CLERK** (in Cantonese): Clauses 1, 6, 14, 29, 30 and 37 as amended.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 1, 6, 14, 29, 30 and 37 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(No hands raised)

**CHAIRMAN** (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.

**CLERK** (in Cantonese): Clauses 3, 7, 8, 9 and 32 to 36.

**DR MARGARET NG** (in Cantonese): Chairman, may I seek your consent to move under Rule 91 of the Rules of Procedure that Rule 58(5) of the Rules of Procedure be suspended in order that this Committee may consider clauses 3, 7, 8, 9 and 32 to 36 together with new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A.

**CHAIRMAN** (in Cantonese): Council now resumes.

Council then resumed.

**PRESIDENT** (in Cantonese): Dr Margaret NG, you have my consent.

**DR MARGARET NG** (in Cantonese): President, I move that Rule 58(5) of the Rules of Procedure be suspended to enable the Committee of the whole Council to consider clauses 3, 7, 8, 9 and 32 to 36 together with new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Rule 58(5) of the Rules of Procedure be suspended to enable the Committee of the whole Council to consider clauses 3, 7, 8, 9 and 32 to 36 together with new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A.

**PRESIDENT** (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

Council went into Committee.

**Committee Stage**

**CHAIRMAN** (in Cantonese): Council is now in Committee.

<b>CLERK</b> (in Cantonese): New clause 5A	Section 20B substituted
New clause 5B	Section 20C substituted
New clause 5C	Section 20D substituted
New clause 6B	Section 20N substituted
New clause 6C	Section 20O substituted
New clause 6H	Section 20T substituted
New clause 6I	Section 20U substituted
New clause 8A	Section 20X substituted
New clause 8B	Section 20Y substituted
New clause 9A	Section 20ZA substituted
New clause 36A	Schedule 1E repealed (Composition of the catering functional constituency).

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move the addition of new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A, as well as the amendments to clauses 7, 8, 9 and 32 to 36; she also intends to amend clause 3 to add the definition of "working persons". Besides, the Secretary for Constitutional and Mainland Affairs has given notice to move amendments to clauses 9, 33, 34 and 35.

If Dr Margaret NG's motion to add the new clauses is passed, she may later move the amendments to clauses 7, 8, 9 and 32 to 36. If Dr Margaret NG's amendments to these clauses are passed, the Secretary may not move his amendments as his amendments are inconsistent with the decision taken by the Committee.

As for the amendment to clause 3 proposed by Dr Margaret NG, I will decide whether or not to invite Dr Margaret NG to move the amendment to clause 3 on completion of this and the next debate sessions depending on the outcome of the earlier voting.

Members may now debate the original provisions and Dr Margaret NG's and the Secretary for Constitutional and Mainland Affairs's amendments, as well as the proposed new clauses. I will first call upon Dr Margaret NG to speak and move her amendments and then call upon the Secretary for Constitutional and Mainland Affairs to speak, but no amendments are to be moved by the Secretary at this stage.

**CHAIRMAN** (in Cantonese): Dr Margaret NG, you may now move your motion.

**DR MARGARET NG** (in Cantonese): Chairman, I move the Second Reading of new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A. Chairman, as I have mentioned earlier, my amendments involve the very important issue of replacing all the existing "corporate votes" of the traditional functional constituencies (FCs) with "individual votes". Traditional FCs can be classified into three big groups and for those FCs covered by my amendments, all the corporate votes involved will be replaced by individual votes of working persons. Such FCs include Agriculture and Fisheries, Insurance, Transport, Real Estate and Construction, Tourism, Finance, Financial Services, Import and Export, Catering, Sports and Culture, and Information Technology. My proposed amendments will also repeal accordingly the lists of corporate electors which have a vote in the respective FCs as contained in the original provisions.

During the Second Reading debate, Chairman, Mr Paul TSE stated that thanks to FCs, Dr Margaret NG is given the chance to move amendments of such a complex nature. If not for FCs, Dr Margaret NG will actually not have to take

the trouble to move complicated amendments as such. Mr LEUNG Yiu-chung also indicated earlier that he will have difficulty in supporting my amendments because even with the passage of such amendments, the provisions still go against the principles of democracy. I agree with him in this regard, Chairman, but what major differences will it make if corporate votes of such FCs are replaced by individual votes of working persons? What significance lies in the proposed amendments?

In fact, there are two aspects to this issue. First of all, given the small electorate base of FCs at present, FC elections will easily be open to manipulation; secondly, corporate votes are in principle unacceptable and this is a wide consensus among the people of Hong Kong. With the lack of transparency in the operations of corporate voters, we have no idea of the membership and the activities of such bodies. Furthermore, whether such bodies should be eligible for registration as corporate voters seems to be a "gift" from the Administration, as no one can determine which bodies are entitled to vote in FC elections and every single decision rests with the Government. However, it will be a different story if we replace corporate votes with individual votes, since all members of the relevant sectors will be entitled to vote as long as they meet the eligibility criteria specified in the proposed new clauses.

Chairman, let me take Mr WONG Yung-kan from the Agriculture and Fisheries FC as an example. I would like to extend my apology to him for citing his case as reference every time. I am not trying to be picky about him but it so happens that the FC to which he belongs is the first FC listed in my amendments and thus a handy citation for me. Under the existing section 20B, the Agriculture and Fisheries FC is composed of two groups of voters, the first group being corporate members of a number of bodies while the second one being the bodies listed in Schedule 1. The section itself provides no information about the persons to be covered by such bodies. However, under the proposed new clause 5A in my amendments, the Agriculture and Fisheries FC will be composed of the working persons of various industry groups such as growing of vegetables, melons, flowers and perennial crops, growing of fruits, plant propagation, animal production, fishing, farming, and so on. The electorate base will be very much broadened, while at the same time encompassing all the bodies and working persons represented by Mr WONG Yung-kan at present. Therefore, with the passage of my proposed amendments, there will be no reduction but only an increase in the number of people he represents.

Let me cite another example, Chairman, and that is the Catering FC I mentioned earlier. Reference to the amendments proposed for this FC will provide us with an illustration of a more even distribution of eligible voters. If the composition of this traditional FC is revised according to my amendments, not only will employers, bosses or business operators (including "operators of small businesses" as described by Mr CHAN Kin-por just now) be entitled to vote, all employees will be eligible voters, too. With the passage of my amendments and the enactment of the proposed new clause 9A, the composition of the existing Catering FC will be revised and composed of the working persons of the following major industry groups: restaurants and other meal service activities; event catering and other food service activities; and beverage serving places. Thus, both employers and employees of such industry groups of the sector, workers and bosses alike, will be entitled to vote in the FC election. If similar arrangements are adopted to broaden the electorate base of the FC to which Mr CHAN Kin-por belongs at present, he will still stand a chance of being elected the representative of that FC but the very important difference is: there will be no more backroom deals. You have to strike a proper balance in the course of examining public policies or considering the stance to be taken during voting, and avoid focusing on the interests of any one party only without due regard for those of the others. Voters will let you know that you have to take care of their interests in an all-round manner. Immediate solutions may be identified for unresolved issues concerning people's livelihood so that a relief will be provided for the problem of policy inclinations as evidenced in the past. Therefore, though the revised provisions still contain elements which go against the principles of democracy, a lot of problems unwelcome by the general public will be resolved, thus ensuring a better implementation of government policies.

Ms Miriam LAU has mentioned the Transport FC in her speech during the Second Reading debate and indicated her earnest wish to expand the electorate base of this FC so that apart from the 20-odd bodies as proposed by the Secretary, more bodies will also be included. However, a lot of companies, let alone bodies, will be involved and she worries that the situation will become very complicated.

Actually, Ms Miriam LAU has the choice of supporting the proposed new clause 5C, which contains the amendments I proposed for the Transport FC. The clause provides that the Transport FC will be composed of the working persons of the following major industry groups: railway and cable transport; land

transport by road; land transport services; cross-border water transport; inland water transport; air transport; warehousing and storage; support activities for transportation; postal activities; courier activities. In other words, nearly all working persons of the Transport FC will be covered and be eligible for registration as voters of this FC represented by Ms Miriam LAU, and there will be no favoritism for those in control of the bodies belong to this FC.

In the course of examining government policies, Members have to take both people's livelihood and competitiveness into consideration, and there will be no exception for Members returned by FCs. We need not worry that there will be difficulties in the identification of working persons for various FCs since we have experienced similar arrangements before during the implementation of the reform package of the "nine new FCs". There should not be any worry about contravening the Basic Law either because Ms Elsie LEUNG, the former Secretary for Justice, has told us that the "nine new FCs" package introduced by Chris PATTEN is unacceptable not for any problems enshrined in the package itself, but in the sense that it is put forward before 1997.

Chairman, there is no problem with what I have proposed but with such amendments, certain problems of gross unfairness can be addressed and major obstacles to good governance can be removed. As far as policy formulation is concerned, negative elements will be eradicated to bring forth positive changes. The general public may also look upon this as a step to undertake constitutional reforms or achieve the ultimate objective of abolishing all traditional FC seats. The electoral arrangements of traditional FCs are not unalterable and as I have mentioned earlier in my speech during the resumption of the Second Reading debate, the revised constitutional reform package we are discussing now is detrimental to our constitutional development because, instead of embarking on what we must do to strive for a change in FC elections for the Legislative Council, it seems that we have given up fighting for the goal in the coming two terms.

The arrangements, Chairman, are of course unsatisfactory as housewives are not included in traditional FCs and this is the reason why we try to bring continual improvements to FC elections. Nevertheless, no matter how we try to improve the system, it is still our belief that the concept of FC elections is by itself a flawed design.

I have paid particular attention to the speeches made by Mr CHAN Kin-por and Mr Paul TSE just now, and they seem to think that there are special advantages for having traditional FCs. It seems to be their opinion that some people are particularly outstanding or smart and they will be able to explain the provisions contained in section 39E to those in the professions of certain trades. Is it 39 or 69? It is 39, all right. They feel that there will be particular advantages for having such people as Members returned by FCs to explain these provisions to the general public lest they will know nothing about them. Besides, Mr Paul TSE also seems to suggest that without such Members returned by FCs, we may find no channel to complain about the inadequacies of The Law Society of Hong Kong. Is that really the case? I believe that it is actually an obsolete way of thinking for having such a sense of superiority.

The yardstick of today makes it very clear to us that corporate votes are definitely unacceptable. We cannot accept the unjust electoral arrangements of FC elections, and neither should we let anybody assume that he knows more than the others and is therefore superior to everyone else. We as Members should humble ourselves as people who are ignorant of everything, so that we will get the urge to examine in depth every subject we encounter and then quickly get a good grasp of the issues concerned. Mr Paul TSE has been a solicitor and a barrister himself and therefore should be aware that when handling cases, it will not be possible for us to be familiar with all sorts of things, and we just have to examine the issues and the facts involved in every single case. Furthermore, in dealing with issues of public concern, Members and politicians should examine the policies involved from the perspective of the general public, rather than viewing the matter as an expert. The pros and cons of public policies should be determined not from the angle of an expert but from the perspective of the general public.

Therefore, in my opinion, it is not desirable even to suggest that some Members returned by FCs serve to perform certain special functions. As a matter of fact, the three colleagues sitting beside me are senior counsels and I am only a little bit more senior than our young Member Miss Tanya CHAN. If you have any questions about any legal knowledge and concepts, I can assure you that as compared with I myself, all of these Members will definitely be in a better position to offer an answer.



Thus, we cannot treat the matter as something involving a sense of superiority, but should assume that all Members are ordinary persons who have equal knowledge and requirements of public policies as our voters. If we as ordinary persons do not understand the policies put forward by the Administration, we shall have the right to ask the Government to offer us an explanation. If I examine legal documents from the perspective of a lawyer, I will be made to think that everyone understands the contents of such documents but actually this may not be the case.

Conceptually speaking, Chairman, we cannot support FC elections anymore. The objective of the Civic Party is very clear: we strive for the abolition of all FC seats. We have in fact elaborated time and again on the disadvantages and problems of FC elections and there is indeed no need for us to repeat anymore.

What we should do today is to act now and make a change in the electoral arrangements for traditional FCs, so as to abolish the most evil elements embedded in traditional FC elections and eradicate those areas which can most easily be manipulated. Only through undermining or even eradicating the effectiveness of FC elections to those who want to manipulate them can there be a chance to abolish all FC seats. If FC elections remain useful to the Central Authorities, to those in power and those with vested benefits, they will embrace FC elections forever and never let go. What we want to do today is to make them let go of FC elections.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That new clauses 5A, 5B, 5C, 6B, 6C, 6H, 6I, 8A, 8B, 9A and 36A be read the Second time.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, these amendments to functional constituencies (FCs) proposed by Dr Margaret NG are actually including the working population of these sectors as voters of those 13 FCs. I very much understand her notion but would like to point out that if Members accept these amendments, it would mean

very fundamental changes to these 10-odd FCs. I understand Members may have some discussion and diverse views on corporate votes and individual votes but if we include substantially the working persons into these 10-odd FCs, some commentators have remarked that these FCs will become more like the sectors dominated by trade unions. Rather, I would like to make myself clearer by saying that for the five additional FCs, the District Council (second) FC serves as the basis and can accommodate 3.2 million registered voters. This can increase broadly the electorate base of the FCs and as I said earlier, apart from the working persons, housewives, students and non-engaged youth whom Members like Dr Margaret NG are concerned about, can also be included.

Of course, apart from having 2012 in mind, Members will also want to think ahead. How can universal suffrage for the Legislative Council be achieved in 2020? Chairman, on this, I would like to say that since the mentioning of a timetable for universal suffrage in the Green Paper on Constitutional Development published in 2007, the SAR Government has made it clear that when working towards universal suffrage for the Legislative Council, we must comply with the Basic Law and the principle of universality and equality. Therefore, on this basis, we can in the future engage fully in discussion and consider the options before achieving universal suffrage for the Legislative Council.

Chairman, I now would like to explain again the amendments we will propose to clauses 9, 33, 34 and 35, although I know such amendments cannot be moved at this stage.

First, the amendment to clause 9(3) is to update the name of a body under the Information Technology (IT) FC. The name for "Hong Kong Information Technology Federation" will be updated as "Hong Kong Information Technology Federation Limited".

The amendment to clause 9(4) is consequential to the replacement by the Telecommunications Authority of "Public Non-exclusive Telecommunications Service (PNETS) licences" by "Services-Based Operator license (Class 3 Service)". We are amending the legislation to allow bodies holding the Services-Based Operator license (Class 3 Service) to replace bodies with PNETS licences to become eligible voters.

The amendment to clause 9(5) is consequential to the development of the IT FC so as to revise the electorate base of that FC. We propose to include the Hong Kong Information Technology Joint Council into that sector. The objective of the Council is to provide opinions to the Government and people from all walks of life on IT-related matters, and to build up the professional status of IT personnel. In recent years, the Council also endeavours to promote the development of the IT trade with the Mainland, including signing co-operation framework agreement with relevant Mainland provinces and inviting representatives of Mainland software parks to participate in forums, and so on.

Chairman, we also propose to amend clause 33 pertaining to the electorate base of the Transport FC. Currently, the FC has a total of 178 registered voters and there are views that the existing electorate base of the Transport FC fails to reflect the development of the industry in recent years. Thus, we propose to add 28 corporate electors to better reflect the voices of the industry. These electors come from different service areas of the sector and during the debate on the Second Reading, I have elaborated on the scope covered by these service areas.

Moreover, we will also propose to amend clause 34 to update the name of a body under the Sports, Performing Arts, Culture and Publication FC. The name of "Hong Kong Swimming Teachers' Association" will be updated as "Hong Kong Swimming Teachers' Association Limited".

Chairman, we also propose to amend clause 35 pertaining to the electorate base of the Wholesale and Retail FC. At present, some associations engaged in the wholesale and retail of Chinese medicine which are of scale and representativeness have not been included in this FC. In view of the development of the Chinese medicine industry in Hong Kong in recent years, we propose to add to this sector the Hong Kong Chinese Prepared Medicine Traders Association Limited, the Hong Kong Chinese Medicine Industry Association Limited and the Hong Kong Chinese Patent Medicine Manufacturers' Association Ltd., so that their eligible members can be registered as voters.

Furthermore, we will also update the name of a body under that sector. "Chinese Merchants (H.K.) Association" will be amended as "Chinese Merchants (H.K.) Association Limited".

Chairman, we have discussed the amendments during the meeting of the Bills Committee on 11 February. I urge Members to support the above amendments.

**MR CHAN KIN-POR** (in Cantonese): Chairman, I do not wish to waste everybody's time, but I must respond to certain points. First, I would like to respond to Mr Alan LEONG's earlier comment regarding the shortcomings of functional constituencies (FCs). Next, I will respond to the remarks of Dr Margaret NG concerning FCs.

Mr Alan LEONG remarked earlier on that FC elections were meant to fight for sectoral interests. I totally disagree to this viewpoint. My purpose of serving as a Legislative Council Member has nothing whatsoever to do with furthering the interests of the insurance industry. Rather, my purpose is to offer my advice when Members are discussing issues concerning the industry. Members must not forget that after I have offered my advice, when it comes to voting, my vote is only one of the 60, or actually 59, votes. Other FC Members will definitely refuse to support my position if what I have said is downright nonsense or rubbish. Thus, the problem of FC Members hindering directly elected Members simply does not exist at all. In contrast, some directly elected Members, for the sake of winning electors' support, will often unite for the purpose achieving a certain objective. Therefore, I hope that all of us will not .....

**CHAIRMAN** (in Cantonese): Mr CHAN, it is now the Committee stage. Please speak on the clauses we are now dealing with.

**MR CHAN KIN-POR** (in Cantonese): Yes, Chairman, but I really need an introduction like this before I can start speaking on the most important issue I wish to deal with a moment later, that is, the part related to Dr Margaret NG. I shall finish it very soon.

The public perception that FCs merely want to safeguard sectoral interests, I presume, is probably attributable to some people's smear tactics, which blur people's perception. I am sure that people will form a different perception if they know that many FC Members have been tirelessly making many

contributions to society. I hope that one day, society can give an appropriate appraisal to FCs.

Let me cite an example. When it comes to taxation issues, no Members can be as well-versed as Mr Paul CHAN. After listening to his remarks, we will understand the relevant issues better, and his remarks can usually help answer our questions. For this reason, I am of the view that FCs do have a role to play.

Dr Margaret NG mentioned that since electors in FCs were small in number, election-rigging would easily result. I wish to say that — Chairman, now that I have finally come to the clause under discussion, I may speak in greater detail — When I was running in the election ..... In the case of the Insurance FC to which I belong, for example, some 130 insurance companies could cast their votes. They knew me very well; they all knew how the man called CHAN Kin-por worked because all the electors were corporate executives, or mostly CEOs. For this reason, they were very familiar with the personal conduct of all candidates, and they would not vote for me just because I treated them to meals (This is forbidden under electoral laws, to be sure), or just for friendship's sake. They were very clear about my approaches to work and personal conduct all along. Besides, these corporate heads were representatives of their companies in the election, all very rich in social experience. I believe that their decisions were all based on very clear principles. Consequently, I think that it was practically impossible to manipulate all these people and these 100 or so insurance companies.

Besides, Dr NG also mentioned that the system of corporate votes was marked by a low degree of transparency. Again, I totally disagree to this point. The reason is that as we could all see, as we were all very clear, the voting decisions were made by these 100 or so insurance companies themselves. How could there be any clandestine operation? Therefore, the problem of low transparency also does not exist.

Dr Margaret NG talked about clandestine operation a while ago, saying that if FCs were abolished, there would be no clandestine operation, and attempts to resolve livelihood problems would not be thwarted. Yet, it is my belief that many FC Members or Members representing various professions are actually very concerned about livelihood issues. We have been spending huge amounts of time on livelihood issues, and the time we have expended on such issues is far more than the time we have spent on the issues of our own sectors. The problem mentioned by Dr Margaret NG just now is likewise not substantiated.

On the other hand, the greatest problem in my view lies in the issue brought up by Dr Margaret NG. If such changes are introduced, will FC elections be any different from direct elections in the end? In the case of the insurance industry, for example, there are only 100 or so insurance companies, but the number of those engaged in the insurance industry is as large as 80 000 or 90 000. If such changes are really introduced, the number of electors in our FC will increase to more than 80 000, with the bulk of them being people under employment. In that case, how can they still be expected to attach any more importance to the problems of the insurance industry as part of the commercial sector?

I hope that there can be a balance of forces in this Council. In other words, I hope that there are both directly elected Members and Members representing the business sector, so that a balance between the business sector and the labour sector can be struck. Otherwise, everything will become totally meaningless. If our FC is transformed as proposed, all electors in it will become independent electors who will only focus on whether the Government will offer any tax concessions or welfare benefits, rather than considering how the business sector as a whole can do better or create more employment opportunities. They simply will not consider anything from such a perspective because most of such electors will become no different from ordinary people outside of the insurance industry, who are more concerned about their personal interests or short-term benefits. In this way, FC elections will become no different from direct elections. The meaning of balanced participation will thus be completely lost.

Having said all this, I must add that personally, I also wish to broaden the electorate base of my own sector. If Dr Margaret NG can think of any alternative which can help us ensure balanced participation (including balanced participation for the insurance sector) and make the voices of the business sector heard, I will be more than happy to give thoughts to it. However, since the amendment today aims only to broaden the electorate base without any regard for the rationale behind, I cannot render my support to it. Thank you, Chairman.

## **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): It is almost 10 o'clock now. I now suspend the meeting until nine o'clock tomorrow morning.

*Suspended accordingly at three minutes to Ten o'clock.*

## Annex I

## Chief Executive Election (Amendment) Bill 2010

## Committee Stage

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “7,” and substituting “7(1), (2), (3) and (4).”
1(3)	By deleting “7,” and substituting “7(1), (2), (3) and (4).”
New	<p>By adding immediately before clause 3—</p> <p style="padding-left: 40px;"><b>“2A. Section 11 amended (Fixing new polling date under certain circumstances)</b></p> <p style="padding-left: 80px;">Section 11(2)(b)—</p> <p style="padding-left: 120px;"><b>Repeal</b></p> <p style="padding-left: 160px;">“or (1)”</p> <p style="padding-left: 120px;"><b>Substitute</b></p> <p style="padding-left: 160px;">“, (1) or (3).”.</p>
New	<p>By adding—</p> <p style="padding-left: 40px;"><b>“3A. Section 22 amended (Termination of election proceedings)</b></p> <p style="padding-left: 80px;">After section 22(2)—</p> <p style="padding-left: 120px;"><b>Add</b></p> <p style="padding-left: 160px;">“(3) If—</p> <p style="padding-left: 200px;">(a) at the close of nominations 2 or more candidates are validly nominated; and</p> <p style="padding-left: 200px;">(b) a poll is conducted under section 24</p>

and, under section 27(2A), no candidate is returned at the election,

the Returning Officer must—

- (c) publicly declare that no candidate is returned at the election;
- (d) publish the declaration and the result of the poll in the Gazette; and
- (e) by a public declaration, terminate the proceedings for the election.”.

**3B. Section 26A amended (System of voting: only one candidate)**

- (1) Section 26A(3)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall be”

**Substitute**

“600, the candidate is”.

- (2) Section 26A(4)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall not be”

**Substitute**

“600, the candidate is not”.

**3C. Section 27 amended (System of voting: contested election)**

- (1) Before section 27(1)—

**Add**

“(1A) This section applies to an election in which at the close of nominations 2 or more candidates are validly nominated.”.

- (2) Section 27(1)—



**Repeal**

“half of the total number of valid votes cast in any round of voting, he shall be”

**Substitute**

“600 votes in any round of voting, the candidate is”.

- (3) Section 27(2)—

**Repeal**

everything after paragraph (b)

**Substitute**

“a single round of voting must be conducted for the 2 candidates.”.

- (4) After section 27(2)—

**Add**

“(2A) If in a round of voting conducted under subsection (2), no candidate obtains more than 600 votes, no candidate is returned at the election and section 22(3) applies.”.

- (5) Section 27(3)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.

- (6) Section 27(4)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.”.

- 5(42) In the proposed paragraph (1)(j), by deleting “Hong Kong Chinese

Overseas Physician Association” and substituting “Hong Kong Chinese Medicine Practitioners Association Limited”.

- 7(3) (a) In the proposed section 12(11)(g), by deleting “registered or applies” and substituting “eligible”.
- (b) In the proposed section 12(11)(h), by deleting “registered or applies” and substituting “eligible”.

7 By adding—

“(5) The Schedule, after section 12(20)—

**Add**

- “(21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557) is not eligible to be registered as a voter for any subsector.
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) is not eligible to be registered as a voter for any subsector.”.

## Chief Executive Election (Amendment) Bill 2010

## Committee Stage

Amendments to be moved by Dr. the Honourable Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3 [NEGATIVED]	By adding “and not more than 165 members” after “150 members”.
New [NOT PROCEEDED WITH]	By adding— <p style="text-align: center;"><b>“3A. Section 31 repealed (Winning candidate to declare he is not a member of political party)</b></p> <p style="text-align: center;">Section 31—  <b>Repeal the section.”.</b></p>
5(3) [NEGATIVED]	By deleting “17” and substituting “41”.
5(4) [NEGATIVED]	By deleting “18” and substituting “16”.
5(6) [NEGATIVED]	By deleting “16” and substituting “12”.
5 [NEGATIVED]	By deleting subclause (7).
5(8) [NEGATIVED]	By deleting “18” and substituting “14”.
5(9) [NEGATIVED]	By deleting “16” and substituting “12”.
5 [NEGATIVED]	By deleting subclause (10).
5(11) [NEGATIVED]	By deleting “18” and substituting “17”.
5(12) [NEGATIVED]	By deleting “18” and substituting “15”.
5(13) [NEGATIVED]	By deleting “18” and substituting “15”.
5(14) [NEGATIVED]	By deleting “18” and substituting “13”.

- 5(15)  
[NEGATIVED] By deleting “18” and substituting “15”.
- 5(16)  
[NEGATIVED] By deleting “18” and substituting “26”.
- 5(17)  
[NEGATIVED] By deleting “18” and substituting “16”.
- 5(18)  
[NEGATIVED] By deleting “ “18” ” and substituting “ “13” ”.
- 5(19)  
[NEGATIVED] By deleting “18” and substituting “34”.
- 5(20)  
[NEGATIVED] By deleting “30” and substituting “32”.
- 5(21)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(22)  
[NEGATIVED] By deleting “30” and substituting “22”.
- 5(23)  
[NEGATIVED] By deleting “30” and substituting “63”.
- 5(24)  
[NEGATIVED] By deleting “30” and substituting “24”.
- 5(25)  
[NEGATIVED] By deleting “30” and substituting “40”.
- 5(26)  
[NEGATIVED] By deleting “30” and substituting “24”.
- 5(27)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(28)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(29)  
[NEGATIVED] By deleting “30” and substituting “26”.
- 5(30)  
[NEGATIVED] By deleting “60” and substituting “41”.
- 5(31)  
[NEGATIVED] By deleting “60” and substituting “43”.
- 5  
[NEGATIVED] By deleting subclause (32).
- 5(33)  
[NEGATIVED] By deleting “60” and substituting “122”.

- 5(34)  
[NEGATIVED]  
By deleting “60” and substituting “54”.
- 5  
[NEGATIVED]  
By deleting subclause (36).
- 5  
[NEGATIVED]  
By deleting subclause (37).
- 5(39)  
[NEGATIVED]  
By deleting “57” and substituting “66”.
- 5(41)  
[NEGATIVED]  
By deleting “60” and substituting “66”.
- 6  
[NEGATIVED]  
By deleting the proposed section 2A and substituting—  
**“2A. Special membership arrangement for 2012**  
 (1) Despite section 2, this section has effect.  
 (2) In the subsector ordinary election to elect the members of the Election Committee assigned to the Hong Kong and Kowloon District Councils subsector for the term of office of the Election Committee commencing on 1 February 2012—  
 (a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—  
 (i) they do not obtain as many votes as the elected candidates; or  
 (ii) lots are drawn under section 29(6) and the lot does not fall on them;  
 (b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—  
 (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and  
 (ii) obtain the greatest number of votes among the candidates who are not so returned.  
 (3) In the subsector ordinary election to elect the members of the Election Committee assigned to the New Territories District Councils subsector for the term of

office of the Election Committee commencing on 1 February 2012—

- (a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—
    - (i) they do not obtain as many votes as the elected candidates; or
    - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
  - (b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—
    - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
    - (ii) obtain the greatest number of votes among the candidates who are not so returned.
- (4) If due to equality of votes it is impracticable to determine under subsection (2)(b)(ii) or (3)(b)(ii) any one or more candidates to whom subsection (6) applies, the Returning Officer must determine the result by drawing lots and subsection (6) applies to the candidate on whom the lot falls.
  - (5) Subsection (6) does not apply unless at the time of the subsector ordinary election the Legislative Council Ordinance (Cap. 542) provides that the fifth term of the Legislative Council constituted in 2012 is to have 70 members, whether or not the provision has come into operation.
  - (6) During the period in which this subsection applies to a person, the person is for all purposes a member of the Election Committee.
  - (7) If subsection (6) applies to a person—
    - (a) the person is deemed, for the purposes of sections 35 and 39, to be duly elected as a member of the Election Committee at a subsector election; and
    - (b) the application of subsection (6) to the person is

- deemed, for the purposes of section 39, to be the result of a subsector election.
- (8) To avoid doubt, a person to whom subsection (6) applies is regarded as an unsuccessful candidate for the purposes of section 5 of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C).
  - (9) Subsection (6) ceases to apply to a person on the date on which the term of office of the fifth term of the Legislative Council commences under the Legislative Council Ordinance (Cap. 542) in 2012.
  - (10) Despite subsection (13), on subsection (6) ceasing to apply to a person under subsection (9), the Electoral Registration Officer must—
    - (a) strike out the name and other relevant particulars of the person from the final register of members of the Election Committee that is in effect under section 43 on the date referred to in subsection (9); and
    - (b) publish in accordance with the EAC Regulations a notice that the name and particulars have been so removed.
  - (11) During the period in which subsection (6) applies to any persons under subsection (2), item 5 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
  - (12) During the period in which subsection (6) applies to any persons under subsection (3), item 6 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
  - (13) This section expires on the date referred to in subsection (9).
  - (14) Despite subsection (13), if—
    - (a) an appeal is lodged under section 39 to question the deemed election of a person under subsection (7); and
    - (b) when this section expires under subsection (13), the appeal is pending,

subsection (7) continues to have effect until the withdrawal or final disposal of the appeal as if it had not expired.”.

New

NEGATIVED

By adding—

**“10A. Schedule, section 29 amended (System of voting and counting of votes)**

The Schedule, section 29(2)—

**Repeal**

everything after “At a subsector ordinary election”

**Substitute**

“(except for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors), a voter may vote for as many candidates as, but not more than the number of members allocated to the subsector concerned. As for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors, a voter is entitled to cast a single vote for one candidate.”.”.



Marked-up copy

(Revised amendment to new clause 3A to be moved by Dr Hon Margaret NG, if new clauses 3A, 3B and 3C proposed by the Secretary for Constitutional and Mainland Affairs **have been passed**)

Chief Executive Election (Amendment) Bill 2010

Committee Stage

Amendments to be moved by Dr. the Honourable Margaret NG

Clause

Amendment Proposed

New  
[NEGATIVED]

By adding—

**~~3A3D.~~ Section 31 repealed (Winning candidate to declare he is not a member of political party)**  
Section 31 —  
**Repeal the section.”.**

Note: Revised amendment is marked in *italic type* or with deletion line.

**Annex II**

## Legislative Council (Amendment) Bill 2010

**Committee Stage**Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(4)	By deleting “1 October 2012” and substituting “the commencement of the term of office of the fifth term of office of the Legislative Council in 2012”.
6	By renumbering the clause as clause 6(1).
6	By adding— “(2) Section 20E(f)(iv)— <b>Repeal</b> “Advanced” <b>Substitute</b> “Integrated Vocational”.”.
9	By adding— “(3) Section 20Z(1)(k)(i), Chinese text, after “商會”— <b>Add</b> “有限公司”. (4) Section 20Z(1)(l)(ii)— <b>Repeal</b> “Public Non-exclusive Telecommunications Service licences” <b>Substitute</b>

“Services-Based Operator Licence (Class 3 Service)”.

(5) After section 20Z(1)(l)—

**Add**

“(la) members of the Hong Kong Information Technology Joint Council Limited entitled to vote at general meetings of the Council; and”.

14(2) In the proposed section 31(3), by deleting “and immunity are accorded pursuant to” and substituting “or immunity is accorded under”.

29 By deleting subclauses (1) and (2) and substituting—

“(1) Section 60D(1)—

**Repeal**

“is contested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional constituency is contested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.

(1A) Section 60D(1)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the list of candidates.”.

(2) Section 60D(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lower”

**Substitute**

“or the District Council (second) functional constituency is uncontested, the amount payable as financial assistance in respect of the list of candidates is the lowest”.”.

29 By adding—

“(4) Section 60D(2)—

**Repeal paragraph (b)****Substitute**

- “(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidates on the list under section 3 or 3A of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);
- (ba) the declared election expenses of the list of candidates.”.”.

30 By deleting subclauses (2) and (3) and substituting—

“(2) Section 60E(1)—

**Repeal**

“is contested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is contested, the amount payable as financial assistance to a candidate is the lowest”.

(2A) Section 60E(1)—

**Repeal paragraph (b)****Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the candidate.”.

(3) Section 60E(2)—

**Repeal**

“is uncontested, the amount payable as financial assistance to a candidate is the lower”

**Substitute**

“(other than the District Council (second) functional constituency) is uncontested, the amount payable as financial assistance to a candidate is the lowest”.”.

30 By adding—

“(4) Section 60E(2)—

**Repeal paragraph (b)**

**Substitute**

“(b) 50% of the maximum amount of election expenses that may be incurred by or on behalf of the candidate under section 4 of the Maximum Amount of Election Expenses (Legislative Council Election) Regulation (Cap. 554 sub. leg. D);

(ba) the declared election expenses of the candidate.”.”.

33 By adding—

“(5) Schedule 1A, after item 198—

**Add**

“199. NT Taxi Operations Union.

200. Sun Hing Taxi Radio Service General Association.

201. Taxi & P.L.B. Concern Group.
202. Tai Wo Motors Limited.
203. Tuen Mun District Tourists and Passengers Omnibus Operators Association Limited.
204. Tsuen Wan District Tourists and Passengers Omnibus Operators Association Limited.
205. Yuen Long District Tourists and Passengers Omnibus Operators Association Limited.
206. Kowloon District Tourists and Passengers Omnibus Operators Association Limited.
207. Hong Kong District Tourists and Passengers Omnibus Operators Association Limited.
208. Sino Parking Services Limited.
209. Urban Parking Limited.
210. Greater Lucky (HK) Company Limited.
211. China Hongkong and Macau Boundary Crossing Bus Association Limited.
212. Ground Support Engineering Limited.
213. Cathay Pacific Services Limited.
214. Cathay Pacific Catering Services (H.K.) Limited.
215. LSG Lufthansa Service Hong Kong Limited.
216. Gate Gourmet Hong Kong, Limited.
217. ECO Aviation Fuel Services Limited.
218. Hong Kong Aircraft Engineering Company Limited.
219. China Aircraft Services Limited.
220. Dah Chong Hong – Dragonair Airport GSE Service Limited.
221. Jardine Air Terminal Services Limited.
222. Service Managers Association.

223. Driving Instructors Association.
224. The Chamber of Hong Kong Logistics Industry Limited.
225. New Horizon School of Motoring Limited.
226. Leinam School of Motoring Limited.”.”.
- 34(3) By deleting “English text,”.
- 35 By renumbering subclause (1) as subclause (1A).
- 35 By adding before subclause (1A)—
- “(1) Schedule 1C, item 5, after “Association”—
- Add**
- “Limited”.”.
- 35 By adding—
- “(3) Schedule 1C, after item 96—
- Add**
- “97. Hong Kong Chinese Prepared Medicine Traders Association Limited.
98. Hong Kong Chinese Medicine Industry Association Limited.
99. Hong Kong Chinese Patent Medicine Manufacturers’ Association Ltd.”.”.
- 37(1) In the proposed section 6(1), by deleting “2012 provisional register of electors for geographical constituencies” and substituting “current GC register”.
- 37(1) In the proposed section 6(1)(a)(i), by deleting everything after

“persons” and substituting “whose names are in the current FC register; and”.

37(1) In the proposed section 6(3), in the English text, by deleting “who” and substituting “whose name”.

37(1) By deleting the proposed section 6(3)(a) and (b) and substituting—  
    “(a) is in the current GC register; and  
    (b) is not in the current FC register.”.

37(1) In the proposed section 6(5), by deleting “who is registered in the 2012 provisional register of electors for any functional constituency (*current constituency*) (other than” and substituting “whose name is in the current FC register (except for”.

37(1) In the proposed section 6(5)(b), by deleting everything after “will” and substituting “not be registered as an elector for the functional constituency for which the person is currently registered as an elector.”.

37(1) In the proposed section 6(5), in the Chinese text, by deleting “且不再” and substituting “且不會”.

37(1) In the proposed section 6, by adding—

“(7) In this section—

*current FC register* (現有功能界別登記冊) means the record comprising—

(a) the final register of functional constituencies published for 2011 under section 32; and



- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of functional constituencies published for 2012 under section 32 (other than for the District Council (second) functional constituency) in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541);

*current GC register* (現有地方選區登記冊) means the record comprising—

- (a) the final register of geographical constituencies published for 2011 under section 32; and
- (b) the records of the names and other relevant particulars of persons to be registered in the provisional register of geographical constituencies published for 2012 under section 32 in accordance with the regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541).”.

37(2) In the proposed section 7, by deleting “2012 provisional register of electors for the District Council (first) functional constituency” (wherever appearing) and substituting “provisional register of the District Council (first) functional constituency published for 2012”.

## Legislative Council (Amendment) Bill 2010

**Committee Stage**Amendments to be moved by Dr. the Honourable Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3	By renumbering the clause as clause 3(1).
<div style="border: 1px dashed black; padding: 2px; width: fit-content;">           NOT PROCEEDED WITH         </div>	By adding—
3	“(2) Section 3(1), English text, definition of <i>term of office</i> — <b>Repeal the full stop</b> <b>Substitute a semicolon.</b>
<div style="border: 1px dashed black; padding: 2px; width: fit-content;">           NOT PROCEEDED WITH         </div>	(3) Section 3(1)— <b>Add in alphabetical order</b> <i>“relevant persons</i> (有關人士) means in relation to a functional constituency specified in sections 20P, 20Q, 20R and 20S— <ol style="list-style-type: none"> <li>(a) in the case where the member is a limited company, up to 6 members of the board of directors of that company (and no more than 6 such members of the board of directors of that company shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);</li> <li>(b) in the case where the member is a partnership, up to 6 partners of that partnership (and no more than 6 such partners of that partnership shall be registered as electors in the relevant functional constituency in respect of the aforementioned member);</li> <li>(c) in the case where the member is a sole proprietorship, the sole proprietor of that proprietorship;</li> <li>(d) in the case where the member is an organization or body (other than a limited company, partnership or sole proprietorship), the members of the management or executive committee (however described) of that organization or body;</li> <li>(e) in the case where none of the persons referred to in paragraph (a), (b), (c) or (d) is entitled to be registered as an elector, or in the case where the member is an</li> </ol>

organization or body referred to in paragraph (d) but there is no management or executive committee (however described) of that organization or body, the chief executive (however described) of that company, partnership, sole proprietorship or other organization or body, as the case may be;

(f) in the case where the chief executive (however described) referred to in paragraph (e) is not entitled to be registered as an elector, a member of the senior management of that company, partnership, sole proprietorship or other organization or body, as the case may be; or

(g) where any member of the board of directors referred to in paragraph (a) is a limited company or a partnership, a relevant person shall be, in respect of the aforementioned member—

(i) any 1 of the individual members of the board of directors or any 1 of the partners, as the case may be, of the aforementioned member;

(ii) in the case where there is no such individual member of the board of directors of the aforementioned member which is a limited company, or in the case where none of the individual members or partners, as the case may be, referred to in subparagraph (i) is entitled to be registered as an elector, the chief executive (however described) of the aforementioned member; or

(iii) in the case where the chief executive (however described) referred to in subparagraph (ii) is not entitled to be registered as an elector, a member of the senior management of the aforementioned member, and no more than 1 such individual member, partner, chief executive (however described) or member of the senior management, as the case may be, shall be registered as an elector in the relevant functional constituency in respect of the aforementioned member;

*working persons* (在職人士) in relation to a functional constituency specified in sections 20B, 20C, 20D, 20N, 20O, 20T, 20U, 20V, 20W, 20X,

20Y, 20Z and 20ZA, means persons engaged in economic activities in Hong Kong for remuneration (including employees, employers, partners, sole proprietors, directors of companies and self-employed persons), and for the purpose of this definition —

- (a) *economic activities* (經濟活動) includes activities in connection with trades or professions or the provision of services undertaken by establishments classified under different Major Industry Groups in accordance with the classification scheme known as the “Hong Kong Standard Industrial Classification Version 2.0” (being an adapted version of the United Nations’ International Standard Industrial Classification) which are identified by the 3-digit codes and their titles and descriptions, as contained in the July 2009 edition of the Hong Kong Standard Industrial Classification issued by the Census and Statistics Department;
- (b) *remuneration* (薪酬) includes salaries, wages, allowances, fees or charges, but excludes benefits in kind.”.”.

New  
 NOT PROCEEDED  
 WITH

By adding—

**“3A. Section 18 heading amended**

Section 18, heading, after “constituencies”—

**Add**

**“and District Council (second) functional constituency”.”.**

New  
 NEGATIVED

By adding—

**“5A. Section 20B substituted**

Section 20B—

**Repeal the section**

**Substitute**

**“20B. Composition of the agriculture and fisheries functional constituency**

The agriculture and fisheries functional constituency is composed of the working persons of the major industry groups below—

- (a) 011 (Growing of vegetables, melons, flowers and other non-perennial crops);
- (b) 012 (Growing of fruits, drug and beverage crops and other perennial crops);

- (c) 013 (Plant propagation);
- (d) 014 (Animal production);
- (e) 015 (Mixed farming);
- (f) 016 (Support activities to agriculture and post-harvest crop activities);
- (g) 017 (Hunting, trapping and related service activities);
- (h) 020 (Forestry activities);
- (i) 031 (Fishing);
- (j) 032 (Aquaculture);
- (k) 813 (Landscape care and greenery services).”.

[NEGATIVED]

**5B. Section 20C substituted**

Section 20C —

**Repeal the section**

**Substitute**

**“20C. Composition of the insurance functional constituency**

The insurance functional constituency is composed of the working persons of the major industry groups below —

- (a) 651 (Insurance underwriting);
- (b) 652 (Pension funding);
- (c) 662 (Activities auxiliary to insurance and pension).”.

[NEGATIVED]

**5C. Section 20D substituted**

Section 20D —

**Repeal the section**

**Substitute**

**“20D. Composition of the transport functional constituency**

The transport functional constituency is composed of the working persons of the major industry groups below —

- (a) 491 (Railway and cable transport);
- (b) 492 (Land transport by road);
- (c) 499 (Other land transport services);
- (d) 501 (Cross-border water transport);
- (e) 502 (Inland water transport);
- (f) 510 (Air transport);
- (g) 521 (Warehousing and storage);
- (h) 522 (Support activities for transportation);
- (i) 531 (Postal activities);
- (j) 532 (Courier activities).”.

New  
[NEGATIVED]

By adding—

**“6A. Section 20L substituted**

Section 20L—

**Repeal the section**

**Substitute**

**“20L. Composition of the labour functional constituency**

The labour functional constituency is composed of officers or members of trade unions registered under section 17 of the Trade Unions Ordinance (Cap. 332) who are the voting members of the trade unions.”.

[NEGATIVED]

**6B. Section 20N substituted**

Section 20N—

**Repeal the section**

**Substitute**

**“20N. Composition of the real estate and construction functional constituency**

The real estate and construction functional constituency is composed of the working persons of the major industry groups below—

- (a) 411 (Erection of architectural superstructures);
- (b) 412 (Structural steel framework erection);
- (c) 419 (Other new building construction works);
- (d) 421 (Construction of civil engineering projects);
- (e) 422 (Miscellaneous civil engineering works);
- (f) 431 (Demolition and site preparation);
- (g) 432 (Building services installation and maintenance activities);
- (h) 439 (Building finishing and other specialized construction activities);
- (i) 681 (Real estate activities);
- (j) 682 (Real estate activities on a fee or contract basis).”.

[NEGATIVED]

**6C. Section 20O substituted**

Section 20O—

**Repeal the section**

**Substitute**

**“20O. Composition of the tourism functional constituency**

The tourism functional constituency is composed of the working persons of the major

industry groups below —

- (a) 550 (Short term accommodation activities);
- (b) 791 (Travel agency activities);
- (c) 799 (Other reservation service and tourist- related activities);
- (d) 920 (Activities of amusement parks and theme parks).”.

{ NEGATIVED }

**6D. Section 20P substituted**

Section 20P —

**Repeal the section**

**Substitute**

**“20P. Composition of the commercial (first) functional constituency**

The commercial (first) functional constituency is composed of the relevant persons in respect of members of The Hong Kong General Chamber of Commerce entitled to vote at general meetings of the Chamber.”.

{ NEGATIVED }

**6E. Section 20Q substituted**

Section 20Q —

**Repeal the section**

**Substitute**

**“20Q. Composition of the commercial (second) functional constituency**

The commercial (second) functional constituency is composed of the persons below —

- (a) Individual members of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber;
- (b) Relevant persons in respect of members (other than individual members) of The Chinese General Chamber of Commerce entitled to vote at general meetings of the Chamber.”.

{ NEGATIVED }

**6F. Section 20R substituted**

Section 20R —

**Repeal the section**

**Substitute**

**“20R. Composition of the industrial (first) functional constituency**

The industrial (first) functional constituency is composed of the persons below —

- (a) Individual members of the Federation of Hong Kong Industries entitled to vote at

- general meetings of the Federation;
- (b) Relevant persons in respect of members (other than individual members) of the Federation of Hong Kong Industries entitled to vote at general meetings of the Federation.”.

{ NEGATIVED }

**6G. Section 20S substituted**

Section 20S —

**Repeal the section**

**Substitute**

**“20S. Composition of the industrial (second) functional constituency**

The industrial (second) functional constituency is composed of the relevant persons in respect of members of The Chinese Manufacturers’ Association of Hong Kong entitled to vote at general meetings of the Association.”.

{ NEGATIVED }

**6H. Section 20T substituted**

Section 20T —

**Repeal the section**

**Substitute**

**“20T. Composition of the finance functional constituency**

The finance functional constituency is composed of the working persons of the major industry group below —

- (a) 641 (Monetary intermediation).”.

{ NEGATIVED }

**6I. Section 20U substituted**

Section 20U —

**Repeal the section**

**Substitute**

**“20U. Composition of the financial services functional constituency**

The finance services functional constituency is composed of the working persons of the major industry groups below —

- (a) 642 (Investment and holding companies);
- (b) 644 (Trust, funds and similar financial entities);
- (c) 649 (Other financial service activities);
- (d) 661 (Activities auxiliary to financial service activities (except insurance and pension funding)) ;
- (e) 663 (Fund management).”.



7

NOT PROCEEDED  
WITH

By deleting the clause and substituting —

**“7. Section 20V substituted**

Section 20V —

**Repeal the section**

**Substitute**

**“20V. Composition of the sports, performing arts, culture and publications functional constituency**

The sports, performing arts, culture and publication functional constituency is composed of the working persons of the major industry groups below —

- (a) 181 (Printing and service activities related to printing);
- (b) 581 (Publishing of books, periodicals and other publishing activities);
- (c) 591 (Motion picture, video and television programme activities);
- (d) 592 (Sound recording and music publishing activities);
- (e) 601 (Radio broadcasting);
- (f) 602 (Television programme and broadcasting activities);
- (g) 901 (Performing arts activities);
- (h) 902 (Creative artists, musicians and writers);
- (i) 903 (Performing arts venue operation);
- (j) 910 (Libraries, archives, museums and other culture activities);
- (k) 931 (Sports activities);
- (l) 939 (Other entertainment activities).”.

8

NOT PROCEEDED  
WITH

By deleting the clause and substituting —

**“8. Section 20W substituted**

Section 20W —

**Repeal the section**

**Substitute**

**“20W. Composition of the import and export functional constituency**

The import and export functional constituency is composed of the working persons of the major industry groups below —

- (a) 451 (Export trade);
- (b) 452 (Import for wholesale).”.

New  
[NEGATIVED]

By adding —

**“8A. Section 20X substituted**

Section 20X —

**Repeal the section**

**Substitute**

**“20X. Composition of the textiles and garment functional constituency**

The textiles and garment functional constituency is composed of the working persons of the major industry groups below —

- (a) 131 (Spinning, weaving and finishing of textiles);
- (b) 139 (Manufacture of other textiles);
- (c) 141 (Manufacture of wearing apparel (except fur, knitted and crocheted apparel));
- (d) 142 (Manufacture of articles of fur);
- (e) 143 (Manufacture of knitted and crocheted apparel).”.

[NEGATIVED]

**8B. Section 20Y substituted**

Section 20Y —

**Repeal the section**

**Substitute —**

**“20Y. Composition of the wholesale and retail functional constituency**

The wholesale and retail functional constituency is composed of the working persons of the major industry groups below —

- (a) 460 (Wholesale);
- (b) 471 (Retail sale in non-specialized stores);
- (c) 472 (Retail sale of food, beverages and tobacco in specialized stores);
- (d) 473 (Retail sale of fuel);
- (e) 474 (Retail sale of information and communications equipment in specialized stores);
- (f) 475 (Retail sale of other household equipment in specialized stores);
- (g) 476 (Retail sale of culture and recreation goods in specialized stores);
- (h) 477 (Retail sale of other goods in specialized stores);
- (i) 478 (Non-store retailing).”.

9

NOT PROCEEDED  
WITH

By deleting the clause and substituting—

**“9. Section 20Z substituted**

Section 20Z—

**Repeal the section****Substitute****“20Z. Composition of the information technology functional constituency**

The information technology functional constituency is composed of the working persons of the major industry groups below—

- (a) 582 (Software publishing);
- (b) 611 (Telecommunications network operation);
- (c) 619 (Other telecommunications activities);
- (d) 620 (Information technology service activities);
- (e) 631 (Web portals, data processing, hosting and related activities);
- (f) 639 (Other information service activities);
- (g) 822 (Activities of call centres);
- (h) 952 (Repair of computers and communications equipment).”.

New

NEGATIVED

By adding—

**“9A. Section 20ZA substituted**

Section 20ZA—

**Repeal the section****Substitute—****“20ZA. Composition of the catering functional constituency**

The catering functional constituency is composed of the working persons of the major industry groups below—

- (a) 561 (Restaurants and other meal service activities);
- (b) 562 (Event catering and other food service activities);
- (c) 563 (Beverage serving places).”.

12(3)

NEGATIVED

In the proposed section 21(c), by adding “, 1 each from the area of a geographical constituency established in accordance with Part III” after “constituency”.

15(1)

NEGATIVED

By deleting “and the District Council (second) functional constituency”.

- 15(3)  
[NEGATIVED]
- In the proposed section 37(2)(g)—
- (a) by deleting “and the District Council (second) functional constituency”;
  - (b) by deleting “that Ordinance.” and substituting “that Ordinance and”.
- 15(3)  
[NEGATIVED]
- By adding—
- “(h) in the case of the District Council (second) functional constituency, is a person who is specified under section 20 of the District Councils Ordinance (Cap. 547).”.
- 17  
[NEGATIVED]
- By deleting the clause.
- 18  
[NEGATIVED]
- By deleting the clause.
- 32  
[NOT PROCEEDED WITH]
- By deleting the clause and substituting—
- “32. Schedule 1 repealed (Composition of the agriculture and fisheries functional constituency)**  
Schedule 1—  
**Repeal the Schedule.”.**
- 33  
[NOT PROCEEDED WITH]
- By deleting the clause and substituting—
- “33. Schedule 1A repealed (Composition of the transport functional constituency)**  
Schedule 1A—  
**Repeal the Schedule.”.**
- 34  
[NOT PROCEEDED WITH]
- By deleting the clause and substituting—
- “34. Schedule 1B repealed (Composition of the sports, performing arts, culture and publication functional constituency)**  
Schedule 1B—  
**Repeal the Schedule.”.**
- 35  
[NOT PROCEEDED WITH]
- By deleting the clause and substituting—
- “35. Schedule 1C repealed (Composition of the wholesale and retail functional constituency)**  
Schedule 1C—  
**Repeal the Schedule.”.**
- 36  
[NOT PROCEEDED WITH]
- By deleting the clause and substituting—
- “36. Schedule 1D repealed (Composition of the information technology functional constituency)**  
Schedule 1D—  
**Repeal the Schedule.”.**

New  
[NEGATIVED]

By adding—

**“36A. Schedule 1E repealed (Composition of the catering functional constituency)**

Schedule 1E—

**Repeal the Schedule.”**

43(1)  
[NEGATIVED]

In the proposed section 7 (1A)(a), by deleting “an elector registered in respect of the District Council (first) functional constituency” and substituting “specified under section 29 of the District Councils Ordinance (Cap. 547)”.